



PLANS PANEL (EAST)

**Meeting to be held in Civic Hall, Leeds on
Thursday, 24th September, 2009 at 1.30 pm**

MEMBERSHIP

Councillors

D Congreve
P Gruen
M Lyons
K Parker

A Taylor
D Wilson

G Latty (Chair)
J Marjoram
P Wadsworth

R Finnigan

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal / prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the Plans Panel East meeting held on 27th August 2009</p> <p>(minutes attached)</p>	3 - 14
7	Morley South;		<p>APPLICATION 08/02198/FU - LAND REAR OF 17 AND 19 SCARBOROUGH LANE TINGLEY WF3</p> <p>Further to minute 109 of the Plans Panel East meeting held on 25th September 2008, where Members resolved not to accept the Officer's recommendation to approve an application for a 5 bedroom detached house with integral garage, to consider a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged by the applicant</p> <p>(appeal decision attached)</p>	15 - 18

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8	Killingbeck and Seacroft;		<p>APPLICATION 09/01906/FU - FORMER SITE OF LION AND LAMB PUBLIC HOUSE YORK ROAD LS14</p> <p>Further to minute 62 of the Plans Panel East meeting held on 27th August 2009 where Panel resolved not to accept the Officer's decision to refuse the application for a single store retail food store with 79 parking spaces and landscaping, to consider a report of the Chief Planning Officer setting out possible conditions to be attached to an approval, for Members' determination</p> <p>(report attached)</p>	19 - 22
9	Temple Newsam;		<p>APPLICATION 07/06484/LA - CORPUS CHRISTI CATHOLIC COLLEGE NEVILLE ROAD OSMONDTHORPE LS9</p> <p>To consider a report of the Chief Planning Officer on an outline application for the part demolition and erection of extension to school</p> <p>(report attached)</p>	23 - 30
10	Alwoodley;		<p>APPLICATION 09/02491/FU - BAAB-UL-ILM JAMAAT COMMUNITY CENTRE - 166 SHADWELL LANE LS17</p> <p>To consider a report of the Chief Planning Officer on an application for a conservatory with external access ramp to rear</p> <p>(report attached)</p>	31 - 38
11	Middleton Park;		<p>APPLICATION 09/03427/FU - 15 MIDDLETON PARK CIRCUS, MIDDLETON, LS10</p> <p>Further to minute 280 of the Plans Panel (East) meeting held on 10th April 2008 (Application 08/00853/FU) where Panel approved a change of use of shop to take away hot food shop, to consider a further report of the Chief Planning Officer seeking a variation of condition number 3 (hours of opening – 11.00 hours to 23.30 hours Monday to Sunday)</p> <p>(report attached)</p>	39 - 44

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12			DATE AND TIME OF NEXT MEETING	

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To all Members of Plans Panel
(East) and relevant Town and Parish
Councils

Chief Executive's Department
Governance Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
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angela.bloor@leeds.gov.uk
Your reference:
Our reference: ppe site visits
Date 16th September 2009

Dear Councillor

SITE VISITS – PLANS PANEL EAST – THURSDAY 24TH SEPTEMBER 2009

Prior to the meeting of the Plans Panel (East) on Thursday 24th September 2009 the following site visit will take place:

11.00am	Depart Civic Hall
11.15am	Alwoodley Baab-UI-Ilm Jamaat Community Centre – 166 Shadwell Lane LS17 – Application 09/02491/FU – Conservatory with external access ramp to rear
11.45am approx	Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **11.00am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.55am**

Following the consideration of agenda item 11 there will be a presentation by the British Library concerning their development proposals for a newspaper storage facility at their site at Thorp Arch Trading Estate. The presentation will update Members of the Panel on progress and decisions made since their pre-application presentation to the Panel of February 2009 and will seek the comments of Members on the design of the new facility

Yours sincerely

Angela M Bloor
Governance Officer



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Plans Panel (East)

Thursday, 27th August, 2009

PRESENT: Councillor C Fox in the Chair

Councillors B Anderson, D Congreve,
M Coulson, P Gruen, M Lyons, J Marjoram
and A Taylor

53 Election of Chair

The Clerk reported that Councillor Latty had sent his apologies for the meeting and sought nominations for a Chair

Councillor Fox was proposed, seconded and elected to chair the meeting

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

54 Late Items

There were no formal late items, however Panel Members were in receipt of the following additional information to be considered at the meeting:

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – two written representations and photographs submitted by an objector

Applications 09/00500/FU and 09/00501/CA – 134-140 High Street Boston Spa – a written submission by an objector

Application 09/02943/FU – Land at Catherine Grove LS11 – Graphics circulated by Officers which had been received after the agenda had been despatched

55 Declarations of Interest

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

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Anderson declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 59 refers)

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Fox declared personal interests through being a member of the Passenger Transport Consultative Committee as Metro had commented on the proposals, and through two family members being minor shareholders of Tesco (minute 59 refers)

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 59 refers)

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Gruen declared a personal interest through being a shopper at the store and the adjacent Homebase (minute 59 refers)

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Taylor declared a personal interest through being a shopper at the store (minute 59 refers)

Application 09/02943/FU – Land at Catherine Grove Beeston LS11 – Councillor Congreve declared a personal interest through knowing the applicant who was a community leader in the neighbouring ward (minute 61 refers)

Application 09/01906/FU – Site of former Lion and Lamb Public House York Road LS14 – Councillors Anderson, Congreve and Lyons declared personal interests as members of the West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 62 refers)

Application 09/01906/FU – Site of former Lion and Lamb Public House York Road LS14 – Councillor Fox declared a personal interest as a member of the Passenger Consultative Committee as Metro had commented on the proposals (minute 62 refers)

Application 09/01906/FU – Site of former Lion and Lamb Public House York Road LS14 – Councillor Taylor declared a personal interest through being an occasional shopper at Aldi who were the applicants (minute 62 refers)

Application 09/02589/FU – Asda – St George's Road Middleton LS10 – Position Statement – Councillors Anderson, Congreve and Lyons declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 65 refers)

Application 09/02589/FU – Asda – St George's Road Middleton LS10 – Position Statement – Councillor Fox declared a personal interest as a member of the Passenger Consultative Committee as Metro had commented on the proposals (minute 65 refers)

56 Apologies for Absence

Apologies for absence were received from Councillor Latty who was substituted for by Councillor Fox; Councillor Wadsworth who was substituted for by Councillor Anderson; Councillor Parker who was substituted for by Councillor Coulson; and from Councillor Wilson

The Panel was informed that Councillor Congreve had been unexpectedly delayed

57 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 30th July 2009 be approved

58 Applications 09/00500/FU and 09/00501/CA - Erection of two 4 bedroom dwelling houses and three 3 bedroom houses and change of use of building including extensions to one 4 bedroom house and Conservation Area application for demolition of workshops and storage buildings to rear - 134 - 140 High Street Boston Spa LS23

The Panel's Lead Officer referred to some additional information in respect of this application which had been raised on the site visit earlier that day which some Members had attended

This related to existing levels of traffic generated at the site and the number of dwellings that would be accessed from a private drive in view of the Street Design Guide SPD having been adopted by Executive Board at the meeting held on 26th August 2009. Members were asked to agree to defer consideration of the report to enable these issues along with possible noise nuisance to be examined further

RESOLVED - That consideration of the report be deferred and that a further report be submitted in due course

59 Application 09/01995/FU - Full application for erection of replacement retail store with covered and surface car parking, new petrol filling station and landscaping - Tesco- 361 Roundhay Road LS8

Further to minute 29 of the Plans Panel East meeting held on 2nd July 2009, where Panel received a position statement on proposals for the demolition of the existing Tesco and Homebase stores at 361 Roundhay Road LS8, and the erection of a replacement A1 retail store with covered and surface car parking, a new petrol filling station and landscaping, Members considered the formal application

Plans, photographs, drawings, artist's impressions and graphics 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 highlighted the main issues the Panel would need to consider, these being:

- the principle of development, including the increased floorspace provided by the scheme and the fact that the Homebase store has an unrestricted A1 consent
- the impact of the proposals on nearby residential properties and the Oakwood District Centre, including the fact that the site is opposite the Roundhay Conservation Area and the impact of the service yard and delivery hours on residential amenity
- scale and design of the proposals; that the building would be larger and sited closer to the Roundhay Road frontage
- highways issues and access arrangements
- planning obligations, these being £319,000 for public transport infrastructure, £46,000 for the relocation and upgrade of bus stops, public realm contribution and a commitment to use reasonable endeavours to provide local employment and training initiatives

Members were informed that the applicant had requested that the standard period of 3 years for implementation of any permission be extended to 5 years. Officers stated that extensions to the implementation period of permissions were currently being encouraged in certain instances by central government, to provide developers with greater flexibility and that the relevant condition could be amended as requested

If minded to approve the application, an additional condition was proposed specifying no external storage

With reference to the representations received on this application, Members were informed that 448 letters of objection had been received with a further 143 additional letters being submitted since the publication of the report with several new issues being raised

Members were informed of a correction to the report at paragraph 10.8 which should have indicated that two objections had been received from businesses within Oakwood, and not one as stated

Representations had also been received from the proprietor of the existing petrol filling station together with Ward Members, Community Groups, Leeds Civic Trust and the local MP

Receipt of a letter from Councillor Wadsworth was reported who had stated that the new Tesco store would be an improvement but had commented on a range of issues including the impact on the BP garage, highways issues, the height of the building, possible noise nuisance, lack of information as to the sum available for public realm enhancements and that the Officer's report did not fully reflect public opinion

Regarding support for the proposals, Officers reported receipt of 417 letters of support, 389 of which were copies of a standard letter distributed in the existing store by Tesco and signed by individual customers, together with a letter of support from a business located in the Oakwood centre

The Panel was given the opportunity to ask questions of Officers prior to consideration of the verbal representations

Members discussed the following matters:

- highways, including proposals for the provision of a fourth traffic lane on Roundhay Road as part of a Highways project and how this related to the proposals; the increase in traffic to/from the store, whether cycleways would be provided and that the parking spaces closest to the petrol filling station kiosks should be for customers and not staff
- local employment opportunities and concern that the phrase 'reasonable endeavours' was vague
- recycling facilities; where these would be sited; whether glass recycling would be included, and if so whether this would lead to increased noise and the possibility of the applicant closing the glass recycling bins at night time
- the public realm enhancements

Due to the level of representation on this application, the Chair agreed for two objectors to address the Panel for a total of five minutes followed by questions from Members. A representative of the applicant was afforded the same amount of time to address the Panel and to respond to questions

The Chair invited Councillor Lobleby, who was in attendance, to address the Panel on matters of fact following comments from one of the objectors. The Legal Services representative advised that the protocol for speaking at planning meetings should be adhered to

