



PLANS PANEL (EAST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 10th June, 2010
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve
(Chair)
Grahame
P Gruen
M Lyons
K Parker

A Taylor
D Wilson

Conservative
Nominee (2)

R Finnigan

A G E N D A

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|---------|------|---------------|---|---------|
| 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> | |

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| 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 OF THE PREVIOUS MEETING</p> <p>To approve the minutes of the previous meeting held on 13th May 2010</p> <p>(Copy attached)</p> | 3 - 16 |
| 7 | Burmantofts and Richmond Hill; | | <p>APPLICATION NO. 08/03378/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 86 FLATS AND CAR PARKING AT KNOWSTHORPE CRESCENT, CROSS GREEN, LEEDS 9</p> <p>To receive a report by the Chief Planning Officer setting out details of an Outline Application for layout residential development comprising of 86 flats and car parking at Knowsthorpe Crescent, Cross Green, Leeds 9</p> <p>(Report attached)</p> | 17 - 24 |

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| 8 | Gipton and Harehills; | | <p>APPLICATION NO. 10/00944/FU - VARIATION TO CONDITION NO. 4 OF PERMISSION H34/582/89 (OPENING HOURS 16:00 TO 00:30 SUNDAY TO THURSDAY AND 16: TO 01:00 HOURS FRIDAY AND SATURDAY TO PREMISES AT 250 EASTERLY ROAD, LEEDS 8</p> <p>To receive a report by the Chief Planning Officer setting out details of an application seeking a variation of condition No.4 of permission H34/582/89 (Opening hours 16:00 to 00:30 Sunday to Thursday and 16:00 to 01:00 hours Friday and Saturday to premises at 250 Easterly Road, Leeds 8</p> <p>(Report attached)</p> | 25 - 32 |
| 9 | Morley South; | | <p>APPLICATION NO. 10/00060/FU - AMENDMENT TO PERMISSION 23/436/03/FU (CHANGE OF USE INVOLVING FIRST FLOOR EXTENSION AND NEW SECOND FLOOR OF WORKSHOP TO 10 FLATS) FOR ALTERATIONS TO UNAUTHORISED WORKS TO APPROVED SCHEME AT THE FAB SHOP, TENNYSON STREET, MORLEY LEEDS 27</p> <p>To receive a report by the Chief Planning Officer setting out details of an application (10/00060/FU) seeking an amendment to Planning Permission 23/436/03/FU (Change of use involving first floor extension and new second floor extension of workshop to 10 flats) for alterations to unauthorised works to approved scheme at The Fab Shop, Tennyson Street, Morley, Leeds 27.</p> <p>(Report attached)</p> | 33 - 46 |
| 10 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Thursday 8th July 2010 at 1.30pm in the Civic Hall, Leeds</p> | |

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
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ppe site visits
Date 2nd June 2010

Dear Councillor/Representative

PLANS PANEL EAST – THURSDAY 10TH JUNE 2010 – SITE VISIT

Prior to the meeting of the Plans Panel (East) on Thursday 10th June 2010 at 1.30 pm the following site visit will take place:

| | | |
|----------|----------------------------|---|
| 11:00 am | | Depart Civic Hall at 11:00 am |
| 11:20am | Application 10/00060/FU | Amendment to Planning Permission 23/436/03/FU (Change of use involving first floor extension and new second floor workshop to 10 flats) for alternations to unauthorised works to approved scheme at The Fab Shop, Tennyson Street, Morley Leeds LS27 |
| 12noon | | Return to Civic Hall at approximately 12noon |

For those Members requiring transport, a minibus will leave the Civic Hall at 11:00 am. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at 10:55 am.

Yours sincerely

Angela M Bloor
Governance Officer

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Plans Panel (East)

Thursday, 13th May, 2010

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, R Finnigan,
P Gruen, M Lyons, J Marjoram, K Parker,
A Taylor, G Wilkinson and D Wilson

224 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves
Members were informed that Councillor Wilkinson had been appointed to the Panel in place of former Councillor Paul Wadsworth
The Panel paid tribute to the work Paul Wadsworth had undertaken whilst being a member of the Panel

225 Late Items

The Chair referred to a request made on behalf of an applicant to table additional information for an item being considered at the meeting
The Chair stated that he had declined to accept this information as it was not appropriate to present Members with additional information when other parties, including Officers, had not had a chance to fully consider the new material

226 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct
Application 10/00412/OT – Former Greyhound Stadium Elland Road –
Councillors Congreve and Lyons declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 233 refers)
Application 09/01584/OT – Land near Crank Cottage Station Road Morley –
Councillor Finnigan declared a personal interest as a member of Morley Town Council which had commented on the proposals (minute 234 refers)
Application 08/00298/OT – Optare site Manston Lane LS15 – Councillors Congreve and Lyons declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had previously commented on the proposals (minute 235 refers)
Application 08/00298/OT – Optare site Manston Lane LS15 – Councillor Gruen declared a personal interest through being a Roman Catholic as the report related to the method of assessment for the education contribution as

part of the S106 agreement and that the initial assessment had not included children attending Catholic primary schools (minute 235 refers)
Application 08/03378/OT – Knowsthorpe Crescent Cross Green LS9 – Councillors Congreve and Lyons declared personal interests through being members of West Yorkshire Integrated Transport Authority as Metro had previously commented on the proposals (minute 237 refers)
Application 10/01347/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 proposals (minute 238 refers)

227 Minutes of the last meeting

RESOLVED - That the minutes of the Plans Panel East meeting held on 8th April 2010 be approved subject to an amendment to the resolution of minute 220 – Application 10/00773/FU – White Rose Shopping Centre – as follows: ‘an additional condition requiring the submission of a work programme and timetable for the recommencement of works to the Trinity Quarter’ to be amended to read ‘ an additional condition requiring the submission of a work programme and timetable for the recommencement and completion of works to the Trinity Quarter’

228 Matters arising from the minutes

Councillor Gruen referred to situations where the Panel had not accepted an Officer’s recommendation to approve an application and before the Panel had met again to consider the detailed reasons for refusal an appeal against non-determination had been lodged. A report on this had been requested and the Head of Planning Services stated this would be brought to the next meeting

229 Request to withdraw a report from the agenda

Members were informed of a request by Councillor Iqbal for the withdrawal of the report on application 10/00944/FU – change of condition relating to opening hours of a hot food take away at 250 Easterly Road LS8, as further information was to be submitted

RESOLVED - That the report be withdrawn from the agenda

230 Application 08/04259/FU - Demolition of existing bungalow and erection of Four 4 bedroom detached Chalet Bungalows with attached garage, Lingwell Rise, Gipsy Lane, Beeston LS11

