

Plans Panel (East)

Thursday, 22nd March, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors R Grahame, P Gruen, G Latty,
M Lyons, C Macniven, K Parker, J Procter,
R Pryke and D Wilson

180 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

181 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Application 12/00113/FU – Proposals for a retail food store - site of Mercure Hotel Wetherby – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 192 refers)

Further declarations were made later in the meeting, minutes 191 and 193 refer

182 Apologies for Absence

Apologies for absence were received from Councillor Finnigan

183 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 23rd February 2012 be approved subject to clarification on minute 178 – Proposed Energy Recovery Facility – site of former Skelton Grange Power Station – that the discussion which took place was not exhaustive and did not represent the Panel's total consideration of the issues and that other matters could arise during further Panel discussions

184 Local Development Framework (LDF) Core Strategy Publication Document

The Panel received a report of the Director of City Development advising that the LDF Core Strategy Document was currently out for consultation with a closing date of 12th April 2012, with details of how Members could comment on the document being included in the report

RESOLVED - To note the report and details of how comments could be made on the document

185 Applications 11/04911/FU and 11/04912/FU - Refurbishment and re-use of two cottages into one dwelling including external alterations and associated listed building application - 4 and 6 Royds Green Cottages Royds Lane Rothwell LS26

Prior to considering the application, the Chair explained that as there were two applications, each with a separate Listed Building application, for residential development at Royds Green Cottages, it was proposed to present both applications simultaneously but then determine the applications separately

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

The proposals related to the refurbishment and re-use of 2 cottages into one dwelling, with external alterations and conversion of barns into 7 dwellings at Royds Green, Royds Lane Rothwell which was situated in the Green Belt

It was noted that previous proposals for residential development of these sites had been considered by Plans Panel East in November and December 2008, with the applications being refused on the grounds of inappropriate development in the Green Belt and harm to interests of nature conservation. Whilst the appeals lodged by the applicant following refusal had been dismissed, these were not on the grounds put forward by the Council but on the impact of the proposals on the historic fabric/interest of the existing properties

Officers presented the applications and stated that following the appeals, revisions had been made to address the criticisms raised by the Inspector with original features being retained together with existing openings; demolition of non-original lean-to; provision of bat and bird boxes and replanting of trees to mitigate removal of some trees to accommodate the provision of a new road

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members commented on the following matters:

- the action taken to require the owner of the properties to maintain these properties to prevent further deterioration. On this point, the Panel's Lead Officer stated that depending upon the decisions made by Panel, this matter would be pursued
- the density of the scheme and whether negotiations had taken place with the applicant to reduce the number of dwellings being proposed. Members were informed that this matter had not been taken up with the applicant as the Inspector had not raised the density of the proposals as a reason for refusal
- that the applications relating to 4-6 Royds Green Cottages constituted a significant amount of work which could be considered a rebuild, rather than a refurbishment. The Panel's Lead Officer accepted this and stated that this did amount to inappropriate development but that the proposals would bring back into use a Listed Building and therefore this constituted very special circumstances to outweigh the harm to the Green Belt

- the impact of the proposals which would effectively double the size of the hamlet and would impact on wildlife through the increased numbers of people who would occupy the site
- concerns that the buildings had been left to deteriorate
- that the proposals would enhance the area

The Panel considered how to proceed and noted the position of a current tenant

RESOLVED - That the applications be granted subject to the conditions set out in the submitted report

186 Applications 11/04913/FU and 11/04914/LI - Conversion of barns into 7 dwellings, alterations to the existing farm house, associated works and listed building application - Royds Green Farm Royds Lane Rothwell LS26

With reference to the discussions set out above (minute 185 refers)

RESOLVED - That the applications be granted subject to the conditions set out in the submitted report

187 Application 11/05293/FU - Dormer windows to front and rear of 13 Baldovan Terrace Chapeltown LS8

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for dormer windows to the front and rear of 13 Baldovan Terrace LS8

A further representation from the applicant was reported in which the need for the additional accommodation was reiterated together with a proposal to amend the materials. With this alteration, Members were informed that the rear dormer could be constructed under permitted development, but that the front dormer would require planning permission, with Officers maintaining the view that the application should be refused, with a possible reason being included in the report before Panel

