

Plans Panel (East)

Thursday, 22nd October, 2009

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, R Finnigan,
J Marjoram, E Nash, K Parker, A Taylor,
P Wadsworth and D Wilson

79 Chair's opening remarks

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

The Chair stated that from now on any messages for Panel Members must be passed to Officers who would then bring them to the Chair for consideration

In relation to application 09/01995/FU – Tesco – 361 Roundhay Road, the Chair stated that whilst there had been several previous reports on this application, the main discussions had taken place at the Plans Panel East meeting held on 27th August 2009, when several Members, including the Chair, had been absent. An intensive briefing by Officers had been offered to those Members who were absent from that meeting and after consideration by Legal Services Section it was felt that those Members who did not attend the meeting held on 27th August, but who had attended the previous meetings, the site visits and the briefing, were in a position to consider the application alongside those Members who had attended the meeting on 27th August

80 Exempt information - possible exclusion of the press and public

RESOLVED - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt 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 public were present there would be disclosure to them of exempt information so designated as follows:

The report referred to in minute 95 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4 (3) and on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that if this information was in the public domain it could affect the financial standing of the company in its day to day business dealings. Whilst there may be a public interest in disclosure, in all the circumstances of the case maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

81 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 09/03375/FU – 55 St Aidans Road LS26 – photographic images of the site, tabled by the applicant

Improved copies of the layout plans for several of the applications due to the poor copy quality of the plans which were circulated with the agenda

82 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 – Councillors Congreve and Wadsworth declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 87 refers)

Councillor Wadsworth also stated that he did not attend the Plans Panel East meeting on 27th August but had sent a letter raising concerns on certain issues. He had questioned whether in doing so he had prejudiced his position in respect of the application but following advice from Legal Services he was satisfied that he could fully participate in the proceedings on this matter

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Nash declared a personal and prejudicial interest through being a member of the Co-operative Group Area Committee as the application was for a supermarket (minute 87 refers)

Application 09/01995/FU – Tesco 361 Roundhay Road LS8 – Councillor Taylor declared a personal interest as he shopped in the store (minute 87 refers)

Application 08/04840/FU – 133-135 Chapeltown Road LS7 – Councillors Congreve and Wadsworth declared personal interest as members of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 85 refers)

Applications 09/03251/FU and 09/03252/CA – Beech Lodge 1 Park Avenue Roundhay LS8 – Councillors Congreve and Wadsworth declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 88 refers)

Application 09/03375/FU – 55 St Aidans Road LS26 – Councillor Parker declared a personal interest as he knew the applicant (minute 91 refers)

Application 09/02973/FU – Old Golden Fleece Elland Road LS27 – Councillor Nash declared a personal and prejudicial interest through being a member of the Co-operative Group Area Committee as the application was for a small supermarket (minute 92 refers)

Application 09/02973/FU – Old Golden Fleece Elland Road LS27 – Councillor Finnigan declared a personal interest as a member of Morley Town Council which had commented on the application and stated that he had not been involved in those discussions (minute 92 refers)

Applications 09/01970/FU and 09/04179/FU – Parkfield Mills Queens Road LS27 – Councillor Finnigan declared personal interests through being a member of Morley Town Council which had commented on the applications and stated that he had not been involved in those discussions (minutes 95 and 96 refer)

Application 09/01970/FU and 09/04179/FU – Parkfield Mills Queens Road LS27 – Councillor Marjoram declared a personal interest through his connections

with the building trade in terms of the financial information provided in the viability statement submitted with this application (minute 95 refers)

83 Apologies for Absence

Apologies for absence were received from Councillor Gruen who was substituted for by Councillor Nash and from Councillor Lyons. Whilst Councillor Coulson had been due to substitute for Councillor Lyons, a matter had arisen which had prevented this, and Councillor Coulson's apologies were also tendered

84 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 24th September 2009 be approved

85 Request to withdraw an item from the agenda

The Panel's Lead Officer requested the report on application 08/04840/FU – residential development at 133 – 135 Chapeltown Road LS7 be withdrawn from the agenda to enable clarification of the impact of the scheme on planned highway improvements

RESOLVED - That the report be withdrawn from the agenda and that a further report be submitted in due course

86 Application 08/04976/FU - Appeal under Section 78 of the Town and Country Planning Act 1990 against refusal of planning permission for change of use of a dwelling to form 5 flats - Woodrow House Station Road Methley LS26