Further to minute 253 of the Plans Panel East meeting held on 7th May 2009 where the application was withdrawn from the agenda in order to resolve issues which had arisen on the Members’ site visit earlier that day, the Panel considered a revised report

Photographs and plans of the current and previous proposals were displayed at the meeting

The Panel’s Lead Officer presented the report which sought permission for the demolition of the existing bungalow on the site and the erection of 4 detached chalet bungalows with garages on Lingwell Rise Gipsy Lane LS11

Members were informed that the previous proposals had been for four 2 storey houses with a significant amount of hardstanding. The revised proposals were for the same number of properties but these would now be dormer bungalows with attached garages and less hardstanding on the site. Block A had been set back further within the site which Officers considered to be an improvement

The Panel was informed of a correction to the report at paragraph 1.3 and were informed of representations received from the local Residents' Association which had raised concerns particularly in respect of the highway implications of the scheme

Members commented on the following matters:

- the arrangements for refuse collection
- the longstanding highway problems from Gipsy Lane to Ring Road Beeston Park leading to the backing up of traffic from the junction at Dewsbury Road
- that residents' concerns about the scale of the proposals had not been taken on board and the view that a smaller scheme would be more suitable
- acknowledgement of the work undertaken by Officers to obtain a more acceptable scheme than that previously proposed but that concerns remained with the revised scheme

The Head of Highways Development Services who attended the meeting stated that whilst there had been complaints received on the level of traffic in this area, this related to the dropping off/picking up of pupils from the nearby Cockburn College of Arts and that the accident records indicated that the road was not dangerous

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

231 Application 09/05463/FU - 5 Bedroom Detached House with integral double garage to existing residential site, 1 New Farmers Hill, Woodlesford LS26

Plans, photographs and drawings were displayed at the meeting
Officers presented the report which sought permission for a five bedroom detached house and garage at 1 New Farmers Hill LS26

Members were informed there was an extant permission on the site for the demolition of the existing dwelling and the subdivision of the plot to form two houses. The applicant had begun to implement that permission but had now submitted a revised scheme

The footprint of the revised proposals was similar to the approved scheme but one metre had been added to the single storey element. The ridge heights had increased by 0.5m and 0.7m and roof lights had been included

The Panel's Lead Officer updated the report in respect of the number of trees previously and currently on the site; that the application for listing of the house had taken place in 2007, not 2009 as stated; that the representations from Oulton Society constituted an objection to the application and minor amendments to paragraphs 10.3 and 10.6

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

Members discussed the following matters:

- permitted development rights; whether these had been removed on the extant permission and whether condition 5 could be amended to remove permitted development rights, if approved
- the information provided by the applicant's architect in response to concerns raised about the possibility of a third level being added to the property
- concerns at the removal of the existing laurel hedge and that this should be replaced

Members discussed the removal of permitted development rights with concerns being raised that the removal of these would be unfair to the applicant

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and that the condition requiring the submission of a landscaping scheme for approval should include the replacement of the laurel hedge

232 Application 06/06118/FU - Two Linked towers (Part 12 storey raising to 19 and part 24 Storey raising to 26) block comprising 357 Crash Pads, 63 Studio Flats, 16 one bedroom Flats and 4 two bedroom flats, with Launderette, residents gym and 85 car parking spaces at Cromwell Mount, Burmantofts

Plans, photographs, drawings 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 permission for a major residential development on a brownfield site at Cromwell Mount LS9 comprising two linked towers, part 12 storey raising to 19 and part 24 storey raising to 26 containing 357 crash pads, 63 studio flats, 16 one bed and 4 two bed flats together with a residents' gym, laundrette and 85 parking spaces

Members were informed that the area was characterised by multi-storey buildings and that the site was in close proximity to St James' Hospital in the heart of Burmantofts

Images of the previous designs of the buildings were shown for comparative purposes with Officers stating that the revised scheme resulted in a more slender building and featured a glazed corridor to link the two blocks. To address issues of overlooking, fins would be incorporated to obscure the views on floors 3 – 7

A copy of a plan showing the sun path analysis was circulated at the meeting. The Panel was informed that concerns had been raised in respect of car parking in the area with Officers stating that there were existing problems due to the location of St James' Hospital and the proximity of the city centre, although there were residents' parking schemes in the area

In respect of S106 contributions, the equivalent of the market value of 66 units (ie 15%) was being provided as an off-site affordable housing contribution and a significant contribution - £687,513 – towards greenspace was being proposed together with highways contributions and travel plan monitoring fee

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

The Panel commented on the following matters:

- the need for further information on what constituted a crash pad
- the lack of public consultation on the proposals
- who the scheme would be marketed to and concerns that the impression was being given that the accommodation would be taken up largely by medical staff from the nearby hospital
- the level of car parking being provided and concerns this was insufficient
- the adopted Tall Buildings SPD; whether the requirements for the siting of tall buildings applied to out of city centre sites and the need for more information on how the scheme related to the SPD
- that the building was incongruous in size and shape and that the type of accommodation it would provide could add to problems in the area
- the need for evidence of the demand for this type of accommodation in this area
- that the scheme should be welcomed; that it could provide community benefits and was an adventurous and exciting building in an area which had suffered from deprivation for many years
- that the accommodation should be thought of as studios rather than crash pads and that the growth in the population in Leeds was increasingly young, single people who were being attracted into professions in the city and that this development catered for them
- that the revisions had merit compared to the bulk of the previous scheme but that a city centre location was more suitable to a such a building

Concerns were expressed that a position statement had not been presented to Members to enable early sight of the proposals

Members considered how to proceed

The Panel's Lead Officer stated that if minded to refuse the application then an appeal against non-determination could be lodged which the Planning Inspectorate might accept. In order to ensure that the Council was in a position to identify reasons for refusal which could be relied on at appeal without delay, the Lead Officer requested that Members should defer and delegate the refusal to the Chief Planning Officer

RESOLVED –

- i) That the refusal of the application be deferred and delegated to the Chief Planning Officer based upon the concerns raised by Members in relation to:
 - the scale and height of the development in relation to the size of the plot and that the resultant development would be inappropriate in its context causing harm to the character of the area
 - inadequate car parking provision causing harm to highways safety
 - lack of public consultation if a reason for refusal on this ground could be sustained on appeal following legal advice

233 Application 10/00412/OT - Outline application to erect new Divisional Police Headquarters comprising offices & storage areas, custody suite, multi level car park and secure yard area, former Greyhound Stadium, Elland Road, Holbeck

Further to minute 207 of the Plans Panel East meeting held on 11th March 2010 where Panel considered a position statement for a divisional police headquarters together with multi-level car parking, offices, storage areas and custody suite on the former greyhound stadium on Elland Road LS11, Panel considered the outline application