Members heard representations from the applicant's agent who attended the meeting

The Panel considered how to proceed

RESOLVED - That the application be refused for the following reason:

The Local Authority considers that the proposed front and rear dormer windows by reason of their inappropriate and unsympathetic scale and form will result in the introduction of a prominent and discordant feature to an unspoilt terrace, to the detriment of the character and appearance of the existing property and the present street-scene. The proposal is therefore contrary to Policies GP5 and BD6 of the Leeds Unitary Development Plan (Review) 2006, Policy HDG1 of the Draft Householder Design Guide and advice contained within PPS1 – Delivery Sustainable Development

188 Application 11/03877/FU - Increase height of existing boundary wall and gates to front and side - Grange Cottage Newfield Lane Ledsham LS25

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to a part retrospective application for a boundary wall and gates to the front and side boundary of Grange Farm which was situated in the Ledsham Conservation Area

Members were informed that what had been constructed was 30cm above the approved height, with work having been stopped at the request of Officers

Revised proposals had been submitted with these being shown to the Panel

The Panel heard representations from an objector and the applicant's agent who attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

189 Application 11/05186/FU - Change of use of restaurant (A3) to form restaurant and takeaway (A3/A5) - The Former Fennel Restaurant Building - 2 Victoria Court Wetherby LS22

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a change of use of restaurant to restaurant and takeaway at the former Fennel restaurant at Victoria Court Wetherby LS22, which was situated in the Wetherby Conservation Area and Town Centre

Members were informed that the proposals for a takeaway element was ancillary to the main restaurant use; that there would be no deliveries of food made from the premises and that the proposals did not require any physical alteration of the building

In view of the proximity of the building to residences, amenity issues, highways and parking were matters the Panel would need to consider

Regarding car parking, 14 spaces were available for joint use by customers of the restaurant and the nearby Marks and Spencer (M&S) store. As the M&S store closed earlier than the restaurant, there would be the opportunity of sole use of these spaces by the restaurant and takeaway

To address any concerns, the applicant was willing to accept a condition requiring no takeaways beyond 10.00pm

It was reported that highways had no concerns about the proposals

The receipt of two further letters of objection were reported, with these raising concerns relating to noise nuisance, impact on signage and that another such takeaway was not required in the area. In response to a question from the Panel, the North East Deputy Area Planning Manager, advised that planning policy did not relate to types of cuisine but to the takeaway use as a whole, i.e. A5

The Panel discussed the application with the following comments being made:

- the number of people the restaurant catered for, with concerns that this information had not been requested. As the applicant was in attendance, the Chair allowed him to respond to this matter, with Members being informed that 90 patrons could be accommodated in the restaurant
- concerns relating to car parking and that there was insufficient parking in the area to cater for the additional takeaway element being proposed

As the Panel seemed to be moving towards refusing the application, in line with the protocol for speaking at Plans Panels, the Chair invited the applicant to address the Panel

The Panel considered how to proceed

RESOLVED - That the Officer's recommendation to approve the application be not accepted and that refusal of the application based on concerns relating to harm to residential amenity and inadequate parking provision be deferred and delegated to the Chief Planning Officer

190 Application 11/03228/FU - Installation of one detached 15.5m high wind turbine to field - land at Blackhill Farm Black Hill Lane LS16

Plans, photographs including a photo-montage showing images from various sites with the proposed wind turbine superimposed on them were displayed at the meeting

Officers presented the report which sought permission for one 15.5m high 10kw wind turbine, for domestic use, on land at Blackhill Farm LS16 which was situated in the Green Belt and was Special Landscape Area

Members were informed that the original proposal had been for two turbines but that following negotiations, the scheme had been revised as presented to Panel

Officers reported that the original objection made by Councillor Harrand had been overlooked in error, however Councillor Harrand's second representation and that of his Ward colleague, Councillor Cohen had been considered

The Panel heard representations from an objector and the applicant's agent who attended the meeting