Further to minute 152 of the Plans Panel East meeting held on 20th November where Panel resolved to refuse permission for a change of use of a single dwelling to form five flats at Woodrow House Station Road Methley, Members considered a report of the Chief Planning Officer setting out the Inspector's decision following an appeal lodged by the applicant

Whilst Members' concerns relating to the impact of the development on highway and pedestrian safety were noted, it was the Inspector's decision to allow the appeal on 18th August 2009 with significant weight being attached to the technical guidance contained in Manual for Streets

RESOLVED - To note the report

87 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 59 of the Plans Panel East meeting held on 27th August 2009 where Panel deferred consideration of an application 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 a further report

Having not been present for the whole presentation on 27th August, Councillor Congreve reiterated his decision not to participate in the debate or voting on this application

Plans, photographs, drawings, artist's impressions and graphics were displayed at the meeting

Officers presented the report and outlined the information Members had requested at the previous meeting, this being:

- further information on highways and the implications of the proposed high occupancy vehicle (HOV) lane
- sustainability issues
- public consultation on public realm enhancements in Oakwood

The Chair informed Members that these were the issues which would be considered at the meeting

Members were informed that in respect of the HOV lane, this had been planned regardless of the Tesco proposals and that Officers were satisfied that the HOV scheme would work with or without the Tesco development

The access proposals for the petrol filling station were considered to be acceptable and larger queuing capacity was being provided for than existed at the Seacroft store, where such problems had occurred

In relation to sustainability, the proposals incorporated several sustainable design features; provided cycle parking and improvements to bus stops in the area

The impact of the proposals on the Oakwood District Centre had been considered and it was accepted that Tesco would directly compete with some shops, but many of the units in the District Centre were specialist shops with Officers of the view that there would not be a significant impact on existing businesses

The applicant had provided details of the impact of supermarkets on existing retail centres, with the conclusion being that the presence of large supermarkets had resulted in positive effects for existing retailers

Concerns continued to be raised by the proprietor of the existing petrol filling station and the impact of the proposals on this, however it was reiterated that the BP filling station fell outside of the S2 centre and such concerns could not be regarded as a material planning consideration

Regarding consultation on the type of public enhancements which the local community would like to see, several proposals had come forward; the most popular being the refurbishment of Oakwood clock. Whilst some of the suggestions could not be carried out, ie re-paving of private forecourts as this involved third party land, the applicant had increased the public realm contribution which would now be £300,000 which provided increased scope to deliver a range of improvements

Officers reported the receipt of further representations, these being:

- a petition objecting to the proposal with 158 signatures
- 7 letters of objection (some of these from previous objectors)
- further comments and clarification on issues by Councillor Lobleby
- an objection letter sent to all Panel Members
- an objection letter sent to the Chair of the Plans Panel
- a letter handed to the case officer earlier in the day

Members commented on the following matters:

- whether a mezzanine floor was included in the proposals
- whether the proposals did comply with PPS1

- concerns at Tesco's level of commitment to and involvement in the local area in view of a lack of response to requests for the company to attend a local jobs fair
- whether any further public consultation on the proposals had been undertaken by Tesco since the last meeting
- the need for community art to be provided and for the Ward Members, Leeds Civic Trust and local residents to be involved in this
- that swift boxes should be provided, in consultation with the Council's Nature Conservation Officer
- the public realm improvements and need to link the site with the Oakwood District Centre which could be achieved by repaving, finger posts etc
- the size of the building and concerns this was too large
- that the proposed petrol filling station would have an impact on the existing BP garage
- the increased footfall in Rothwell Town Centre and the new shops which had emerged since a large supermarket had opened there last year
- that the sale of some products by Tesco would be restricted
- that the Homebase store currently had the benefit of an unrestricted A1 consent and that the proposals provided the opportunity to limit the sale of some goods

Officers provided the following responses:

- that the proposals did not contain details for a mezzanine floor but that the building was large enough to accommodate this. Although it would be possible for a small mezzanine floor to be constructed under permitted development rights, anything of significance would require planning consent
- that the proposals did comply with PPS1 'Delivering Sustainable Development'; that the development was in a sustainable location with good access to public transport; included cycle provision and was close to residential developments. Although it could be argued that demolishing two buildings and erecting one building was not sustainable, the counter argument was that the existing buildings were no longer suitable for modern retailing
- that the approved minutes of the Plans Panel East meeting held on 27th August 2009 had not required the applicant to consult further on their development proposals

Detailed discussion ensued on the possibility of a mezzanine floor being required at some stage, with the following comments being made:

- that the development could significantly increase in size and that such a situation had occurred in Batley and York
- that if this occurred, imposing conditions restricting the sale of some goods would not be sufficient to prevent a significant adverse impact on the Oakwood District Centre
- that the proposed building could accommodate a mezzanine floor and if that was not Tesco's future intention, the building could be lowered and create less of an impact on the area

- the possibility of removing permitted development rights on the current application

The Head of Planning Services who was in attendance stated that conditions 16 and 17 of the submitted report set out restrictions on the amount of net retail floor space and the amount of retail floor space for comparison goods. These conditions could be worded so as to be clear that further retail floor space was not being permitted and that condition 18 could be strengthened by inclusion of the words 'prevent and prohibit'. Whilst noting the comments made regarding a mezzanine floor, it was not possible to make a planning decision on the basis of possible future development and Members were advised to restrict their consideration on this issue to whether the size of the building as shown was acceptable

An amendment to condition 15 regarding the use of the car park was proposed as was the request for the explicit removal of permitted development rights in respect of a mezzanine floor

Members considered how to proceed

Councillor Parker, who had been absent at the 27th August 2009 meeting and had not attended the briefing did not take part in the discussion or voting on this application

Following an equality of votes for and against, the Chair used his casting vote

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, an amendment to condition 15 to specify that the car park would be freely available for use by shoppers at Oakwood District Centre together with Tesco shoppers; an amendment to condition 18 to include the words 'prevent and prohibit dry cleaners, post office and travel agents instead of 'restrict', additional conditions withdrawing permitted development rights in respect of a mezzanine floor and details of a scheme of nature conservation to be submitted and approved which would include bird boxes for swifts, additional consultation with regard to how public realm money would be spent and the completion of a legal agreement to include the following obligations

- i) public transport infrastructure contribution (£319,241 – index linked)
- ii) metro/bus stop upgrade and relocation (£46,000 – index linked)
- iii) travel plan and travel plan monitoring fee (£4,500 – index linked)
- iv) training and employment of local people
- v) contribution of £300,000 (index linked) towards public realm enhancements to Oakwood District Centre (which would be used for enhancement of pavements between the store and other shops, lighting and landscaping)

(Following consideration of this item, Councillor Nash resumed her seat in the meeting)

88 Applications 09/03251/FU and 09/03252/CA - Part demolition of house and addition of 2 storey side and 3 storey rear extensions to form 9 flats and erection of part single storey and part two storey 4 four bedroom houses - Beech Lodge 1 Park Avenue Roundhay LS8

Plans, photographs 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 which sought the demolition of a modern, unsympathetic extension to a late 19th century villa situated in the Roundhay Conservation Area and the conversion and extension of the property to form 9 flats, with 4 houses to be erected on land to the rear at Beech Lodge 1 Park Avenue Roundhay LS8

Members were informed that the principle of development would need to be considered and that a previous application on the site had been granted but had since lapsed

Officers were of the view that the access was satisfactory and that ample parking, ie 17 car parking spaces would be provided. In respect of the impact of the proposals on residential amenity it was felt any impact would be minimal due to the setback of the properties. Whilst there would be some loss of trees, the proposals had sought to minimise this

A bat survey had been carried out which had indicated the presence of pipistrelles and that bat boxes, bat bricks and bat roosts would be provided

Members were informed that although the drawings indicated an amount of render on the four stone terraced properties, this could be replaced with stone if required

Members discussed the following matters:

- the roof design of the terrace properties with mixed views on the most appropriate style for this
- the provision of a ginnel between the terrace houses and concerns that this created the potential for nuisance and anti-social behaviour problems
- that the scheme was garden land development
- an agreement that the render on the terrace properties be replaced by stone facing

RESOLVED -

Application 09/03251/FU

That the application be granted subject to the conditions set out in the submitted report, an alteration to design with replacement of elements of render with natural stone and the completion of a unilateral agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations: greenspace sum of £21,163 payable prior to first occupation and index linked

Application 09/03252/CA

To grant Conservation Area Consent subject to the specified conditions set out in the submitted report

89 Application 09/02818/FU - Amendment to previously approved application 09/01034/FU for single storey extension to side and rear of existing garage with new pitched roof over and canopy to front - 9 The Paddock Thorner LS14

Plans including those of previous schemes and photographs were displayed at the meeting. A site visit had take place earlier in the day which some Members had attended

Officers presented the report which sought an amendment to a previously approved scheme to increase the height of the approved roof by one metre and infilling the valley in the side elevation