Members discussed the following matters:

- the level of consultation on the proposals and the efforts made by the applicant to engage and work with the community which it serves
- the level of contributions for public transport and the need for details of the enhancements which this sum could provide
- the need for public art to be provided
- that Swallow boxes should be included around the site
- further details in respect of the amount of money available for public realm enhancements and the need for local consultation on the most appropriate uses for this

- the environmental credentials of the proposals

Following a short adjournment, the Panel resumed its deliberations and discussed the following issues:

- the size of the building and its increased prominence on Roundhay Road
- concerns at the proximity of two petrol filling stations and whether the applicant would reconsider this element of the proposals
- the need for greater transparency in respect of the developer contributions and the need to establish what the phrase 'in the vicinity' would mean
- that the local community should be involved in discussions relating to the provision of public realm
- that public realm works should be carried out on both sides of the road
- that public transport improvements should be considered and that a suitable scheme should be costed and put forward to the applicant
- concern whether Highways Officers had fully estimated the likely attraction of the development and could provide reassurances that the scheme would not adversely affect local traffic
- the implications of the High Occupancy Vehicle (HOV) scheme and that local Councillors had not been informed about this
- the need for further information on the construction phase and how this would impact on neighbours and local traffic
- the need for carefully worded conditions to be attached if planning permission was granted and for the necessary monitoring to be undertaken
- concerns at the impact on the Oakwood shopping centre of a larger store offering a large scale shopping experience
- concerns at the request for an extension to the timescale for implementation of planning permission; the view that there were no reasons to extend this and that, if permission was granted, the applicant should be able to undertake the scheme within the usual three years

Officers provided the following responses:

- that the proposed store would be more prominent and was larger but that as the majority of the trees on the site would be retained there would be significant screening of the development although oblique views would be glimpsed from some angles. On balance, Officers were of the view that the size of the store was acceptable and that it would enhance the area
- regarding the petrol filling station, this was part of the application and had to be considered. The nearby BP garage was located out of centre and so competition between the two filling stations could not be regarded as a material planning matter
- that £192,500 had been negotiated for public realm enhancements. It was considered that this amount would pay for works to the western side of the road from the site boundary up to and including land within the Oakwood district centre. Members' guidance on whether it was appropriate to seek enhancements to the eastern side of the road and to include the Oakwood Clock was requested

- in relation to the phasing of the proposals, detailed plans would be submitted by the applicant and that conditions would be imposed in respect of specified hours for demolition/construction, dust suppression etc
- regarding public transport contributions, a methodology existed for this, although no single development could fund a major public transport scheme; instead, contributions from several developments, including this one, would provide funds for improvements
- an assessment of the traffic increase had been undertaken by Officers with indications of, on a Saturday, 150 extra vehicles departing the site and 163 arriving per hour and at a week day evening peak between 5pm-6pm, 175 vehicles arriving and 184 vehicles departing. The accepted method of assessment had been carried out with data that was constantly being updated, with the 85th worst outcome being used, this being a nationally accepted figure for transport assessment
- that proposals for the HOV lane on Roundhay Road had been included in the local transport plan regardless of the supermarket proposals, with the Head of Highways Development Services being of the view that this scheme had no direct bearing on the plans for the HOV lane

The Head of Planning Services who was in attendance summarised the main areas of concern relating to the highways impact of the scheme and how it linked to plans for Roundhay Road; how well the development would tie into the rest of Oakwood and how the public realm would be linked to the store and the local area

Members considered how to proceed

A proposal to refuse the application was not seconded

Further deliberations on the most appropriate way to proceed ensued

RESOLVED - That determination of the application be deferred to enable further information to be provided on the highways implications of the development; to enable further discussions and consultation with local people on the proposed public realm contributions and further information to be provided on the sustainability of the scheme and its impact on the Oakwood District Centre, and that a further report addressing all these issues be submitted in due course

(It was noted that Councillor Congreve who had joined the meeting partway through consideration of this item did not speak or vote on this matter)

(Under Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he voted against the matter)

60 Application 09/02802/COND - Discharge of condition 2 - walling material - Stanig Howe The Ridge Linton LS22

Further to minute 240 of the Plans Panel East meeting held on 9th April 2009, where Members approved an application for a four bedroom detached house and garage at Stanig Howe The Ridge Linton Wetherby LS22, Members considered a further report seeking approval for the discharge of condition 2 relating to walling materials

Plans and photographs were displayed at the meeting

Officers presented the report and informed the Panel that whilst the use of random coursed stone had been requested by Members, the applicant had indicated his preference for regular coursed stone

Members were informed of the receipt of a further letter of representation from the applicant. Panel Members were also informed of the concerns of two Ward Members who were both of the view that random coursed stone should be used

Members discussed the following matters:

- the use of both types of stone in the village
- the availability of random coursed stone and whether there was a significant cost difference between the two types of stone

RESOLVED - That the discharge of condition 2 regarding materials for walling be approved

61 Application 09/02943/FU - Full application for erection of a mosque and community centre to existing depot site with new vehicular and pedestrian access and basement car park - Land at Catherine Grove Beeston LS11

Further to minute 46 of the Plans Panel East meeting held on 30th July 2009, where Panel considered a position statement for a mosque and community centre on land at Catherine Grove Beeston LS11, Members considered the formal application

Prior to consideration of the Officer's report, the Panel received a presentation on Islamic architecture, for Members' information

Members were informed that the different religions now encompassed within Britain needed to be accommodated and that whereas in the late 1950s Muslims had worshipped in converted houses and warehouses, since the 1980s purpose-built mosques were increasingly being constructed

The architecture of mosques was unique and ensured they became landmarks in society. They comprised five elements, the dome, the minaret, the grand entrance, the mihrab (a niche within the prayer hall which indicated the orientation to Mecca) and the minbar

The dome was centrally located over the main prayer hall and was designed to echo the preacher's word

The minaret which could be round, square or octagonal-shaped traditionally had steps up to it and was from where the preacher would call worshippers to prayers. A minaret acted as a beacon or marker as well as being a spiritual symbol between heaven and earth and was reminiscent of the number 1 or letter A for Allah. A mosque would feature at least one minaret, with one mosque in Bradford featuring 12 in its design

The grand entrance was self explanatory and the larger it was the grander it would be

The mihrab was a prayer niche, with two thoughts existing on this, ie that it was a place where people could go to avoid distractions whilst worshipping God, or that its function was decorative. The mihrab could be either flush to the building or projecting from it

The minbar was the pulpit and was usually raised with three steps up to it

The function of these elements was explained, with Panel Members being informed that in the past, strangers to a city would be guided where to pray by the architecture. The huge dome, which in the Middle East was usually gold, would immediately be seen, approaching this the minaret would come into view, then the grand entrance leading into the mihrab and minbar

Images of several mosques which were under construction and some recently completed schemes were provided, for Members' information

The Panel then considered the application for a mosque and community centre with basement car parking and new vehicular and pedestrian access on land at Catherine Grove Beeston LS11

Plans, photographs and graphics of the proposed scheme were displayed at the meeting

Officers presented the report and corrected a minor typing error at paragraph 6.7 to read 'expected figures of 700 people plus will lead to no chance for residents to park'

Members were informed that revised plans had been received which removed the 6 lower ground parking spaces and reduced the overall height of the scheme by approximately 1 metre on average. Additionally an updated Travel Plan had been submitted although Officers had indicated that some further amendments to this were required

Officers also stated that some minor amendments were required to address access from the disabled parking spaces and details of cycle storage and that these could be controlled by conditions

If minded to approve the application further amendments to conditions 7 and 9 relating to use of the mosque and a requirement for no tannoy system to be audible from outside the building were proposed

Members were advised that Highways Officers had expressed concern at the proposals in relation to road safety and on-street car parking and that in reaching a decision Panel would need to consider this issue along with the benefits of the scheme

Officers reported receipt of eight letters of support, including one from the Ward Members and one letter of objection relating to residents' parking

Regarding the requirement for a Travel Plan monitoring fee of £2500, Officers had noted the comments of Members at the Plans Panel East meeting of 30th July and the offer from the applicant to assist in the work required from Highways, rather than pay the fee as the applicant was a charity. However, the fee covered the work undertaken by the Travel Wise team to monitor the data and identify any areas for improvement and there was not the scope to exempt this

Members discussed the following matters:

- that the presentation on Islamic architecture had been useful in assisting Members to understand the design in context
- that the development would be an asset to the community
- that the majority of worshippers would be local people and would walk to the mosque, although for large religious festivals there was the likelihood of some impact on parking in the area
- that the position statement had not made reference to a monitoring fee; whether the requirement for such fees had been presented to Members and that in this case the fee should be waived
- that the Council had an obligation to collect this fee

The Head of Highways Development Services informed Members that a Supplementary Planning Document (SPD) had been adopted (ie approved) which required a fee to be paid for an analysis of the data the applicant was required to provide on an annual basis. This had been adopted in the last 2 years and was now being applied to planning applications; there were no exemptions in the SPD

The Head of Planning Services stated that Panel could consider this matter but that if the fee was waived then Officers would need to look again at the SPD in relation to charities which could have implications

Members considered how to proceed

RESOLVED -

(i) To approve in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted report (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligation:

- Restriction of use of the existing mosque to education facility only

and that a further report be brought back to the next meeting on the issues raised regarding the requirement for a Travel Plan monitoring fee

(ii) To note the presentation and to thank the architect for providing this

62 Application 09/01906/FU - Single storey retail food store with 79 parking spaces and landscaping at former site of the Lion and Lamb Public House York Road LS14

(Prior to consideration of this item Councillor Anderson and Councillor Coulson left the meeting)

Plans, photographs, graphics and drawings were displayed at the meeting

Officers presented the report which sought permission for a single storey retail food store on the site of the former Lion and Lamb Public House on York Road LS14

Members were informed that a similar application on the site had been refused with the decision being appealed and a hearing date set for October 2009. Whilst this application overcame two of the three reasons for the previous refusal in relation to design and the provision of a public transport contribution, Officers were recommending the application be refused as the store was sited outside of a defined centre (as defined by UDP Policy S2) and that the applicant had failed to justify the need for the development; that it would not have a detrimental impact on the vitality or viability of nearby town or local centres and that no other suitable town centre locations existed

Councillor Marjoram stated that at one time he had been employed by a store referred to in the report but that he did not regard that he had an interest to declare on this application

Officers reported receipt of two letters of representation, supporting the scheme

The Panel heard representations on behalf of the applicant and a supporter of the proposals

Members discussed and commented on the following matters:

- that the land was a brownfield site; was currently derelict and the application was supported by the local community
- that further information was required on local employment opportunities
- that the design of the store was attractive
- that the applicant was not one of the large supermarket operators

- that the recent applications submitted by another operator situated opposite this site to expand their premises were noted
- that the application was contrary to the Unitary Development Plan and should be opposed

The Head of Planning Services stated that whilst understanding the points made by Members, the implications for the site opposite would need to be considered together with the possibility that whilst a specific operator was seeking permission for this development, there was no guarantee that they would remain on the site forever

Having had regard to these comments, Members considered how to proceed
RESOLVED - That the Officer's recommendation to refuse the application be not agreed and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out possible conditions to be attached to an approval, including the provision of recycling facilities on the site

63 Application 09/01019/LA - Laying out of extension to cemetery with new vehicular and pedestrian access, new gates and boundary treatment - Land adjacent to Kippax Cemetery Robinson Lane Kippax LS25

(Prior to consideration of this item, Councillor Congreve left the meeting)

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the use of an overgrown area of allotment to form an extension to Kippax Cemetery together with new vehicular and pedestrian access, new gates and boundary treatment

A previous permission had been granted but had lapsed in January 2009

Members were advised that the application did not need to be referred to the Secretary of State and that the Panel could determine the application

If minded to approve the application, an additional condition was requested regarding the provision of details of the wildflower seed mix to be used within the site

RESOLVED - That the application be approved in principle and that the final decision be deferred and delegated to the Chief Planning Officer subject to the conditions set out in the submitted report plus an additional condition relating to the provision of details of the wildflower seed mix to be used within the site

64 Application 09/02530/FU - Variation of condition No 25 of planning permission 99/21/10/95/FU to extend the opening hours to 0500 hours - 24.00 hours Sunday to Wednesday and 0500 hours - 01.00 hours Thursday to Saturday - McDonalds Low Road Hunslet LS10

Photographs of the site were displayed at the meeting

Officers presented the report which sought a variation of condition 25 of planning permission 99/21/10/95/FU relating to opening hours at McDonalds on Low Road Hunslet LS10

Members were informed that whilst the additional opening hours would not create new jobs, it would provide the opportunity for additional working hours for existing staff

The Panel's Lead Officer stated that the key issues were in respect of residential amenity and locational factors

Receipt of a letter of objection from Councillor Nash was reported

RESOLVED - That permission be granted subject to the condition set out in the report (all other conditions would be reapplied from application 99/21/10/95/FU)

65 Application 09/02589/FU - Single storey retail store, petrol station and office/warehouse unit with car parking and landscaping on land at St George's Road Middleton LS10 - Position Statement

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

Officers presented a position statement and informed Members of the proposals by Asda to demolish the existing industrial buildings on the site and erect a simple, modern building comprising white cladding, glazing and timber, with a gross floor area of 6265 sqm and 365 parking spaces together with a petrol filling station, car parking, landscaping and an office/warehouse unit at St George's Road Middleton LS10

Concerns had been raised regarding highways issues in relation to the roundabout adjacent to the site, the possibility of commuter rat running and wider issues relating to the traffic congestion which occurred from the Tommy Wass junction on Ring Road Beeston Park to Middleton

Local residents had raised concerns at the impact of the development on residential properties adjacent to the site

Support for the proposals had been received from an occupier on the site as the scheme would be able to fund their relocation

Whilst there was widespread recognition for the need for a supermarket in the area, the principle of retail development would need to be established as the site was an edge of centre one and its impact on existing shopping facilities would need to be considered

As two concurrent supermarket applications had been submitted on either side of the road, the Council had employed a retail consultant to look at this and consider whether one or two supermarkets or none would be appropriate in this location with the findings of this work being incorporated into the reports to be considered by Panel

Members would also need to consider the loss of employment land as part of their deliberations on this matter

Members commented on the following issues:

- that the proposals lacked merit; concerns that the siting of the building was incorrect and that the store should be located further north
- that consideration should be given to the streetscene and access to and from the District Centre
- whether the office unit could be deleted from the scheme to achieve improved screening and layout
- concerns at the access to the recycling centre and the possibility of creating a through route from the Tesco site. On this matter Members were reminded that it was the Asda scheme which was under consideration and the land in question was outside of the applicant's control. The Head of Highways Development Services stated that the access to the Household Waste site would need to be looked at; that Members' comments would be noted and that if both sites were approved, then an alternative access could be considered
- the need for an holistic approach to be adopted to these matters

- whether the level of proposed car parking was sufficient or in excess of what might be required and whether the store could be moved further north within the site
- the view that if both schemes were considered together a more successful outcome might be achieved in relation to highways and landscaping matters

The Head of Planning Services stressed the need for both applications to be given even consideration and stated that if the retail consultant considered that both developments were appropriate, then the highways implications of both schemes would need to be assessed

RESOLVED - To note the report and the comments now made

66 Application 09/02761/FU - Retrospective application for 2 conservatories to the side and rear at Temple View House -22 Hertford Chase Colton LS15

Plans and photographs were displayed at the meeting

Officers presented the report which sought retrospective planning permission for two conservatories at Temple View House, Hertford Chase Colton LS15

Members were informed that the application had been brought to Panel as the applicant was an Officer within Planning Services, although the Officer had recently resigned

A request was made for a report to be brought to Panel on enforcement issues and the number of outstanding cases in the Plans East area

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

67 Date and time of next meeting

Thursday 24th September 2009 at 1.30pm in the Civic Hall Leeds



Originator: Richard Smith

Tel: 0113 24 75518

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24 September 2009

Subject: APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AGAINST REFUSAL OF PLANNING PERMISSION 08/02198/FU SUBJECT TO CONDITIONS FOR A 5-BEDROOM DETACHED HOUSE WITH INTEGRAL GARAGE AT LAND TO REAR OF 17 AND 19 SCARBOROUGH LANE, TINGLEY, WF3 1BF

PERMISSION WAS REFUSED BY PANEL RESOLUTION ON 23RD OCTOBER 2008. THE OFFICER RECOMMENDATION WAS THAT PLANNING PERMISSION BE GRANTED.

THE APPEAL WAS BY MEANS OF WRITTEN REPRESENTATION.

THE APPEAL WAS DISMISSED.

APPLICANT	DATE VALID	TARGET DATE
Ogden Properties Ltd	N/A	N/A

Electoral Wards Affected: Morley South <table border="1"><tr><td>n/a</td><td>Ward Members consulted (referred to in report)</td></tr></table>	n/a	Ward Members consulted (referred to in report)
n/a	Ward Members consulted (referred to in report)	

Specific Implications For:
Equality and Diversity <input type="checkbox"/>
Community Cohesion <input type="checkbox"/>
Narrowing the Gap <input type="checkbox"/>

RECOMMENDATION: Members note the report.

1. ISSUES IDENTIFIED BY THE INSPECTOR

- 1.1 The main issues considered by the Inspector:
- effect of the proposal on the character and appearance of the area
 - effect on pedestrian and highway safety along the proposed driveway and in Scarborough Lane
 - effect on the living conditions of the occupiers of the neighbouring property in respect particularly of noise/disturbance, overbearing and overshadowing

2. SUMMARY OF COMMENTS

Character and Appearance

- 2.1 The Inspector did not consider the dwelling size or design, although larger than most others in the locality, would be harmful to the areas character and appearance nor would the design be out of keeping with the wide variety of architectural styles in the area.
- 2.2 In principle he felt a dwelling could be located in this back-land plot in a form that would not cause material harm to established patterns of development.

Pedestrian and Highway Safety

- 2.3 The Inspector as per previous decisions did not feel that the presence of one dwelling would give rise to material harm to the safety of pedestrians or road users, including any occasional usage of the highway from displaced vehicle parking for no's 17 and 19 Scarborough Lane.
- 2.4 Indeed the Inspector recognised that the introduction of the access arrangements would be in accordance with guidance set out in the draft Street Design Guide for development of up to 5 dwellings as served off a private drive.

Living Conditions of Neighbours

- 2.5 The Inspector felt that the effect upon neighbours living conditions required careful consideration given the representations raised, despite this not forming a reason for refusal of the Council.

Noise/disturbance

- 2.6 The Inspector considered still that one dwelling (rather than 3 shown in a previous dismissed appeal) would still lead to an unacceptable level of noise and disturbance to the occupiers of 17 and 19 Scarborough Lane by virtue of the narrow gap present and windows on these flank walls.

Overshadowing/Overshadowing

- 2.7 The Inspector felt that the wide mass of the flank side wall of the proposed dwelling would be over-dominant to no's 22 and 24 Thornefield Crescent, particularly emphasizing that those garden depths do not currently meet the 10.5m that is set out from main habitable windows in the Council's SPG – 'Neighbourhoods for Living'.
- 2.8 The Inspector saw that the bungalows at 22 and 24 Woodkirk Grove whilst having longer gardens would also be disadvantaged in the position and mass of the proposal – affecting a significant level of overshadowing.
- 2.9 In conclusion the Inspector felt that these issues combined raised such concern that, in his view, the site could not be developed in the manner proposed without serious harm to various neighbours' living conditions.