Members discussed the following matters:

- the reasons for the application – i.e. to address high energy bills and sell back surplus energy to the National Grid
- the siting of the proposals
- the land ownership adjacent to the site, with concerns that planning permission had been granted for use of the site as playing fields for Leeds University and that a wind turbine not in the Council's control could interfere with users of the playing areas
- the amount of subsidies available for wind turbines and that this information should be in the public domain
- that recent research had indicated that wind turbines were not as green as first thought due to the amount of concrete needed to construct the base for the masts
- that the proposal would have a detrimental effect on the countryside
- that approvals for wind turbines in other parts of the city had been given, some in residential areas

Proposals to refuse and accept the recommendation were made and seconded

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

191 Application 12/00241/RM - Reserved Matters application to erect new divisional police headquarters comprising offices and storage areas, custody suite, multi-level car park and secure yard area - Former Greyhound Stadium - Elland Road Holbeck

Further to minute 150 of the Plans Panel East meeting held on 5th January 2012 where Panel received a position statement relating to reserved matters for a

new Divisional Police Headquarters at Elland Road LS11, Members considered the formal application

Before the application was presented, the Chair announced that Martha Hughes, who was the Case Officer for this development, would be leaving the Council to take up a new post in Trafford Council. The Chair paid tribute to the work Martha had undertaken and along with all of the Panel, wished her well for the future

The Chair also took this opportunity to convey best wishes to Jim Wigginton, Planning Compliance Manager, who was to retire from the Council at the end of March

Plans, photographs and graphics were displayed at the meeting

Officers presented the report which related to reserved matters for a PFI funded scheme for a new Police Headquarters with offices, storage areas, custody suite, multi-level car park and secure yard on the site of the former Greyhound Stadium on Elland Road. Due to the timescales involved as part of the PFI funding process, planning permission for the development was required to be in place by April 2012

Following Members' concerns on the position statement regarding the level of visitor car parking being provided, a further 20 spaces would be made available in the fuel delivery area, for overspill visitor parking

The reserved matters scheme mainly followed the principles set out at outline stage although the building had been reoriented to provide better separation from the properties on Heath Road

The materials would comprise pre-cast stone and anodised aluminium panels, with this palette being used throughout the scheme. In line with previous comments, an impressive, double height glazed entrance area would be provided

Councillor Gruen declared a personal interest through being the Executive Member for Neighbourhoods, Housing and Regeneration as the portfolio also included responsibility for reduction of anti-social behaviour, crime and disorder

Members commented on the following matters:

- the need for this major development to provide apprenticeships, jobs and skills and local employment opportunities. On this matter, the Panel's Lead Officer stated that this would be included if it did not form part of the outline permission
- the need for the existing police stations at Millgarth and Holbeck to be demolished as part of the plan. The Head of Planning Services stated this could not be tied into the reserved matters approval but that Officers were aware of these issues and would take these forward
- that the proposals for this site were welcomed as they would tidy up a site which was suffering from neglect and would provide a landmark building on a major gateway to the city
- that the landscaping proposals were welcomed
- that few objections to the scheme from local residents had been received and that the presence of the police was seen locally as a comfort and something to be welcomed
- that the increased visitor car parking provision was welcomed and that the scheme would enable the existing residents-only car parking scheme on match days to be extended into Cottingley/Holbeck and the Cross Flatts area of Beeston

- whether an Environmental Impact Assessment had been carried out in respect of Armley Gyratory, with Officers stating that a very detailed traffic assessment had been carried out

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, with the addition of a condition regarding local employment opportunities and training if this did not form part of the conditions attached to the outline permission

192 Application 12/00113/FU -Demolition of existing hotel and erection of a food store with associated access, car parking, servicing and landscaping - Site of Mercure Hotel - Leeds Road Wetherby LS22 - Position statement

Prior to considering this matter, Councillor Parker and Councillor Grahame left the meeting

Members considered a report of the Chief Planning Officer providing details on the current position of proposals for the demolition of an existing hotel on Leeds Road Wetherby LS22 - which was situated in a conservation area - and the erection of a food store with associated access, car parking, servicing and landscaping