Plans, drawings, photographs and graphics were displayed at the meeting Officers presented the report and outlined the main issues raised by Panel at the meeting held on 11th March 2010 which were:

- car parking proposals
- the travel plan
- match day parking
- scale

The Panel was informed that the original proposal included 500 car parking spaces which was a significant overprovision on UDP standards and Highways Officers had raised concerns at this. The revised proposals vehicles. Within the multi-storey car park space had been set aside to be available at all times to relocate operational vehicles during massing of police vehicles for large events

A travel plan had now been submitted and agreed

Regarding match day car parking, that the proposals would result in the loss of approximately 350 spaces but that the applicant had agreed to fund Traffic Regulation Orders in the order of £250,000 which was equivalent to providing parking permits for 69 streets around the football stadium. Officers were of the view that this was considered to be reasonable and proportionate to the loss of match day parking; a plan of the area which would be considered for parking permits was displayed and Ward Members would be included in the negotiations to identify the streets in the area to be designated

In respect of the scale of the proposals there was a 10.6 metre difference in height between the residential property at 277 Elland Road and the four storey building. Graphics showing the lower scale of building at this point were displayed but Members were informed that the applicants were seeking to create a civic building on the site and were of the view that a lower scale detracted from the prominence the building was seeking to achieve

Officers provided the following updates:

- condition 21 within the report was no longer required
- in respect of condition 18, - design of the site access junction – a revised junction arrangement had been submitted which would be considered, with the original proposal being a suitable fall back position if needed
- page 47, the reference to 400 cars in the multi-storey car park should read 315
- that refuse vehicles would not use Heath Road

Members discussed the following matters:

- a possible reduction in scale of the building on Elland Road adjacent to the Heath Road junction and where larger building could be sited.

Officers stated that it might be possible to re-site the larger building in a less sensitive area but that detailed discussions on this had not taken place

- the possibility of stepping back the building adjacent to 277 Elland Road whilst retaining the presence of the building
- that the building should not be perceived as imposing
- concerns at the reduction of match day parking and that this was something which Ward Members had never agreed to
- acknowledgement of the implementation of TROs but concern at the relatively small area which had been identified for these; that parts of Cottingley and Holbeck suffered from match day parking as much as streets within the Cross Flatts area and that it was necessary to ensure that sufficient money was being provided for TROs in all of the affected areas
- the need for meaningful consultation with Ward Members on this issue

The Head of Highways Development Services stated that discussions with the developer had led to an area larger than the 350 spaces which would be displaced being agreed on for the implementation of TROs and this had been costed. Whilst Officers were happy to discuss where the money could best be spent, Members were informed that further money to cover a larger area could not be requested. However, another development in the area was to be put forward and it was likely that as part of any approval, contributions for a permit scheme would be requested on that scheme. Regarding the scale of the building it was agreed that this matter be left to Officers to negotiate through the discussion of the Reserved Matters application.

RESOLVED - To approve the application in principle and to defer a delegate approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate); the deletion of condition 21 and rewording of condition 18 and following completion of a Section 106 Agreement to cover the following matters:

- travel plan monitoring evaluation fee £4545
- public transport improvements contribution of £101,814
- Metro contributions of £20,000 for real time information at bus stop numbers 10104 and 12116
- £250,000 contribution towards traffic regulation orders to surrounding residential streets as considered necessary by the Council to mitigate the loss of match day parking at the site
- car parking levy charge if peak time vehicle trip rate targets within the travel plan are not met and/or provision of free bus metro cards to 9-5 staff

In the circumstances where the Section 106 Agreement has not been Completed within 3 months of the resolution to grant planning permission, the final determination of the application to be delegated to the Chief Planning Officer

234 Application 09/01584/OT - Outline application to erect Four 5 Bedroom Detached Houses on land near Crank Cottage, Station Road, Morley

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended. Officers presented the report which sought outline approval for the erection of four 5 bedroom detached houses on land near Crank Cottage, Station Road Morley LS27

Members were informed that the site is not currently within a Conservation Area but did sit within the revised draft Morley Conservation Area Appraisal. As the revised Conservation Area had not been adopted, only limited weight could be attached to that document

The Panel was informed that the design of the properties was a reserved matter but they would be three storeys in height. Landscaping was also a reserved matter but it was proposed to reduce the height of the Leylandii hedge at the rear of the site by 3 metres

Members discussed the following matters:

- highways and concerns that there should be yellow lines to provide better visibility for traffic exiting on to Station Road
 - that if road markings were to be included as part of an approval that further consultation should be carried out with Morley South Members as this was a complex area
 - the arrangements for refuse collection
 - that the hedge should be reduced by a lesser amount
- Officers provided the following responses
- that it would be possible to include road markings but that 19 Albert Road would then have a parking space whereas the other terraced properties would not which would impact on their amenity, also there was doubt that the inclusion of road markings would achieve the full visibility splay. As a private road the geometry was acceptable but that it would not be so if it was an adopted road
 - that refuse collection was from the end of the access drive and that currently residents did wheel their bins to this point for collection

RESOLVED - That the application be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions set out in the submitted report, an additional condition requiring any reduction in the height of the existing conifer hedge to be agreed with the Local Planning Authority, a Traffic Order to be drafted in consultation with Ward Members and further consideration of the siting of the bin store and to have regard to its visual impact including its supporting structure and following completion of a Section 106 Agreement to cover the following matter:

- the provision of a contribution (£200 per unit) for drainage improvements at Cotton Mill Beck
- the expiry of the further advertisement period and no adverse representations being received that raise new issues

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the application to be delegated to the Chief Planning Officer

235 Application 08/00298/OT - Outline application to layout access and erect residential development at the Optare site, Manston Lane, Crossgates LS15

Further to minute 110 of the Plans Panel East meeting held on 25th September 2008 where Members approved in principle an application for a residential development on the Optare site at Manston Lane LS15, Members considered a further report of the Chief Planning Officer requesting consideration of revisions to the Section 106 Agreement in respect of education contributions. Members were also informed of a request by the applicant for an increase to the standard time limit for the outline application from three years to five years for the submission of reserved matters. Officers stated that new tests relating to the legality of planning obligations had recently been introduced and that it was necessary to consider each of the proposed planning obligations on this application in the light of the new tests.

Additionally, the applicant had questioned the methodology used by Education Leeds to determine local capacity as this related to the level of contributions required and had subsequently challenged the methodology. Members were informed that in respect of primary school provision an allowance for the intake of children at a local faith school (a RC Primary School) had not been included in the calculation. Having made an allowance for Catholic children attending a Catholic primary school, the trigger threshold before education contributions would be required would increase from 200 to 223 which equated to a sizeable drop in the amount of primary school contributions.