3. DECISION

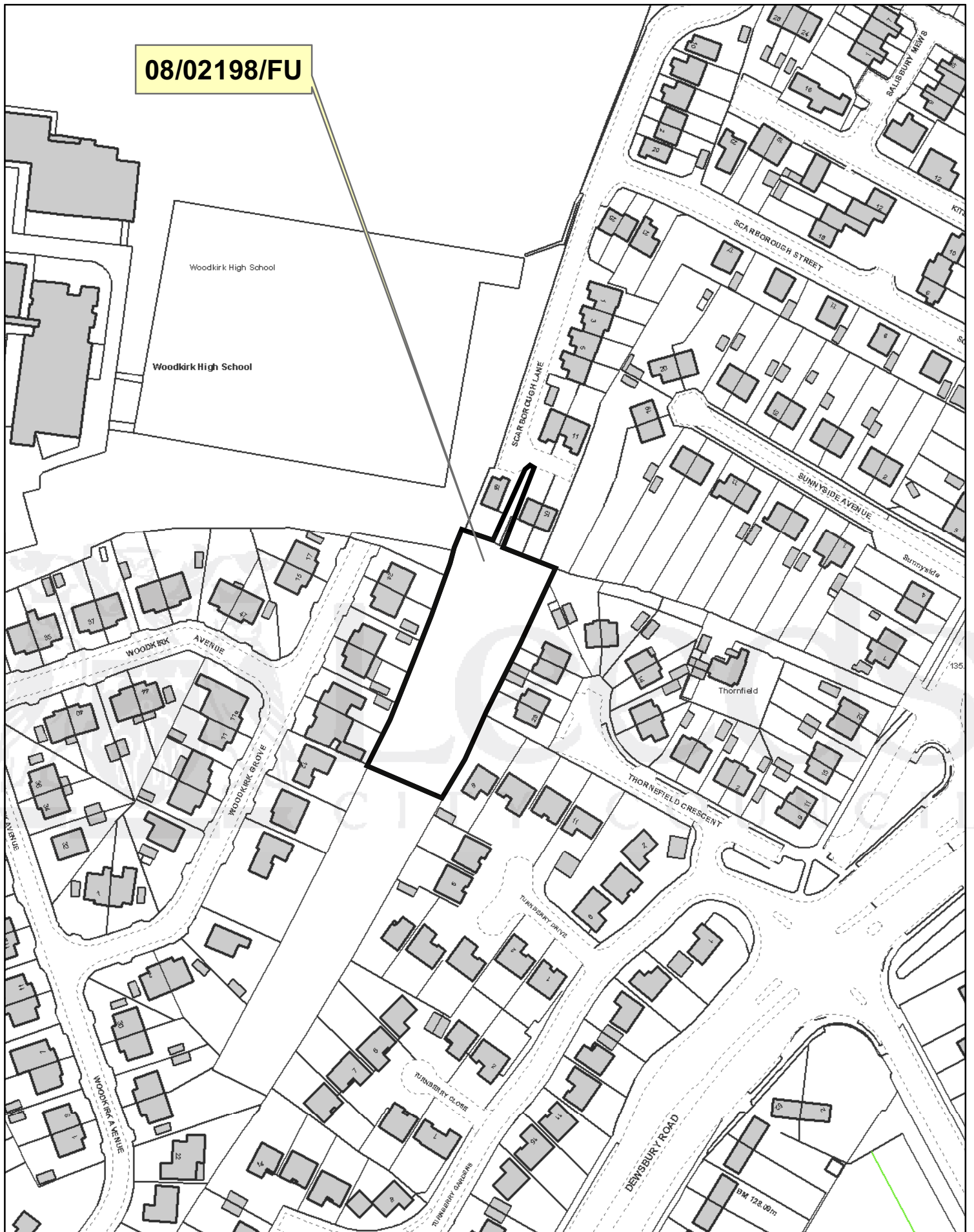
- 3.1 The Inspector dismissed the appeal on 22 May 2009.

4. IMPLICATIONS

- 4.1 The decision raises a strong objection to the creation and use of an access between 17 and 19 Scarborough Lane. At present there is no obvious alternative way of gaining vehicular access to the site. Accordingly this decision would appear to limit the development potential of the appeal site.

Background Papers:
08/02198/FU.

08/02198/FU



EAST PLANS PANEL I

Scale 1/1500

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Originator:	J.Bacon
Tel:	0113 2478000

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24th September 2009

Subject: APPLICATION 09/01906/FU SINGLE STOREY RETAIL FOOD STORE WITH 79 PARKING SPACES AND LANDSCAPING AT FORMER SITE OF LION AND THE LAMB PUB, YORK ROAD, LEEDS

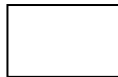
APPLICANT
ALDI STORES LTD

DATE VALID
19th MAY 2009

TARGET DATE
18th AUGUST 2009

Electoral Wards Affected:

KILLINGBECK & SEACROFT



Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Should Members be minded to APPROVE planning permission, subject to the completion of a section 106 agreement then the following conditions are suggested:

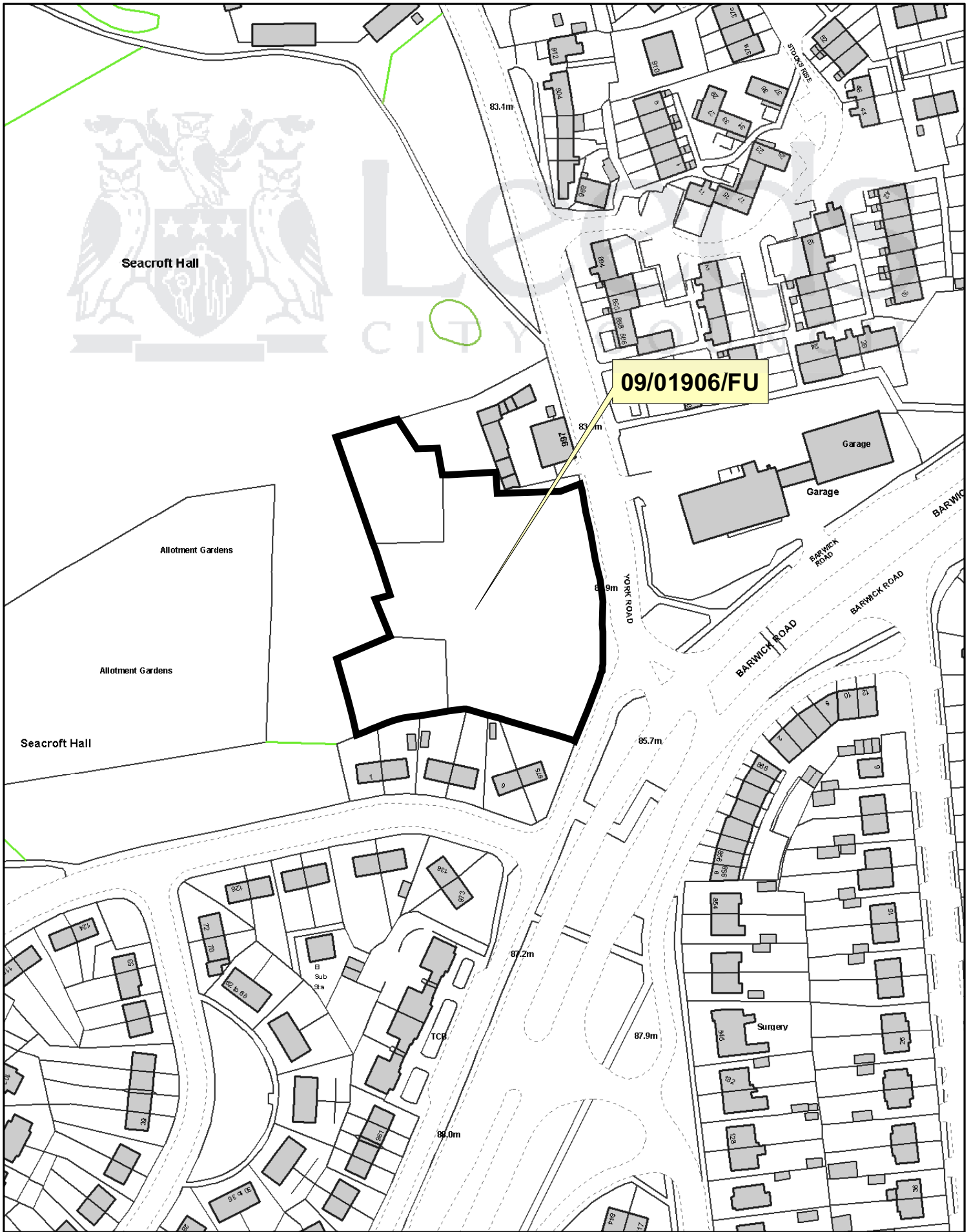
1.0 Summary

- 1.1 This application was recommended by planning officers for refusal at the previous Plans Panel (East) meeting on 27th August 2009. At that meeting Members did not accept the officer recommendation and resolved that the application should be approved.
- 1.2 Members considered that the proposed development was acceptable in that as an Aldi store it addressed a local need and that the development would tidy up the appearance of the application site.

- 1.3 At the meeting of the Plans Panel in August, Members had before them information regarding the potential for impact on neighbouring centres at Seacroft and Crossgates. It was considered that this proposal, because of its scale, would not impact on these centres. However, Members are made aware that the proposal could impact on the desire to create a new neighbourhood centre in the west of the EASEL area. This information was also before Members at the last meeting and Members made their decision in the light of that information.
- 1.4 Members should also be aware that there is currently an application with the Council for the redevelopment of the Netto store opposite the application site, which would be likely to be brought forward with a recommendation for grant.
- 1.5 The applicants have now signed a Unilateral Undertaking in respect of the financial contributions for Public Transport Enhancements (£68,171), Bus Shelter Improvements (£10,000 to Metro) and to implement the terms of the Travel Plan (incl. payment of monitoring fee £2,500).
- 1.6 Based on Aldi's supporting documents the store is to operate as a deep discounter of convenience goods and that these types of goods will be the dominant goods sold from within the store. Convenience goods are defined as every day essential items (including food, drinks, newspapers/magazines and confectionery) (Annex A, PPS6). Comparison goods are to be an ancillary element and Aldi's supporting documents advise that these types of retail goods will make up no more than 15% of the net sales floor area. Comparison goods are defined as items not obtained on a frequent basis (including clothing, footwear, household and recreational goods) (Annex A, PPS6).
- 1.7 In assessing the merits of the application, Members considered that the Aldi store would fulfil a neighbourhood shopping role which justified the scheme. Obviously the development cannot be limited to a particular operator and, as such, it is necessary to ensure that this type of retailing remains predominant. A planning condition is suggested to restrict the proportion of comparison goods to no more than 15% of net sales area. Members are advised that if an unrestricted A1 use was granted, there is potential in the future for retail occupiers to focus on comparison goods retailing, which would be considered to further harm the vitality and viability of nearby town centres as well as move away from the justification Members gave to approve this particular Aldi proposal.
- 1.8 Officers have contacted the applicant regarding the use of such a condition and the applicants have indicated that they would accept a condition to restrict comparison goods sales.
- 1.9 Panel Members are invited to consider the following suggested planning conditions:
1. Time limit on full permission (3 yrs).
 2. Submit details of external walling and roofing materials.
 3. Submit details of permanent boundary treatment.
 4. Restriction on retail floorspace for comparison goods (no more than 15% net sales area).
 5. Restriction on opening hours (08.00-20.00 Mon to Sat & 10.00-18.00 Sun & Bank Holidays).
 6. Restriction on delivery times (07.30-18.30 Mon to Sat with no deliveries/ refuse collections on Sun/Bank Holidays).
 7. *No development shall take place until a noise report to assess the noise emitted from all mechanical services plant on the proposed building has been submitted to and approved in writing by the Local Planning Authority. Any mitigation works as*

recommended within the report shall be carried out before the building is brought into use. Reason: In the interests of the amenity of nearby residents.