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report and provided information on:

- the site and the proximity of surrounding residential properties
- the level of car parking proposed – this being 254 spaces
- the proposed opening hours
- the landscaping proposals; the number of trees to be removed and the level of replacement planting
- the access arrangements

In terms of the principle of retail development, independent retail advice had been commissioned to review the retail assessment carried out in support of the application, with this advice being awaited

Members were informed of concerns about the proposals from the Council's Conservation Officer and Landscape Officer and noted the comments from Highways that the site was not considered to be accessible to the required standard and would be likely to be overly reliant on customers using cars. Whilst a free bus service was to be provided by the applicant, this was not an access bus and its limited provision was not considered to be sufficient compensation for inadequate bus services, with Metro noting that the site was poorly served by public transport

Whilst not a formal application at this stage, Officers reported receipt of letters of objection from Alec Shelbooke MP and Wetherby Town Council

The Panel discussed the proposals and commented on the following matters in response to issues raised in the report:

- the use of Council owned land for part of the landscaping proposals which was not considered to be acceptable
- that the proposed landscaping scheme was poor
- that the site was prominently located and a gateway to the town and therefore a large retail building might not be the most appropriate use for this site

- that the site was adjacent to a conservation area and the proposed development was considered to be harmful to this
- that the location of the site would not lend itself to linked trips to Wetherby Town Centre and that any time limits imposed on the customers using the car park would also deter linked trips.
- pedestrian access; it was noted that currently no pedestrian access existed, with some concerns being raised about possible ownership issues relating to the proposed link
- concerns about the design of the building and the location of the service yard which was located at the front of the site
- the impact of the proposed high wall to the boundary between the parking area and the adjacent residential properties; that this would create an unattractive environment for residents; was visually unattractive and created an inappropriate setting to Grange View which was a non-designated heritage asset
- that the proposals would have a harmful effect on the residential amenity of residents at Micklethwaite Grove particularly as the proposed store would be 8 metres from the common boundary
- that Highways comments were agreed with and that the access arrangements and car parking provision were unsatisfactory

Reference was made to a brochure which Members had received from the applicant with concerns that the image on the front of the brochure did not accurately portray what was being proposed, particularly as the 7 metre high signs at the entrance to the proposed store had been omitted from the drawing

RESOLVED - To note the report and the comments now made and that a further report would be submitted to Panel once the analysis of the retail impact study had been received

Following consideration of this matter, Councillor McNiven left the meeting

193 Consultation by Wakefield Council on Planning Application 12/00208/FU - Change of use from grazing land to the use of land for the siting of 10 residential gypsy caravan pitches, with associated hardstandings, landscaping, access and works together with erection of 10 associated utility/day rooms - Castle Gate Stanley Wakefield

Members considered a report of the Chief Planning Officer on consultation received from Wakefield Council on a major development proposal close to the Leeds and Wakefield boundary

The proposal was for change of use of grazing land to use of land for siting 10 residential gypsy caravan pitches with associated hardstandings, landscaping, access and works and the erection of 10 associated utility/day rooms at Castle Gate, Wakefield, which was situated in the Green Belt

Councillor Gruen declared a personal interest through being the Executive Member for Neighbourhoods, Housing and Regeneration as caravan sites and land occupied by travelling people fell within his portfolio

Councillor Gruen left the meeting at this point

Officers presented the report which contained a possible response to Wakefield Council, for consideration by the Panel

Receipt of two additional letters of representation were reported although it was stated these raised no new issues

It was noted that Ward Members from Rothwell and Ardsely and Robin Hood Wards had been consulted on the scheme and their comments included in the report

RESOLVED - That the following comments on the planning application be sent to Wakefield Council:

That objections be raised on the grounds that the proposal would be contrary to Green Belt policy and no compelling case has been made to justify the setting aside of this policy. Concerns be raised in respect of the matter of residential amenity due to siting very close to the M62 motorway and the likely excessive noise intrusion and poor air quality

194 Date and time of next meeting

Thursday 19th April 2012 at 1.30pm in the Civic Hall, Leeds