In respect of secondary school provision Panel was informed that the original assessment had been based on the capacity of John Smeaton Community College which had been challenged by the applicant on the basis that there was spare capacity at Parklands Girls' High School. The applicant was therefore suggesting a reduction in the level of contributions for secondary school provision of 25%.

Members were informed that it would be necessary to be equitable to the adjacent Threadneedle development in this matter if they were minded to accept the revised education contribution and a request was made by Threadneedle for an equivalent adjustment and that any contribution had to be fairly and reasonably related in scale and kind to the development applied for.

Members commented on the following matters:

- that the financial contribution for secondary school provision should take into account the fact that parents who wish their children to attend RC secondary schools may well have a preferred school which is some distance from the development site. The Panel's legal representative advised that the legal tests relating to planning obligations require that contributions must be directly related to development. In the context of education contributions this means that there should be a geographical link between the development site and the educational provision that is being funded.

- the time taken from September 2008 for the application to come back to Panel
- concern that other faith schools were not being given consideration in assessing the level of education contributions
- the need for a representative from Education Leeds to provide further information
- agreement that the Threadneedle site should be considered in the same way
- the likely start date of the Manston Lane Link Road
- concern at the request for an extension to the time limit on the outline application

Members considered how to proceed

RESOLVED - That the application be deferred for one cycle to enable clarification to be sought on the issues which had been raised and that the Chief Planning Officer request that a representative from Education Leeds attends the meeting to respond to questions from the Panel

(Following consideration of this matter, Councillor Gruen left the meeting)

236 Application 10/00758/FU - Variation of Condition 12 of Application No. 07/04625/FU to allow 24 hour delivery, Moortown Service Station, 401 Harrogate Road, Moortown Leeds

Further to minute 47 of the Plans Panel East meeting held on 30th July 2009, where Panel granted permission for the redevelopment of an existing petrol filling station at 401 Harrogate Road LS17, the Panel considered a report seeking approval for the variation of condition 12 of application 07/04625/FU to allow 24 hour delivery of fuel

Officers presented the report and stated that Environmental Health Officers had raised no objections to the proposal and that this 24 hour use had occurred in the past with no complaints from neighbours

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

237 Application 08/03378/OT - Outline application for residential development comprising 86 flats and car parking at Knowsthorpe Crescent/Cross Green Lane LS9

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

Officers presented the report which sought permission for a residential development comprising 86 flats and car parking at Knowsthorpe Crescent/Cross Green Lane LS9. Members were informed that the boundary plan attached to the submitted report had been amended and that Members should have regard to the plan displayed at the meeting

A further correction to the report was made in relation to paragraph 10.1 with Officers stating that a previous permission (21/188/04/FU) was extant due to some preliminary works which had been carried out as part of that permission

The Panel was informed that the development had been revised from the original scheme which comprised 128 flats in five blocks
A total of 61 car parking spaces would be provided; 41 of these being within the development with 20 perpendicular car spaces off Knowsthorpe Crescent, for public use

The proposed materials would include brick, render with dark grey roofing membrane

The height of the proposals was considered to be acceptable and to relate well to the height of the nearby St Hilda's Church

Whilst the scheme would require affordable housing provision of 12 units, a financial viability statement had been submitted. This had been assessed independently with the view being reached that the scheme could not support any affordable units. In respect of a greenspace contribution, an amount had been submitted although this was below the required level

Members discussed the following matters:

- whether the properties would be rented or sold by the developer
- that no affordable housing was being provided and that developers should not submit applications which did not meet the required level of affordable housing provision
- that previous schemes had sought a reduction in the level of affordable housing but not a complete absence of provision
- the make up of the units
- concern at the location of the car parking spaces; that the boundary treatment obscured the parking spaces and that these should be sited within view of the flats for greater security
- the location of the bin stores

Officers provided the following responses:

- that the flats would be sold as low cost housing
- that the apartments would be a mix of two and one bed flats with some studio apartments
- that 61 car parking spaces were considered to be sufficient for the development
- that further discussions in respect of the proposed boundary treatment could take place
- that a communal bin store was sited in the courtyard and that a condition requiring written details of this had been included

Members considered how to proceed

RESOLVED - That the application be deferred to enable further negotiations with the applicant on the provision of affordable housing and re-consideration of the car parking on Knowsthorpe Crescent by opening up the boundary treatment at this point

238 Application 10/01347/FU - Amendment to previous approval 09/02973/FU (Demolition of existing public house and replace with single storey A1 retail unit) for repositioning of building and relocation of service area from front to rear, Old Golden Fleece, Elland Road, Churwell, Morley LS27

Further to minute 92 of the Plans Panel East meeting held on 22nd October 2010 where Panel approved in principle an application for the demolition of the Old Golden Fleece Public House at Elland Road Churwell and the erection of a single storey A1 retail unit, Members considered a further report seeking the repositioning of the building and relocation of the service area from the front to the rear of the site

Plans, photographs and drawings were displayed at the meeting

Officers advised that concerns at the proposals had been received from Environmental Health Officer regarding possible noise nuisance but that conditions 5, 10 and 19 in the submitted report required the provision of noise mitigation measures

Whilst Morley Town Council supported the scheme, concerns remained in respect of highways issues and delivery hours

Members were informed that the information provided on traffic management as set out in paragraph 7.3 of the Officer's report was incorrect and should be disregarded

RESOLVED - That the application be granted subject to the conditions set out in the submitted report including a revision to condition 10 to require the provision of noise attenuation surfacing to the service area

239 Application 10/00711/FU - Position Statement - Laying out of access road and erection of 4 buildings comprising of 1 single block of 12 Start Up Units with 2 Seminar Rooms and 6 Workshop Units in 3 blocks (all class B1(b) and B1(c)) with car parking at Holmecroft, York Road, LS15

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

Officers presented a report of the Chief Planning Officer setting out a position statement in respect of an application for laying out of access and the erection of start up units, workshop units, two seminar areas and car parking at Holmecroft, York Road LS15

Members were informed that the site was situated within the Green Belt and by definition would be inappropriate development requiring the applicant to demonstrate that very special circumstances applied to outweigh the harm to the Green Belt

The following information was provided:

- design details of the units
- that the proposals would lead to a clearance of the existing buildings on the site and a net reduction of 34% in the overall floor areas of the buildings
- that the proposals provided the opportunity for further planting to enhance the area
- that approximately 80 permanent jobs would be created by the proposals
- that the scheme would provide 10% renewable energy

Members were informed of comments from the Parish Council and local Ward Members

The Panel was informed that Environmental Health Officers were satisfied with the proposals subject to conditions and Officers confirmed that the proposals did not include office use