8. *No mechanical ventilation or air conditioning system shall be installed or operated until details of the installation and operation of the system have been submitted to and approved in writing by the Local Planning Authority. The system shall thereafter only be installed and operated in accordance with the approved details. Reason: In the interests of amenity.*
9. Full details of the storage and disposal of litter/ waste materials to be submitted.
10. *No lighting fitment shall be installed on the site in such a way that the source of light is directly visible from nearby residential properties or is a hazard to users of adjoining or nearby highways. Reason: In the interests of residential amenity and to safeguard highway safety.*
11. *Vehicles fitted with refrigeration units shall not be parked in the open, with the units operating on Sundays and Bank Holidays, nor at all other times between the hours of 18.30 hours and 07.30 hours the following day. Reason: In the interests of amenity.*
12. *No construction works nor deliveries into the site shall be undertaken before 07.30 hours or after 18.30 hours on any weekday or before 08.00 hours or after 13.30 hours on Saturdays nor at any time on Sunday, Bank or Public Holidays unless otherwise first agreed in writing by the local planning authority. Reason: In the interests of the amenity of nearby residents.*
13. Area used by vehicles to be laid out, drained, surfaced and sealed.
14. Full details of the facilities for the parking of cycles to be submitted for LPA approval
15. Details of the proposed methods of closing off and making good the existing access to be submitted for LPA approval.
16. *Notwithstanding the submitted details contained within Drwg No.0380-102 RevD, no development shall take place until full details of the works required to install a dropped crossing to the service road adjacent to the application site and a pedestrian refuge (to north of site) on York Road have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the development being brought into use unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of improving pedestrian access and safety.*
17. Protection of existing trees and other vegetation.
18. Preservation of existing trees and other vegetation.
19. Submission of landscape scheme.
20. Implementation of landscape scheme.
21. Landscape Methodology Condition.
22. Details of surface water discharges.
23. Report unexpected contamination.



EAST PLANS PANEL



Scale 1 / 1500

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Originator: J.Bacon

Tel: 0113 2477992

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24th September 2009

Subject: APPLICATION 07/06484/LA OUTLINE APPLICATION FOR PART DEMOLITION AND ERECTION OF EXTENSIONS TO SCHOOL AT CORPUS CHRISTI CATHOLIC COLLEGE, NEVILLE ROAD, OSMONDTHORPE, LS9.

APPLICANT
Leeds City Council

DATE VALID
14th February 2008

TARGET DATE
15th May 2008

Electoral Wards Affected:

Temple Newsam

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT permission subject to the conditions specified:

1. Submission of reserved matters (except access).
2. Time limit for reserved matter submission.
3. Samples of walling and roofing materials to be submitted.
4. Details of boundary treatments to be provided.
5. Provision of segregated pedestrian site access.
6. Provision of a bus turning facility within site.
7. Provision of cycle storage (including staff and student).
8. Sightlines of 2.4m x 70m to be provided and maintained at site access.
9. Area to be used by vehicles to be laid out prior to school being brought into use.
10. Submission of School Travel Plan.
11. Details and method statement for providing construction access.
12. Details of traffic management works in vicinity of site to be submitted.
13. Submission of landscape scheme.
14. Preservation of existing trees and other vegetation.
15. Protection of existing trees and other vegetation.

16. Replacement of trees.
17. Implementation of landscape scheme.
18. Details of playing pitch layout.
19. Management of community use facility.
20. Details of lighting to be submitted with reserved matters.
21. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2009 and the following mitigation measures detailed within the FRA:
 - i) Reducing the surface water run-off generated by up to and including the 100 year critical storm by 30% as compared to the existing site
 - ii) Provision of compensatory flood storage on the site to a 100 year standard
 - iii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven
 - iv) Flood-proofing measures detailed on page 20 in the FRA are incorporated into the proposed development
 - v) Finished floor levels are set no lower than 35.158m above Ordnance Datum (AOD)

Reason: To reduce and wherever possible prevent the impact of flooding on the proposed development and future occupants.

22. Surface water drainage details to be submitted.
23. No surface water discharges prior to completion of drainage scheme.
24. Feasibility study into use of infiltration drainage methods to be submitted.
25. Details of on-site storage for additional run-off to be provided.
26. Details of balancing facilities proposed for attenuation.
27. Freeboard to be 400mm above 1 in 100yr flood level.
28. No building or obstruction located over or within 3m of sewer.
29. Surface water from parking areas/hardstanding passed through an interceptor.
30. Report unexpected contamination.

Reasons for approval: The application is considered to comply with policies GP5, N6, N12, N13, T2 of the UDP Review, as well as guidance contained within PPS1, PPG17 and PPS25 and, having regard to all other material considerations is considered acceptable.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Plans Panel East because:
 - It relates to a substantial and significant redevelopment proposal affecting the local community of Halton Moor.
 - It will involve development on a Protected Playing Pitch (UDP Policy N6), which would constitute a departure from the development plan.
- 1.2 This outline planning application forms part of the Leeds Building Schools for the Future (BSF) Programme. This element of the programme involves the rebuilding and refurbishment of 15 Secondary Schools on 14 sites, split into three phases. This particular Phase of the programme includes the re-provision of 3 refurbished schools at Corpus Christi RC High School (to which the application relates), Parklands Girls High School and Mount St Mary's RC High School sites.
- 1.3 Corpus Christi RC High School currently provides education for ages 11-16. This BSF project at Corpus Christi RC High School will essentially be a refurbishment of

the existing buildings (89.7%) with new build elements, including a sports hall, a special educational needs partnership base and school entrance (10.3%).

2.0 PROPOSAL:

- 2.1 This application is submitted in 'outline' with all details reserved (to include layout, scale, appearance and landscaping) except for access. The proposal will involve alterations to the main entrance of the school and the provision of a new sport hall and the special needs partnership base as well as refurbishment of the existing accommodation.
- 2.2 Whilst this proposal is outline, indicative details of the siting of the main school entrance, the new sports hall and the special needs facility have been provided. The main school building is set well back from Neville Road but the new entrance will be in view from the site's access point whilst the new sports hall will be more readily visible due to its position at the front of the site adjacent to the main entrance. The special needs facility is indicatively shown positioned to the rear of the school buildings and be visible in passing from Cartmell Drive. The proposed buildings are anticipated to be a maximum of 2 storeys high compatible with the heights of surrounding buildings.
- 2.3 The size of the school will increase overall from 7079sqm to a range of 8860-9746sqm in area (reflecting the additional floorspace from the new sports hall).
- 2.4 The refurbishment works to the existing buildings seek to improve and upgrade a number of identified fundamental problems arising from their original design and their age. By virtue of the limited extent of new build it is anticipated that the school will be able to function whilst the new build areas are constructed. During the construction phase there will be a maximum of 10 temporary classrooms on site at any one time.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is approximately 2.1ha in size and is surrounded by Wyke Beck to the east, playing fields to the south and Corpus Christi RC Church/Primary School and the dwellings of 51-103 Halton Moor Avenue to the north-west. The school buildings are clustered together in a central position within the site with open grounds to the front and rear. The site is enclosed by palisade fencing.
- 3.2 The school was built in 1968 and comprises of a traditional built single storey and 3 storey block with extensions added in 1975, early 90s and 2002. The site is level.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 21/286/01/FU: Single storey extension to school - Approved (21/12/01).
21/331/97/FU: Detached water tank housing and chimney to school - Approved (16/03/98).
21/210/89: Alterations to form classrooms, toilets and stores and extensions to form classrooms to rear corridor - Approved (04/09/89).
32/462/76: Detached pre-cast concrete double garage to school - Approved (29/06/76).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A series of public consultation events were held throughout July 2007 (prior to this application) for each school involved in Phase 3 of the Leeds Building Schools for the Future Programme. The event at Corpus Christi was attended by representatives of Education Leeds' and City Council's Project Team as well as Planning and Highways officers.
- 5.2 An objection raised by the Environment Agency (a Statutory Consultee) to the development proposals has led to a series of discussions and submissions, re-assessing the flood mitigation and protection measures proposed. Two additional flood risk statements have been submitted to the Environment Agency for their consideration. The recommendations made within the latest Flood Risk Assessment report (dated June 2009) were considered acceptable and their objection has now been withdrawn.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 6 site display notices posted dated 18th February 2008.
Leeds Weekly News advert printed dated 28th February 2008.
No letters of representation have been received.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 Sport England comment dated 11th March 2008 satisfied that the proposal would meet exception E5 of Playing Field Policy, which states:

'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'

Sport England would also expect to see a Community Use Agreement secured as part of the reserved matters application.

- 7.2 Environment Agency comments dated 29th April 2008. Objection raised due to insufficient information regarding the risk of flooding on the site. Request for a comprehensive and detailed Flood Risk Assessment which looks at resolving and mitigating all flood risk issues, including drainage details, compensatory storage and proposed floor levels.
- 7.3 Additional Environment Agency comments dated 10th September 2008. Unable to withdraw objection. Repeated request for a comprehensive and detailed Flood Risk Assessment. Previous EA methods of predicting flood risk found to underestimate levels therefore further information requested.
- 7.4 Additional Environment Agency comments dated 19th August 2009. Updated Flood Risk Assessment addresses concerns raised and condition suggested. Objection withdrawn.
- 7.5 Highways comments dated 11th March 2008. No objections in principle subject to clarification of off-site highway works, details of traffic management measures, bus turning facilities, segregated access, maintain sightlines, travel plan, construction access via Selby Rd, Halton Moor Rd & Neville Rd, cycle provision.

Non-statutory:

- 7.5 Yorkshire Water comments dated 18th March 2008. Suggested conditions related to 3m easement; provision of separate systems of drainage; details of surface water discharges; no piped discharge; surface water from car parking areas/hardstandings to be passed through interceptor.
- 7.6 Mains Drainage comments dated 12th March 2008. The application site falls within two flood risk zones requiring a combination of compensatory and/or flood protection measures. Planning conditions suggested covering; details of surface water discharges; no piped discharge; feasibility study into use of infiltration drainage methods; on-site storage; surface water subject to balancing flows; freeboard level to be raised.
- 7.7 Additional Mains Drainage comments dated 4th September 2009 following assessment of the applicant's updated Flood Risk Assessment and consideration of Environment Agency (EA) comments. Suggested conditions in accordance with EA comments.
- 7.8 Public Rights of Way comments dated 4th March 2008. It is advised that the identified site lies within an area of Leeds currently excluded from the coverage of the definitive map.