An update was provided on the representations received on the proposals which included an e-mail from Councillor Castle who had raised concerns relating to height, impact on views and on the Conservation Area. A further letter of representation had been received from the applicant who was unable to attend the meeting

The Panel heard representations from a local resident who was also representing the views of Thorner Parish Council who objected to the proposals

Members discussed the pitch of the roof and whether this could be altered

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

90 Application 09/03387/FU - First floor side extension - 2 Syke Lane Scarcroft LS14

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought permission for a first floor side extension at 2 Syke Lane Scarcroft LS14

It was the recommendation of Officers that the application be refused

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

The proposal by reason of its scale and massing in close proximity to the side of the boundary of the site in a prominent location would significantly alter the spatial relationship between buildings, resulting in the loss of the existing visual gaps between buildings which forms a positive characteristic of the present streetscene. As such it is considered that the proposal would be detrimental to the character and appearance of the present streetscene, contrary to policy GP5 of the Leeds Development Plan (Review) 2006 and advice contained within PPS1: Delivering Sustainable Development

91 Application 09/03375/FU - Retrospective application for 1.58m high raised decking to front with 1.09m high handrail above and bin store below at 55 St Aidans Road Great Preston LS26

Plans, drawings and photographs were displayed at the meeting

Officers presented the report and explained that the applicant disagreed with the description of the application

Reference was made to a letter which had been sent to Panel Members in advance of the meeting by the applicant

Whilst Officers were of the view that the application should be refused and that a possible reason for refusal had been included in the report, it was for Members to consider if the structure which had been built was acceptable in the street scene

The Panel heard representations from the applicant who attended the meeting

During the discussion which followed Councillor Finnigan suggested that a site visit might assist in assessing the impact of the proposals on the streetscene as this could not be properly considered on the images which had been submitted

RESOLVED - To defer consideration of the application until the next Panel meeting to enable a site visit to take place

92 Application 09/02973/FU - Demolition of existing public house and replace with single storey A1 retail unit at the Old Golden Fleece Elland Road Churwell Morley LS27

(Having declared a personal and prejudicial interest, Councillor Nash withdrew from the meeting)

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

The Panel's Lead Officer presented the report and stated that the site which fronted on to Elland Road Churwell, was a former public house which was surrounded on three sides by residential properties and was close to shops and other, mixed use properties

In terms of the principle of development, the site was located outside of a designated centre so the policy would be to resist such development. However policy S9 of the UDP (Review) 2006 accepted small retail developments outside S1, S2 and local centres. Officers had taken the view that the proposals were for a 'top-up' style store and by definition it would be sited in the locality of the population it would serve. It was felt that the development would not compete with local centres and was an opportunity to improve the range of shops in the area

Members were informed that the existing public house could be put into retail use without needing planning permission from the Council so there was nothing to prevent the applicant from taking over the premises for this use. Instead what was being proposed was a purpose built single storey mini market which would be constructed of brick and render with a hipped, tiled roof

The existing access from the north west corner of the site would be retained for both service and customer vehicles and car parking for 21 cars would be provided

A mosaic sign on the public house would be removed and retained within the proposed stone wall on the corner of the site; the public house sign had been promised by the applicant to the Churwell Action Group for keeping in their historic archive

Officers reported the receipt of additional representations, one supporting the proposals, and two objecting to the proposals

If minded to grant permission, the Panel's Lead Officer requested that the final decision be deferred and delegated to the Chief Planning Officer to allow for further discussions on the Sunday trading hours

The Panel heard representations from a representative of the Churwell Action Group and an objector who attended the meeting

Panel discussed the following matters:

- the need for a condition to be included requiring training and employment of local people
- the need for a residents' permit parking scheme in the area and whether an appropriate contribution could be requested from the applicant for this
- that the freestanding pub sign (excluding menu board) should be retained on the site

- concerns at the impact of the development on highways, particularly during morning and evening peak traffic
- the need for the site to be developed

The Panel's Lead Officer stated that a condition to cover local training and employment could be included. Regarding residents' parking, a contribution could be sought from the applicant towards a scheme to mitigate against the impact of on street parking arising from the development

RESOLVED - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer, subject to the conditions set out in the submitted report; additional conditions for the provision of a scheme for local employment and training and details of the existing and proposed floor levels and bollard levels to be submitted for approval; the requirement for the applicant to enter into an agreement for a contribution towards a scheme to mitigate against the impact of on-street parking resulting from the development; the submission of revised details of the design of the access layout and further discussions in respect of the retention of the public house sign and Sunday trading hours and in the event these issues cannot be resolved, to request the Chief Planning Officer to refer the application back to Panel for determination