Members responded to the specific points raised in the report as follows:

- that the principle of development was acceptable as very special circumstances existed to justify developing in the Green Belt
- that the proposals were a sustainable form of development
- that the proposal was justified in the context of the advice set out in PPS4
- that the design of the buildings required improvement
- that parking provision was acceptable
- that the scheme had adequate regard to the amenities of local residents
- that the proposed landscaping was satisfactory
- that the proposed Section 106 Agreement covered all necessary matters

RESOLVED - To note the report and the comments now made

(Councillor Wilkinson left the meeting at this point)

240 Consultation by Wakefield Council on Planning Application 10/00225/OUT - Outline Application for Mixed Use Development including 12000 seat community stadium, Newmarket Lane, Wakefield

Members considered a report of the Chief Planning Officer seeking comments from the Panel on proposals submitted to Wakefield Council on a mixed-use development at Newmarket Lane Wakefield which abutted the Leeds boundary

Officers presented the report and outlined the main issues which they considered to be highways and the significant intrusion into the Green Belt Whilst the scheme contained a 12000 seat community stadium for Wakefield Trinity Wildcats Rugby League club, this constituted 5% of the site

Members provided the following comments:

- that the proposals were intrusive and unwelcome
- that this represented inappropriate development in the Green Belt
- that recently the site had been a breeding ground for the little ringed plover
- that local Ward Members had been invited to a meeting about the proposals although the presence of a distribution centre on the site had not been raised
- that alternative proposals in respect of a shared stadium with Castleford Tigers Rugby League club might be more appropriate
- that the new Secretary of State should be made aware of the proposals

RESOLVED - To note the comments made by Members and that Leeds City Council wished to make the following comments in respect of the proposal:

Whilst Leeds City Council does not wish to frustrate regeneration and provision of important community facilities in Wakefield District and there are no concerns in principle over the stadium itself, there are objections over the scale and impact of the wider development on the Green Belt and transport network in Leeds District

(During consideration of this matter, Councillor Marjoram left the meeting)

241 Date and time of next meeting

Thursday 10th June 2010 at 1.30pm in the Civic Hall, Leeds



Originator: J. Bacon

Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 10th June 2010

Subject: APPLICATION 08/03378/OT– Outline application for residential development comprising 86 flats and car parking at Knowsthorpe Crescent/ Cross Green Lane, LS9.

APPLICANT
NCO (One) Ltd

DATE VALID
6th June 2008

TARGET DATE
5th September 2008

Electoral Wards Affected:
Burmantofts & Richmond Hill

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER AND DELEGATE to the Chief Planning Officer for approval, subject to the specified conditions and following completing of a Section 106 Agreement to cover the following matters:

- Greenspace commuted sum- £147,361
- Public Transport infrastructure enhancement contribution- £28,306
- Traffic Regulation Order (Knowsthorpe Crescent/Cross Green Lane)
- Travel Plan (incl. monitoring fee- £2,500)

In the circumstances where the Sec.106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time limit on outline permission
2. Submission of reserved matters
3. Reference to plans being approved
4. Details of external walling/roofing materials to be submitted
5. Details of boundary treatments to be submitted
6. Areas used by vehicles to be drained and surfaced
7. Full details of the storage and disposal of litter/ waste materials to be submitted

8. Full details of the facilities for the parking of cycles to be submitted for LPA approval
9. *Notwithstanding the submitted details contained within Drwg No.2003-192/069 RevS, no development shall take place until full details of the works required to install perpendicular parking spaces to the north-west side of Knowsthorpe Crescent (adjacent to the application site) and a pedestrian refuge (to east of site) on Knowsthorpe Crescent/ Cross Green Lane junction 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.*
10. Details of the proposed methods of closing off and making good the existing access to be submitted for LPA approval.
11. Parking spaces not to be allocated
12. Protection of existing trees and other vegetation.
13. Preservation of existing trees and other vegetation.
14. Submission of landscape scheme.
15. Implementation of landscape scheme Separate systems of drainage to be used
16. Details of surface water discharges to be submitted
17. Details of on-site storage for additional run-off
18. Surface water to be passed through an interceptor
19. Contaminated land information
20. Amended remediation statement
21. Verification statement
22. Notification of LCC where unexpected contamination encountered
23. Any imported soil to be tested for contamination

Reasons for approval: The application is considered to comply with policies GP5, N4, N12, N13, N25, T2, T24, BD5 of the UDP Review, as well as guidance contained within Public Transport Improvements and Developer Contributions 2008 and having regard to all other material considerations, 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 was presented to Plans Panel (East) on 13th May 2010. The application was deferred by Panel Members requesting officers:
 - to seek provision of some affordable units within the development proposal.
 - to look at the security of on-street parking bays on Knowsthorpe Crescent.

2.0 Affordable Housing provision:

- 2.1 It is considered informative to Members that a more detailed background to the discussions held between officers and the applicants concerning affordable housing provision and other financial contributions is outlined. This fuller explanation should assist Panel Members' understanding of the negotiations, awareness of the economic circumstances of the proposal and the implications of changes to the levels of contributions offered as part of the development proposal.
- 2.2 The application site has an extant permission by virtue of work commenced in relation to permission 21/188/04/FU (57 flats). This development provided no

affordable housing as at the time that that application was assessed the relevant supplementary planning guidance advised that affordable housing was not required. However, since that application was determined the affordable housing policy position had been refined. As a result, the application subject to consideration at this Panel was required to provide affordable housing at a rate of 15%, equating to a total of 12 affordable units.