8.0 PLANNING POLICIES:

- 8.1 The existing school buildings and hard play areas are unallocated in the Adopted Leeds UDP (Review, 2006). The playing fields to the south and north are allocated as a Protected Playing Pitch. Moreover, the indicative plan shows the new build to be constructed on part of the allocated Protected Playing Pitch (Policy N6). Policy N6 states that:

"Development of playing pitches will not be permitted unless:

- i. There is a demonstrable net gain to overall pitch quality and provision by part- redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions; or*
- ii. There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the city's needs, and city wide, and development would not conflict with UDP policies concerning protection of the Green Belt, protection and enhancement of Greenspace and provision of additional Greenspace, Urban Green Corridors and other open land".*

- 8.2 Other relevant policies are:
- GP5 requires development proposals to resolve detailed planning considerations including access and drainage and to avoid loss of amenity and maximise highway safety.
- N12 refers to development proposals to respect the priorities for urban design.
- N13 refers to the design of all new buildings should be of high quality and have regard to character/appearance of their surroundings.
- T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.
- T5 refers to safe and secure access for pedestrians and cyclists to new development.
- T6 refers to satisfactory access to new development for disabled people and people with mobility problems.
- T7A refers to secure cycle parking required in new developments.
- T24 refers to car parking provision guidelines.

BD5 states that all new buildings should be designed with consideration to their own amenity and that of their surroundings.

Planning Policy Statement 1: Delivering Sustainable Development.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation.

Planning Policy Statement 25: Development and Flood Risk.

9.0 MAIN ISSUES

1. Principle of development (protected playing pitch).
2. Flood risk and drainage.
3. Impact on visual amenity.
4. Impact on residential amenity.
5. Highways implications.
6. Community use.
7. Land contamination.

10.0 APPRAISAL

Principle of development:

10.1 The site is already in use for educational facilities, and as such, no objections (Playing Pitch issues aside) are raised in principle to the refurbishment and extensions to the existing school building as well as the construction of a new sports hall.

10.2 The bulk of the existing school buildings are positioned outside the protected playing fields allocation however the indicative siting of the new entrance, sports hall and special needs facility will encroach into this designated area. Sport England are satisfied that the proposed sports hall facility would be of sufficient benefit to the development of sport to outweigh the detriment caused and would adequately compensate for the loss of part of the playing field area. Moreover, the sports hall will be available for community use. This is referred to later within this report.

Flood risk and drainage:

10.3 The application site is located within the Environment Agency flood plain and the proposed new build works are to be located within an identified high probability flood area. Given the complexities of the site, in flood risk terms, extensive discussions were carried out to ensure that adequate mitigation and protection measures for flooding was carried out. The recommendations contained within the submitted Flood Risk Assessment requiring the reduction in surface water run-off, provision of compensatory flood storage, identification and provision of safe routes into/out of site, flood proofing measures and stipulated finished floor levels shall be secured through an appropriate planning condition.

Impact on visual amenity:

10.5 The precise siting of the new build elements, including the sports hall have yet to be finalised. It is proposed that the new build elements will be a maximum of 2 storeys in height which is considered comparable with the existing school buildings. The layout, scale, external appearance and landscaping elements are to be subject to further consideration under a reserved matters application.

Impact on residential amenity:

10.6 The development would be entirely contained within the existing school complex where there is adequate scope to accommodate the new builds. The dwellings

along Halton Moor Avenue are the only residential properties that stand adjacent to the school site. It is considered that given the achievable separation distance of 20-25m between the proposed special needs facility and the dwellings, coupled with the presence of fencing and vegetation to the common boundary there is potential to locate the proposed building so that it will not overlook or over-dominate nearby residential properties.

Highways Implications:

- 10.7 Improvements to the existing school entrance include the provision of a segregated pedestrian and vehicular access as well as improvements to the sightlines to the access. Traffic management measures in the vicinity of the site and the provision and a bus turning facility on site are to be undertaken and details shall be secured through appropriate planning conditions. In addition, the submission of a Travel Plan is required before the development is brought into use to assess the transport needs of the school and sports hall uses at the site to improve the accessibility and safety for all modes of transport. The details of the Travel Plan are to be required by a planning condition.

Community Use:

- 10.8 The sports hall will be accessible for public and out of school hours use and planning conditions are to be imposed to cover the management of the community use of the facilities.

Land Contamination:

- 10.9 Turning to land contamination matters, the application site was undeveloped until 1970s when the school was built and there is no reason to believe the site would be contaminated. It is considered reasonable to impose a planning condition to require the developer to report any unexpected contamination encountered during construction works.

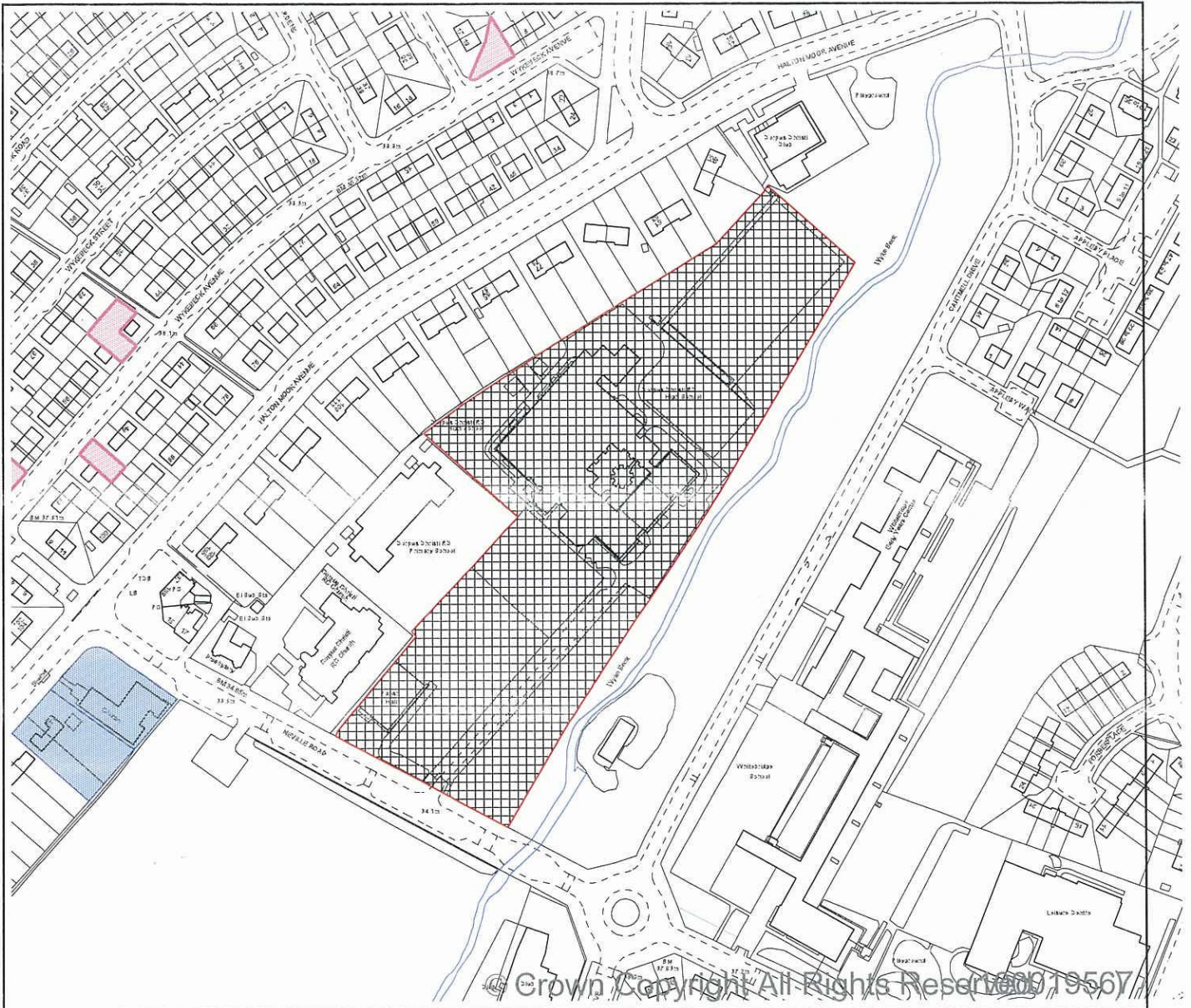
11.0 CONCLUSION

- 11.1 The proposed development is considered to facilitate the provision of improved education accommodation and whilst the extent of the proposal is for 'outline' (access only), there is adequate space around the site to provide appropriately designed buildings and ensure the amenities of nearby residents are not unduly affected. The provision of new sports and education facilities is considered beneficial and the proposal will realise improvements to the accessibility of the site. The proposed development seeks to make adequate provision for the mitigation and protection against flooding which shall be secured by planning condition. Therefore, the proposed development is considered to be acceptable and is accordingly recommended for approval.

Background Papers:

Application file: 07/06484/LA.

Certificate of Ownership signed as applicant.



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Legend

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Leeds City Council	
Development Department	
Scale	1:2800
Date	11 September 2009
Comments	Plans Panel (East)

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Originator: Marianne Adams
0113 2224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24/09/2009

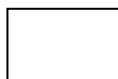
Subject: APPLICATION 09/02491/FU –conservatory with external access ramp to rear at Baab-UI-Ilm, Jamaat Community Centre at 166 Shadwell Lane Leeds LS17 8AD

APPLICANT
R Bhamani

DATE VALID
26/06/2009

TARGET DATE
21/08/2009

Electoral Wards Affected:
Alwoodley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the specified conditions.

1. Implementation within 12 months from the date of the granting of planning permission.
2. External materials for the conservatory walls including the ramp to be submitted, approved and implemented.
3. Hours of use to match the host centre i.e. 09.00 hours to 22.00 hours Monday to Friday and 10.00 hours to 20.00 hours at weekends
4. Removal of the marquee within specified period.
5. No amplified music/sound system
6. Retention of existing boundary treatments including landscaping to west and south
7. All opening windows on the west elevation are to be fixed

Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government

Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review First Deposit Draft 2003 (UDPR).

UDP GP5, N8, N12, N13, T2 and BD6

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is for a detached conservatory to the rear of the existing community centre which is located on Shadwell Lane. It is intended to remove the existing marquee which has been erected in recent years on the rear patio area.

This proposal is brought before the Panel at the request of Ward Councillors Ruth and Ronnie Feldman who have expressed concerns re the noise complaints made by neighbouring residents.

The applicant's legal advisor has provided the following justification for the proposal: The premises are used as a centre for social and religious activities serving the Khoja community mostly on Thursday nights, Friday afternoons and some Saturday mornings. During Ramadan and the Islamic New Year there is increased usage and occasional usage for other religious celebrations and meetings. After prayers and other gatherings, it is customary for a meal to be served for members of the community. Since women eat separately from men and food is not consumed in the prayer and ceremonial rooms, the existing marquee is used by the men for dining purposes. There is no specific planning restriction on who uses the centre. However, membership levels have altered very little since the Community Centre was built in 2003 and this is not anticipated to change. The car parking on site is rarely used to capacity. The premises have been fitted out to a very high standard at an initial cost of approximately £1.4 million. This represents a very significant commitment to the continued use of the site. The construction of the new conservatory may well reduce noise complaints and the cost is expected to be considerable. This further demonstrates the community's commitment to the site and to the wider area.