(Following consideration of this item, Councillor Nash resumed her seat in the meeting)

93 09/03114/FU - Re-profiling of watercourse banks including gabion retaining walls - Land to the rear of 9-18 The Blossoms Methley LS26

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for engineering works to reform an unlawfully modified watercourse to the rear of The Blossoms Methley LS26

Members were informed that the application had been submitted following an enforcement case

The site was in the Green Belt and parts of it fell within flood zones 2 and 3

Officers reported the receipt of two letters of objection

Members noted that the application would result in much reduced gardens for the residents at 9-18 The Blossoms and were critical of those responsible for altering the position of the watercourse which had resulted in larger house plots

In reaching a decision the Panel had regard to the flood risk issues

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

94 Application 08/05587/FU - Use as shop with living accommodation over involving alterations to frontage with roller shutters and single storey extension to side to form office - 35 - 37 Ashley Road Harehills LS9

Further to minute 211 of the Plans Panel East meeting held on 12th February 2009 where Panel deferred consideration of the application to enable further discussions to take place on the scale of the proposals, Members considered a further report

Plans and photographs were displayed at the meeting

Officers presented the report and stated that the revisions which had been made to the application had overcome Officers' previous objections and that the application was now being recommended for approval

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

95 Applications 09/01970/FU and 09/04179/FU - Erection of 1 block of 4 three bedroom and 4 four bedroom terrace houses each with integral garage and removal of condition 23 (affordable housing provision) of application 08/03698/FU - Parkfield Mills Queens Road Morley LS27

Members considered a report providing financial information in respect of an application seeking a change to the mix of properties to be provided and requesting the removal of condition 23 of application 08/03698/FU regarding provision of affordable housing

The report was designated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4(3) and was considered in private

The Principal Surveyor within City Development Department who had assessed the information provided by the applicant attended the meeting and responded to matters of fact put to him by Panel Members

Members discussed the following matters:

- the impact on the city of development sites which were not progressing
- guidance from Central Government on stimulating the economy
- the need for affordable housing
- the possibility of this situation being repeated on other sites around the city and the importance of fully considering all aspects of such requests

RESOLVED - To note the information provided

96 Applications 09/01970/FU and 09/04179/FU - Erection of 1 block of 4 three bedroom and 4 four bedroom terrace houses each with integral garage and removal of condition 23 (affordable housing provision) of application 08/03698/FU - Parkfield Mills Queens Road Morley LS27

Having had regard to the discussions on the previous report (minute 95 refers) Members considered a report of the Chief Planning Officer seeking approval for a change to the mix of properties to be provided and requesting the removal of condition 23 of application 08/03698/FU regarding provision of affordable housing

Officers presented the report and stated that the proposals would see the replacement of the previously approved 3 storey block of flats, with eight houses of 2.5 storeys in height, with the view that these represented an improvement to the setting and provided a better separation distance from Queens Road

In relation to the provision of affordable housing, of the 27 units which had already been constructed, 7 of these had been transferred to a social landlord; this representing affordable housing provision of 14% of the total housing proposed for the site. Officers were recommending that no further affordable housing requirement be placed on the applicant

Members were supportive of the change of flats for houses within the scheme but were unhappy at the request to remove further affordable housing provision

As Panel was minded to refuse the application, the Chair invited the applicant's representative who was in attendance, to address Members

The Panel commented on the following matters:

- the difficulty of the position and concerns that the developer might abandon the site
- the importance of affordable housing in that area even if its provision was delayed until the economic situation improved
- the need to support the local economy but not to assist those developers who may now be experiencing financial difficulties due to the downturn

Members considered how to proceed

A proposal to defer determination of the application to the next meeting to enable further discussions with the applicant on the points made by Members was not seconded

The Head of Planning Services sought clarification on Members' views in relation to the provision of 25% affordable housing across the site

RESOLVED -

Application 09/01970/FU

To approve the application 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 subject to the provision of 25% affordable housing as part of the wider development

Application 09/04179/FU

That the Officer's recommendation to allow the removal of the condition requiring provision of 25% affordable housing be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out reasons for refusal of the application based upon inadequate provision of affordable housing

(During consideration of this item Councillor Parker left the meeting)

97 Date and time of next meeting

Thursday 19th November 2009 at 1.30pm in the Civic Hall, Leeds