- 2.3 Despite the non-requirement to provide affordable housing in 2004, the applicant initially offered to provide 4 affordable units, based on the zonal requirement of 15%, for this present scheme. The numbers proposed were to reflect the uplift in flat numbers from the extant permission (of 57 flats) to this proposed scheme (86 flats).
- 2.4 Alongside the affordable housing requirements the proposal was also required to provide greenspace enhancements. The extant permission at the site secured a contribution of £34,037 towards greenspace enhancements. This present scheme, however, required a greenspace contribution of £173,074. The applicants offered £50,000, based on a pro-rata figure of the 2004 permission, which again reflected the uplift in flat numbers of 29 units. This offer was substantially short of the City Council's requested sum and on this matter did not warrant officer support.
- 2.5 In summary, the applicants offered 4 affordable housing units, a greenspace contribution of £50,000 and a public transport enhancement contribution of £28,000. The applicants maintained that the extant permission (21/188/04/FU) could be implemented, that it was of material significance to the assessment of the current scheme and that the affordable housing and greenspace requirements requested could not be met on grounds of economic viability.
- 2.6 There exists within affordable housing policy a mechanism to waiver provision on the balance of viability although this mechanism does not apply for the provision of greenspace contributions. Therefore, in light of the apparent financial limitations of the proposed scheme, discussions took place between officers and the applicant to seek to re-direct the financial value of the originally offered 4 affordable housing units to the greenspace contribution figure in order to bring this figure closer to that requested. These scenarios were requested to be outlined within a viability appraisal, to test the robustness of the applicant's financial information and to demonstrate that the development value of the scheme would be insufficient to cover the full affordable housing provision.
- 2.7 The submitted financial appraisal detailed alternative scenarios which included variations to the full and partial contribution to affordable housing provision as well as factoring in the public transport enhancements and the greenspace contributions requested. These scenarios are briefly summarised below:
- The financial calculations for the first appraisal were based on securing the 12 affordable units requested, a greenspace contribution of £173,074 and a public transport enhancement contribution of £28,000. The bottom line profit on cost figure works out at 5.96%.
 - The financial calculations for the second appraisal scenario were based on no affordable housing provision, a greenspace contribution of £147,361 and a public transport enhancement contribution of £28,000. The bottom line profit on cost figure works out at 10.76%.
- 2.8 The submitted financial viability appraisal was considered to be an accurate reflection of the economic circumstances and that the waiving of affordable housing

provision within the development proposal was considered justified. Furthermore, it was considered that in view of the tight economic margins of the development proposal the financial contributions secured (e.g. greenspace/ public transport) would be the best that could be expected.

- 2.9 For background, a study carried out during the preparation of EASEL (dated 2006) indicates that the application site lies within one of the most affordable postcode sectors (based on estimated entry level property value) within the EASEL area. The results of the study showed that the entry level property value in this postcode was £69,287, compared to £130,217 across Leeds as a whole. Unfortunately, it is not possible however to produce data based on affordable housing need within this specific geographic area as the information is collated district-wide and divided into 5 housing market zones.
- 2.10 In regard to the delivery of greenspace enhancements, a process of identifying areas of deficiency within the community area is undertaken and the financial contributions secured would be directed towards appropriate sites, subject to community consultation, which may for example be invested in existing greenspaces at East End Park or nearby allotments (off Pontefract Lane) or other new greenspace projects.
- 2.11 At Plans Panel (East) in May, Members requested that some affordable housing units be provided within the development. As outlined above, the economic margins of the development are tight and the securing of affordable housing units, as a cost to the applicant, will have an implication on their ability to meet the other financial contributions offered, namely the contribution for greenspace enhancements.
- 2.12 In light of Members request for some affordable housing, the applicants are prepared to return to their original offer of providing 4 affordable housing units within the development proposal. They advise however that this will have a consequence on their ability to contribute to greenspace enhancements and accordingly their greenspace contribution is to reduce from £147,361 to £50,000.

3.0 Security of on-street parking:

- 3.1 At May Plans Panel, Members expressed concerns about the vulnerability of the on-street car parking bays located on the north side of Knowsthorpe Crescent with consideration placed on whether the southern boundary treatment could be opened up to ensure the parking spaces are more integral to the development site.
- 3.2 Having discussed this concern with the West Yorkshire Police Architectural Liaison Officer it is accepted that the on-street parking bays proposed are more vulnerable. However, the removal of the boundary treatments to the site's frontage with Knowsthorpe Crescent would open up the development site, allowing individuals to walk across the site freely with access to the amenity space and flat block entrances. On balance, it is considered that the security of flat development site and their occupants is of greater importance. The on-street parking spaces can be accessed from the site through two pedestrian gates and the design of the southern boundary can be determined in order to taken account of providing natural surveillance from the site and the windows of the proposed flats which face out over these spaces. As such, the retention of the boundary treatment is considered necessary. The details of the boundary treatment and the types of landscaping planted in proximity to this boundary are to be secured by appropriate planning

condition as well as detailed within any subsequent reserved matters application (landscaping).

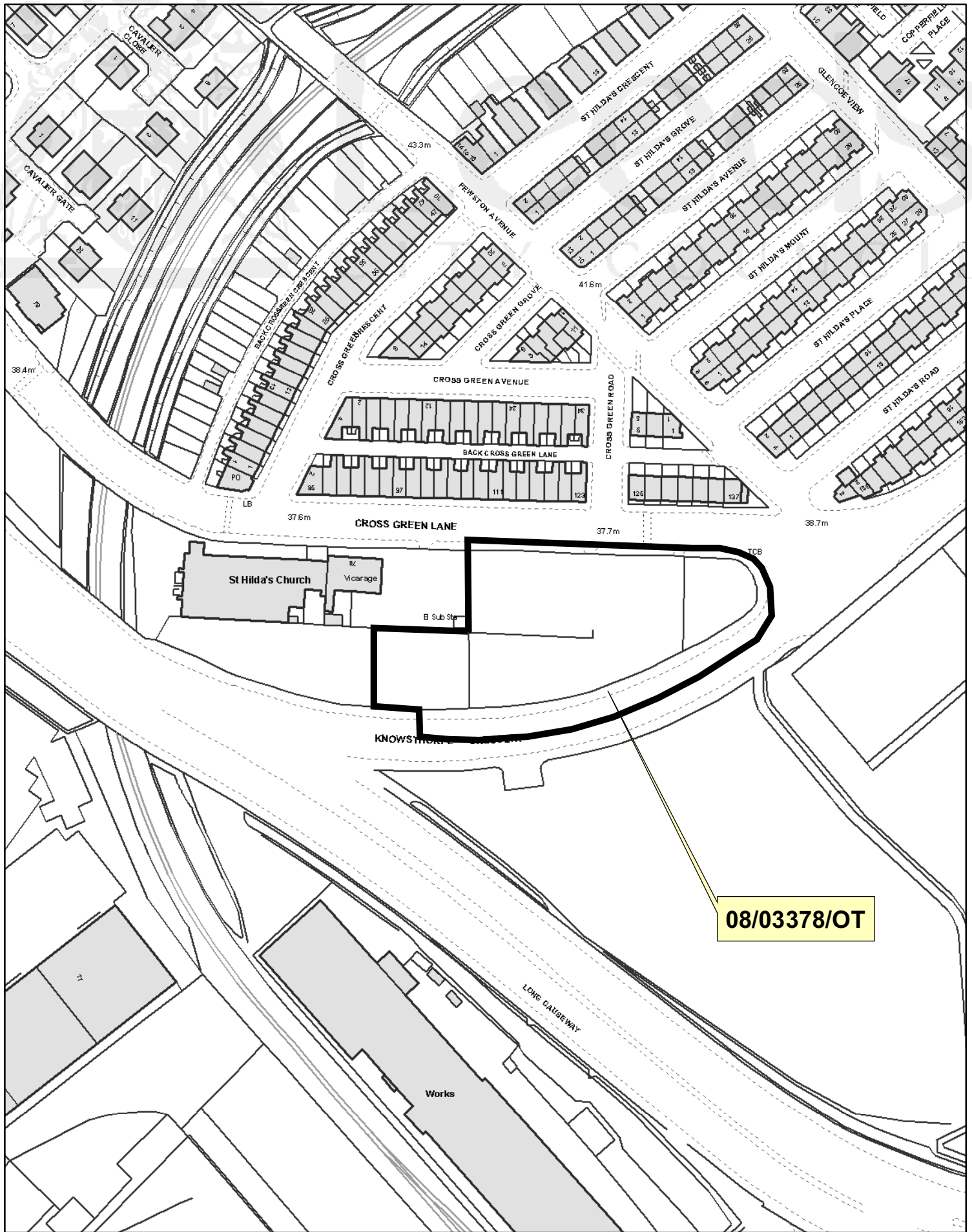
4.0 Conclusion:

- 4.1 The above appraisal outlines the negotiations taken place during the application between officers and the applicant in relation to affordable housing and greenspace provision. Since May Plans Panel, the applicant has offered to some affordable housing units however due to economic circumstances this has impacted on their ability to afford the previously requested greenspace enhancements. Members are invited to consider the applicant's offer.
- 4.2 In respect of opening up the boundary treatment to Knowsthorpe Crescent, it is considered that the retention of boundary treatment, to which details are subject to later local planning authority approval, is necessary to maintain site security.

Background Papers:

Application 08/03378/OT

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| CV | 13/06/11 | ST | SLS |
| CV | 16/06/11 | ST | SLS |
| CV | 19/06/11 | ST | SLS |
| CV | 22/06/11 | ST | SLS |
| CV | 25/06/11 | ST | SLS |
| CV | 28/06/11 | ST | SLS |
| CV | 01/07/11 | ST | SLS |
| CV | 04/07/11 | ST | SLS |
| CV | 07/07/11 | ST | SLS |
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| CV | 31/07/11 | ST | SLS |
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| CV | 12/08/11 | ST | SLS |
| CV | 15/08/11 | ST | SLS |
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| CV | 21/08/11 | ST | SLS |
| CV | 24/08/11 | ST | SLS |
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08/03378/OT

EAST PLANS PANEL

Scale 1/1500

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Originator: Nicola Moss

Tel: 01132 478028

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 10/06/2010

Subject: APPLICATION 10/00944/FU – Variation of condition 4 of permission H34/582/89/ (opening hours 16:00 to 00:30 Sunday to Thursday and 16:00 to 01:00 hours Friday and Saturday, 250 Easterly Road, Leeds, LS8 3ES

| | | |
|-------------------|-------------------|--------------------|
| APPLICANT | DATE VALID | TARGET DATE |
| Mr Mohammed Aslam | 01/03/2010 | 26/04/2010 |

Electoral Wards Affected:

Gipton & Harehills

Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE PERMISSION for the following reasons:

The Local Planning Authority considers the proposed opening hours of the hot food takeaway shop to be unacceptable, as they would cause significant detriment to the residential amenity and quality of life of the occupants of adjoining and nearby residential properties, as a result of noise disturbance emanating from within the premises and externally, generated by the comings and goings of customers and congregation of customers outside of the premises. Therefore, the proposed development is contrary to policies GP5 and SF15 of the Leeds Unitary Development Plan (Review).

1.0 INTRODUCTION:

1.1 This application was deferred at the previous Plans Panel in May, at the request of Councillor Iqbal, on behalf of the applicant, as the applicant wanted time to provide some additional information in relation to the application. It was not confirmed what the additional information related to and the information has not been forthcoming.

1.2 The application was brought to Plans Panel in May at the request of Councillor Hussain, who as a Ward Councillor is in support of the application, as he claims there are already similar premises in the vicinity operating the requested hours. In addition, the business faces a busy dual carriageway and he does not feel that the additional hours will cause any further disruption to local residents.

2.0 PROPOSAL:

2.1 The proposal seeks permission for the extension of opening hours of a hot food takeaway from the approved hours of 0800 to 2300 hours Sunday to Thursday and 0800 to 2330 hours on Friday and Saturday, to the extended hours of 1600 to 0030 hours Sunday to Thursday and 1600 to 0100 hours on Friday and Saturday.

3.0 SITE AND SURROUNDINGS:

3.1 The application site consists of a mid-terrace, two storey property situated within a parade of shops fronting onto Easterly Road, in a mixed commercial and residential area on the edge of a residential area. There is no residential accommodation above the hot food takeaway shop itself, however, there is a separate residential flat above the adjoining Bookmakers and residential houses nearby to the rear of the site on Lawrence Gardens.

3.2 The property is characterised by a gable front, with shop frontage at ground floor level. A paved forecourt extends to the front of the shopping parade and an access road and garages extends to the rear of the parade.

4.0 RELEVANT PLANNING HISTORY:

4.1 06/02128/FU – Variation of condition 4 of permission H34/582/89 (opening hours), refused 05/06/06.
H34/557/89 – Change of use of shop to takeaway hot food shop, approved 01/02/90.
H34/582/89 – as above, approved 01/02/90.

5.0 PUBLIC/LOCAL RESPONSE:

5.1 The application was advertised by site notices posted on 08/03/10. The publicity period expired on 29/03/10.

5.2 One letter of representation has been received in relation to this application. However, it would appear that the author of this letter mistakenly believes that the application is in relation to a business called “Café Jazz”, which was recently granted planning permission. This is not the application premises. The application premises relate to a business called “The Flying Tandoori”.

5.3 The objection is based on concerns that extended hours of opening for premises which also serve alcohol, would attract drunken behaviour and cause additional littering. This objection is not considered to be relevant to the application premises in that the “Flying Tandoori” does not have a licence to sell alcohol.

5.4 With regard to the issue of littering, this is not considered to be relevant to an application to extend the opening hours of an existing hot food takeaway shop.

5.5 Any material planning considerations are addressed within the Appraisal section of the report.

6.0 HISTORY OF NEGOTIATIONS:

- 6.1 A meeting was held with the applicant, Councillor Arif Hussain, Councillor Iqbal and Mr Mudie MP, to discuss possible ways forward, including the option of opening an extra 30 minutes Monday to Thursday, up until 2330 hours, and keeping the existing hours on a Sunday until 2300 hours, which would be compliant with policy SF15. The premises already have opening hours until 2330 hours on Friday and Saturday. However, whilst the applicant was willing to accept the extra 30 minutes Monday to Thursday, he still requested extended hours until 0030 on Friday and Saturday, which are still considered to be unacceptable, due to the impact on neighbouring residential amenity and being contrary to policy SF15.