2.0 PROPOSAL:

- 2.1 The proposal is for a detached conservatory measuring 7m X 10.7m to be erected close to the rear of the existing community centre (i.e. approximately 2m) on the patio area and grassed area beyond for the purpose of providing further dining facilities for existing members. The conservatory will be constructed in brick and white UPVC glazed panels with a polycarbonate roof. A ramp will also be constructed to facilitate access into the conservatory from the south where most of the car parking is located. There will also be an entrance on the north elevation nearest to the host building. The existing car parking provision will not be affected. Revised plans have been submitted which overcome the concerns raised by the access officer. Further revised plans have been received which provide a glazed link to connect the conservatory to the host building. The applicant has also agreed to further conditions which will prevent windows from opening on the west elevation

and which will reduce the statutory time period for commencement of development to 12 months.

3.0 SITE AND SURROUNDINGS:

- 3.1 The large 'L' shaped site is located towards the eastern end of Shadwell Lane on the south side of the main road. Number 166 was formerly a dwelling house which was converted for the current community use around 2003.
- 3.2 To the north of the landscaped site across the main road is a synagogue, to the south is a large residential property which fronts the Ring Road, to the west is a large residential property (Number 164) and to the east is the Lubavitch Community Centre. Beyond the Lubavitch centre to the east are playing fields. The area is predominantly residential with large detached and semi detached dwellings set within mature gardens.

4.0 RELEVANT PLANNING HISTORY:

30/271/95/FU – change of use of dwelling house to community centre – Approved – 22nd November 1996

30/213/97/FU- change of use and extensions of dwelling house to community centre with 4 bedroom flat for the manager- Approved -23rd January 2001

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Negotiations between the planning compliance team and the applicant to remove the marquee have been ongoing for some time. The applicant was encouraged to apply for a more solid structure to replace the temporary partially open structure in order to overcome the reported noise concerns from neighbouring properties.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The proposal was advertised by means of a site notice posted at the front of the site. This site notice expired on 22nd July 2009.
- 6.2 Ward Members have commented that they wish the application to be determined by Panel and have objected to the application on the following grounds:
- The Khoja community do not respect the existing planning conditions
 - Due to the location at the rear, there will be an adverse impact on neighbouring properties to the west and south. These 2 residences already are troubled by constant noise and inconsiderate behaviour by the members
 - These problems take place even though there is a temporary marquee on the site
 - There have been numerous times over several years when cause for complaints from the near neighbours have arisen
- 6.3 3 letters (all from 164 Shadwell Lane) have been received objecting to the proposal on the following grounds:

- Members will congregate outside the entrance to the conservatory instead of the tent creating noise which prevents neighbouring residents from using their gardens and patio area.
- The extension will add to the existing large building which already imposes on Number 164
- There have been complaints against the noise nuisance created by the use of the tent and associated outdoor activity for 4 and a half years.
- Even if the conservatory had sound proofing – there would still be noise problems as members congregate outside.

7.0 CONSULTATIONS RESPONSES:

Statutory:

None.

Non-statutory:

Highways – No objection since the use of the centre as a whole will remain at current levels and there is no intention to increase membership. Also the same type of use i.e. a community meeting space is proposed.

Access – No objection to the revised drawings which now accord with British Standards in terms of adequate accessibility for users with mobility difficulties.

Environmental Health- The proposed conservatory is intended to replace the existing tent like structure at the rear of the building. This structure and its occupancy have been subject to several complaints relating to the hours of operation which are being dealt with by Planning Compliance. The replacement of the temporary structure with a more solid unit may well reduce possible noise issues and therefore there is no objection subject to a condition relating to hours of use which should match the time restrictions imposed for the main building i.e. 09.00 hours to 22.00 hours Monday to Friday and 10.00 hours to 20.00 hours at weekends

8.0 PLANNING POLICIES:

- 8.1 The Development Plan for the area constitutes the Regional Spatial Strategy (RSS) and the Leeds UDPR. The RSS has no direct implications for this proposal.
- 8.2 Within the UDP the following policies are considered relevant:
 GP5 – Development proposals should resolve detailed planning considerations at the application stage.
 N8- Urban Green Corridor
 N12 – Fundamental Principles of Urban Design.
 N13 – Good design that is complementary to its surroundings will be encouraged including contemporary design.
 T2 – Highways considerations.
 BD6 – Extensions should respect the scale and design of the host building.

9.0 MAIN ISSUES

1. Principle of development
2. Character
3. Accessibility
4. Car parking provision

- 5. Neighbour amenity and noise concerns
- 6 Other issues

10.0 APPRAISAL

Principle of Development:

- 10.1 The site is currently a community centre and therefore constitutes previously developed land. The proposed detached conservatory to be constructed within 2m of the host building will effectively extend the existing accommodation and as such is considered acceptable in principle. Revised plans now include a glazed link to connect the conservatory with the host building. The Urban Green Corridor (functioning and appearance) is not affected by the proposal which is located to the rear behind the existing building.

Character:

- 10.2 The design of the proposal is considered acceptable since the conservatory with ramp presents as a subordinate extension to the host dwelling and is located to the rear within 2m of the host building. The glazed link which has recently been proposed will physically link the conservatory with the host building.

Accessibility:

- 10.3 The proposal has been revised to take account of the Access Officer's comments and is now accessible to people with mobility difficulties and therefore is acceptable.

Car parking Provision:

- 10.4 Existing on site car parking provision will be retained and since there is no increase in the intensification of the use of the site as extended then car parking levels are considered adequate and acceptable

Neighbour Amenity:

- 10.5 The more solid structure may prevent noise problems from occurring. The conservatory is to be sited a minimum of 12 m from the western party boundary and 33 m from the southern party boundary. Both of these boundaries benefit from mature landscaping which will be retained. In addition, there will be no amplified music or sound systems and the hours of use will be restricted in accordance with the existing planning condition for the centre. These measures are designed to minimise the impact of any noise and enhance neighbour amenity. As such the proposed detached conservatory is considered acceptable. In addition, the applicant has submitted revised plans proposing a glazed link between the conservatory and the host building as well as agreeing to a condition which will prevent windows from opening on the west elevation. These further measures will ensure that any noise will be minimised.

11.0 CONCLUSION:

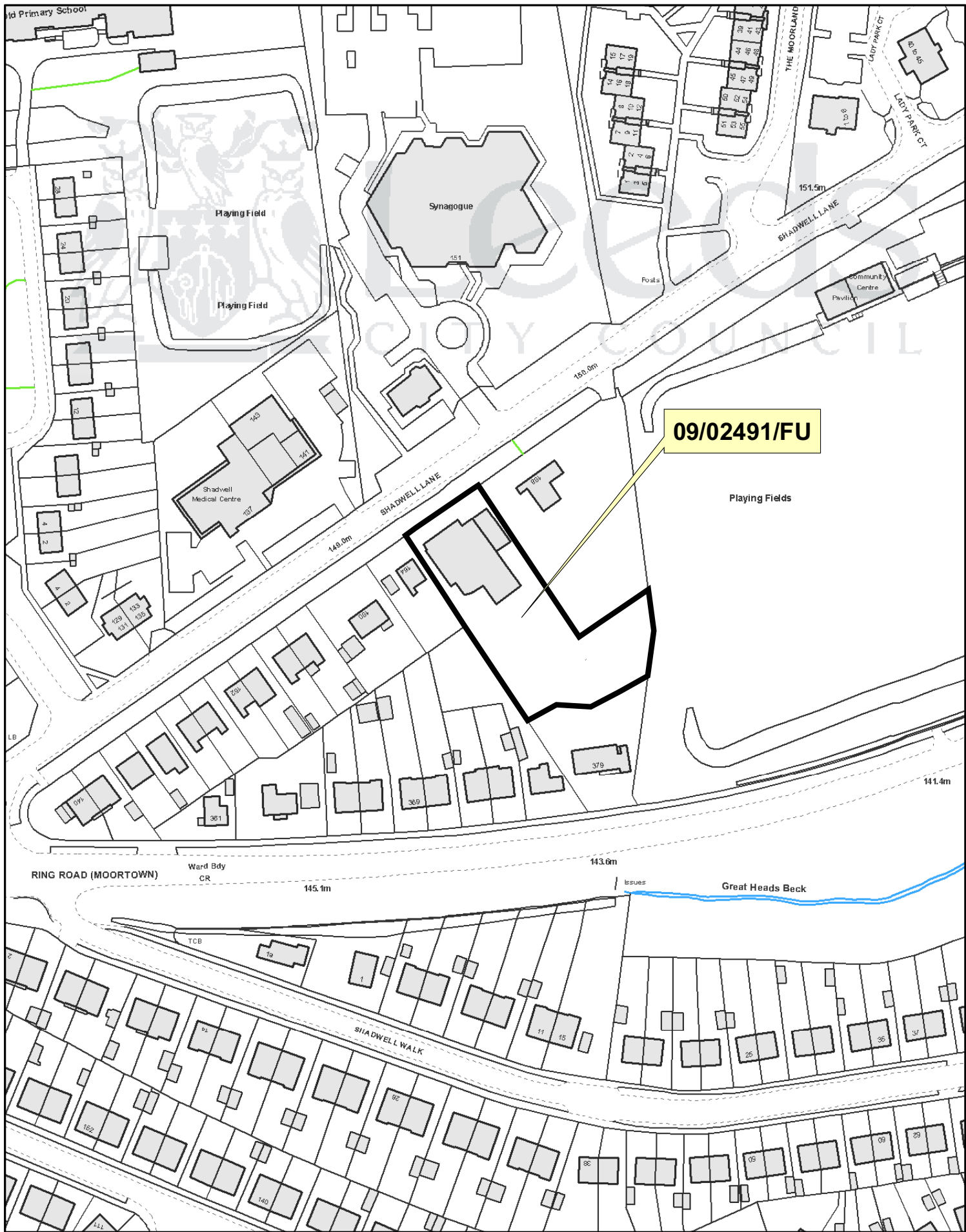
- 11.1 The proposed conservatory and ramp as revised with the glazed link are considered acceptable. A more solid structure may well overcome any noise concerns experienced by local residents and the more transparent design will provide a more pleasant space for members to use for dining. The removal of the marquee which would then not be required would be of benefit to neighbours and members of the

Khoja community centre alike. Therefore it is considered that planning permission should be granted subject to the conditions outlined in this report.

Background Papers:

Application file:
09/02491/FU

Certificate of Ownership signed by applicant as the owner of the site.



EAST PLANS PANEL



Scale 1/ 1500

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Originator: Martha Hughes

Tel: 0113 395 1378

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24 September 2009

Subject: APPLICATION 09/03427/FU – Variation of condition number 3 (hours of opening - 1100 hours to 2330 hours Monday to Saturday and 23.00 on Sundays) of planning permission 08/00853/FU - Change of use of shop to take away hot food shop, at 15 Middleton Park Circus, Middleton

APPLICANT

M I Sharif

DATE VALID

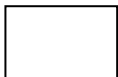
05 August 2009

TARGET DATE

30 September 2009

Electoral Wards Affected:

Middleton Park



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following condition;

Conditions:

The opening hours of the premises shall be restricted to 1100 hours to 2330 hours Monday to Saturday and 11.00 to 23.30 on Sundays, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of amenity of nearby residents.

All other conditions from application 08/00853/FU to be imposed.

Reasons for approval: The application is considered to comply with policies GP5 and SF15 of the UDP Review and, having regard to all other material considerations (e.g. exceptions to policy, very special circumstances) , is considered acceptable.

1.0 INTRODUCTION:

- 1.1 The application is brought to Panel for determination as the application for change of use (08/00853/FU) was approved by Panel Members on 10 April 2008. The 2008 application was reported to Panel at the request of Councillor Driver due to concerns that the development would create amenity issues by way of visual intrusions from the flue, cooking smells, litter and food spillage, operation at unsocial hours, congregation of customers, parking and vehicle movements and noise.
- 1.2 When approving the change of use application, Panel Members were minded to restrict the hours of opening further than the officer recommendation and imposed a condition to restrict the hours of opening to 22.30 Monday to Sunday. This current application seeks to vary this condition which Members imposed.

2.0 PROPOSAL:

- 2.1 Planning permission was granted for change of use from A1 to A5 in application 08/00853/FU with conditions. Condition 3 restricted the opening hours of the premises to 1100 hours to 2230 hours Monday to Sundays and Bank Holidays.
- 2.2 This condition was imposed by Panel Members after concern was expressed regarding the opening hours. The Officer report recommended the standard opening hours until 23.30 however this was reduced to 22.30 at Panel's request.
- 2.3 This application proposes to extend opening hours to 23.30 Monday to Saturday and 23.00 on Sundays.
- 2.4 The application form states that the variation is 'essential for the business to have late night hours as a lot of people visit to order after a night out'. The applicant refers to a licensing application which has also been submitted to change the hours in accordance with this planning application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a hot food take away unit with storage on upper floor which is situated at the end of a parade of shops within the primary frontage of Middleton Park Circus Shopping Centre (S4).
- 3.2 Middleton Park Circus forms two parades either side of Middleton Park Avenue. The take away premises occupy the ground floor level of a three storey property at the end of a parade of shops, west of Middleton Park Avenue. There are other takeaways at Nos. 10a and 11 Middleton Park Circus. The relevant planning permissions place the following restrictions on opening hours:
- No. 10a – 8.00 to 23.30hrs Monday to Saturday and 12.00 to 23.00hrs on Sundays.
 - No. 11 – 9.00 to 23.30hrs Monday to Sunday.
- 3.3 Above the shops at first floor level are a mixture of storage uses and residential accommodation. To the rear of the premises are residential properties on Middleton Park Mount. Garages are immediately to the rear of the site. It is also understood that there is a first floor flat adjacent above a retail unit at 2 Middleton Park Ave.

4.0 RELEVANT PLANNING HISTORY:

- 09/02560/FU Side extension to take away hot food shop
Approved 05.08.09
- 09/02206/FU Variation of condition 3 of application 08/00853/FU relating to opening hours (to allow opening hours 17.00 to 12.30am Sunday to Thursday, 17.00 to 1.30am Friday and Saturday).
Withdrawn 05.08.09
- 08/00853/FU Change of use of shop to take away hot food shop, with new extract flue. Approved by Plans Panel on 10.04.08
- 07/05790/FU Two storey side extension to shop to form store with enlarged shop over. Refused on 14.11.07 for the following reasons;
1. The proposal is shown to be located on the adopted public highway. As a result, it is considered that the proposal will be detrimental to the free and safe passage of the general public and as such is contrary to Policy T2 of the adopted Leeds Unitary Development Plan (Review 2006).
 2. It is considered that the proposed extension, by reason of its design, is detrimental to the appearance of the streetscene and of the host property and fails to take the opportunity to improve the area and as such it would be contrary to Policies GP5 and BD5 of the adopted Leeds Unitary Development Plan (Review 2006) and the guidance given in PPS1 - Delivering Sustainable Development.
- H22/34/85 Change of use, involving alterations, of bakers shop to bakers shop and tea room - Approved (22-Apr-1985)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Applicant was advised of officer concerns in respect of a previous application to extend the opening hours to 12.30am and 01.30 and this application was withdrawn.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted on 21st August 2009.
- 6.2 The notification period does not expire until 18th September, and therefore any letters of representation received will be reported verbally to the Plans Panel meeting.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

Environmental Protection Team – No adverse comments about the variation of condition 3 to 23.30 Monday to Sunday.

8.0 PLANNING POLICIES:

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity

Policy SF15 – hot food take aways

In relation to opening hours of hot food takeaways this policy states that:

In cases where surmountable residential amenity concerns are raised, due to the close proximity of residential properties the hours of opening will normally be limited by condition to the following;

(A) Monday to Saturday 08.00 to 23.30

(B) Sunday (if Appropriate) 19.00 to 23.00

9.0 MAIN ISSUES

1. Existing restrictions
2. Residential amenity

10.0 APPRAISAL

Existing restrictions

- 10.1 The hours set out in condition 3 of application 08/00853/FU were imposed following discussion by Members at Plans Panel and were reduced from the standard opening hours of 23.30 recommended in the Officer report, due to concerns regarding the impact on residents and Members specifically sought to control the opening hours to 22.30 only.
- 10.2 The applicant has stated that the proposed extension of hours to 23.30 am Monday to Saturday and 23.00 on Sunday is essential for the business. The proposed extended hours are in line with the hours recommended in policy SF15 of the UDP where surmountable residential amenity concerns are raised, due to the close proximity of residential properties.

Residential amenity

- 10.3 There are existing residents at first floor flats above the shops which are the main residents which could be affected by any disturbance; there are also residents to the rear of the premises on Moor Park Avenue.
- 10.4 Environmental Protection has considered the additional hour proposed by the applicants and has no adverse comments to make. Furthermore, Environmental Protection records show that there have been no complaints concerning the take away since it opened.

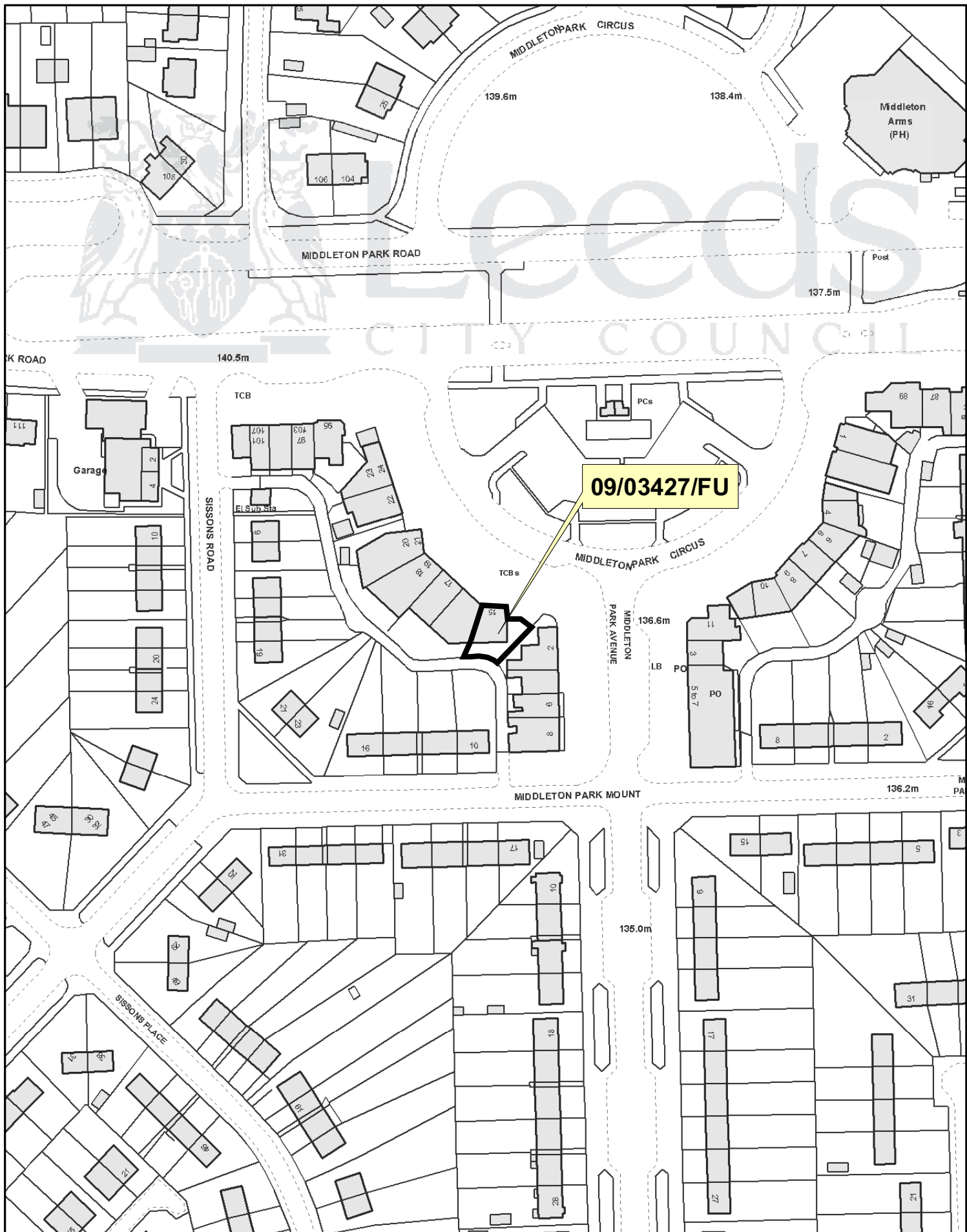
11.0 CONCLUSION

- 11.1 In light of the Environmental Protection Officer's comments and the guidance set out in policy SF15 of the UDP Review Members are asked to grant permission for the premises to stay open for an extra hour Monday to Saturday and half an hour on Sundays.

Background Papers:

09/03427/FU & 08/00853/FU.

Certificate of Ownership – Certificate A submitted



EAST PLANS PANEL



Scale 1 / 1500

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