7.0 CONSULTATION RESPONSES:

Non-statutory

- 7.1 Environmental Protection comments received 19/04/10 – objection, due to the potential to cause noise disturbance to the occupiers of the residential flats above the adjoining commercial units, from activities from within the application premises, from customers coming and going from the premises, noise associated with arrival and departure of cars, the slamming of car doors, revving of engines, sounding horns, loud use of car stereos etc. Environmental Health has no enforcement powers to deal with any noise complaints associated with customers causing noise disturbance in the vicinity of the premises.
- 7.2 The Department also has concerns regarding noise disturbance from the kitchen's extract ventilation system, as the tonal noise from this equipment will be more dominant/noticeable when the background noise levels are relatively low as the night progresses. The possible noise problems from the aforementioned sources of noise will be exacerbated especially during the summer months when residents are likely to have their windows open for ventilation purposes.

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development. No RSS policies have a specific relevance to the application site.

Leeds Unitary Development Plan (Review):

- 8.2 GP5 – seeks to resolve detailed planning consideration including design, access and amenity.
SF15 – Hot food takeaway shops - in cases where there are residential amenity concerns, hours of opening will normally be limited by condition to the following: Monday to Saturday – 0800 to 2330 hours and Sunday until 2300 hours.
T2 – Highway safety.

National planning policy guidance documents:

- 8.3 Planning Policy Statement 1: Sustainable Development

9.0 MAIN ISSUES

- Principle of development
- Impact on residential amenity
- Highways
- Conclusion

10.0 APPRAISAL

Principle of Development

- 10.1 The extension of the opening hours of a hot food takeaway shop (HFTA), is acceptable in principle, subject to satisfying the opening hour requirements of policy SF15 of the UDP (Review), which specifically relates to HFTA uses and seeks to protect neighbouring residential amenity from potential harm caused by the activities and processes associated with a hot food takeaway use e.g. odours and noise disturbance. The policy recognises that where there is an issue in terms of the proximity of a HFTA use to residential properties, that the hours of opening should be restricted to 2330 hours Monday to Saturday and 2300 hours on Sundays, in order to contain the impact on residential amenity to reasonable hours and offer some respite from the associated noise to nearby residents.
- 10.2 It is considered that the hours of openings as proposed, are contrary to policy SF15, and would cause significant detriment to the residential amenity of the occupants of adjoining and adjacent residential dwellings. The proposed hours are also inconsistent with the hours of opening of other A5 uses within the same and nearby local shopping parades (as authorised through planning permissions).

Impact on residential amenity

- 10.3 It is considered that the hours of opening as proposed, until 0030 Sunday to Thursday and 0100 hours on Friday and Saturday, would cause significant detriment to neighbouring residential amenity, in particular, the residential amenity of the occupant(s) of the flat above the adjoining Bookmakers at nos.246-248 (which closes at 2200 hours) and any residential accommodation above the other shops, and the properties immediately to the rear of the shopping parade on Lawrence Gardens e.g. through bin emptying etc. relating to the operating of the HFTA.
- 10.4 Whilst it is appreciated that the application premises are situated within a shopping parade which fronts onto a main road, nevertheless, background noise levels are significantly reduced at the time which the HFTA proposes to extend the opening hours to, as traffic levels are much lower along Easterly Road at that time and the majority of the uses within the shopping parades are closed. As such, the area becomes much more noise sensitive at this time, and noises generated by car engines and stereos, the slamming of car doors and voices of customers outside of the premises etc., are much more audible and therefore much more likely to cause disturbance. Particularly, as by this time of the night, many of the occupants of neighbouring residential properties, which include family housing, will be asleep in their beds, especially during the working week. This view is consistent, in terms of likely impact on residential amenity, with the recent Panel decision in respect of an application for a new HFTA situated in Harehills Lane Local Centre at 327 Harehills Lane (planning reference 09/03534/FU). In this case, there was an adjoining residential house to the rear of the premises and even though the hours proposed were 1000 hours to 2300 hours Monday to Saturday and 1000 hours to 2230 hours

on Sundays and Bank Holidays, which are within the hours specified in policy SF15 (planning reference 09/03534/FU), Members still considered that the application was unacceptable due to the detrimental impact it would have on neighbouring residential amenity, due to the proximity of the premises to adjoining and adjacent residential dwellings.

- 10.5 It is important to note, that if the application premises are allowed to open until the hours specified, this would set a precedent for the other similar uses in this parade and other local parades, to apply to do the same and it would then be difficult for the Local Planning Authority to resist further such applications.
- 10.6 In discussions with the applicant and Councillor Hussain, the issue was raised of there being other similar uses situated in other shopping parades in the area, operating until 0100 hours, including further along Easterly Road, on Amberton Approach and Dib Lane. The planning history has been checked and the authorised hours of opening of the hot food takeaways within these parades do not extend beyond 2330 hours as recommended by policy SF15. If any of these uses are operating beyond 2330 hours, the hours are unauthorised. It should also be noted that an application (08/06576/FU) to extend the opening hours of a hot food takeaway at no.128 Dib Lane (Gee Pizza), situated within the main shopping parade, to 00.00 hours Sunday to Thursday and 00.30 hours Friday to Saturday, was refused in 2009, due to the impact on residential amenity.
- 10.7 The applicant also referred to the opening hours of McDonalds, which occupies a site at the corner of Easterly Road and Oakwood Lane. McDonalds took over the existing Whitbread Brewery pub/restaurant site back in the 1990's, which did not require planning permission as it was in the same Use Class. Planning history indicates that because this site has historically been occupied by a pub/restaurant since before the records begin for this site in the 1970's, it has never been subject to a planning permission wherein the hours of opening have been considered or restricted by the Local Planning Authority. As such, this is considered to be a historical exception, and does not justify making decisions contrary to current policy.
- 10.8 In addition, it is considered that the context of the McDonald's site differs from the application premises, in that it is a spacious stand-alone site, which has a much greater distance from residential dwellings. Whereas, the application site is adjoining a property containing residential accommodation and is in much closer proximity to residential housing, which is situated to the rear of the site on Lawrence Gardens.
- 10.9 It should be noted, that the applicant previously applied for the same extension of opening hours in 2006 (planning reference 06/02128/FU), this previous application was refused by the Local Planning Authority, on the grounds that the hours as proposed would be detrimental to residential amenity. It is still considered that the extension of hours as proposed is unacceptable for the same reasons.

Highways

- 10.10 The proposal raises no specific road safety concerns due to the lower traffic levels during the early hours of the morning and the off-street parking provision to the front of the parade.

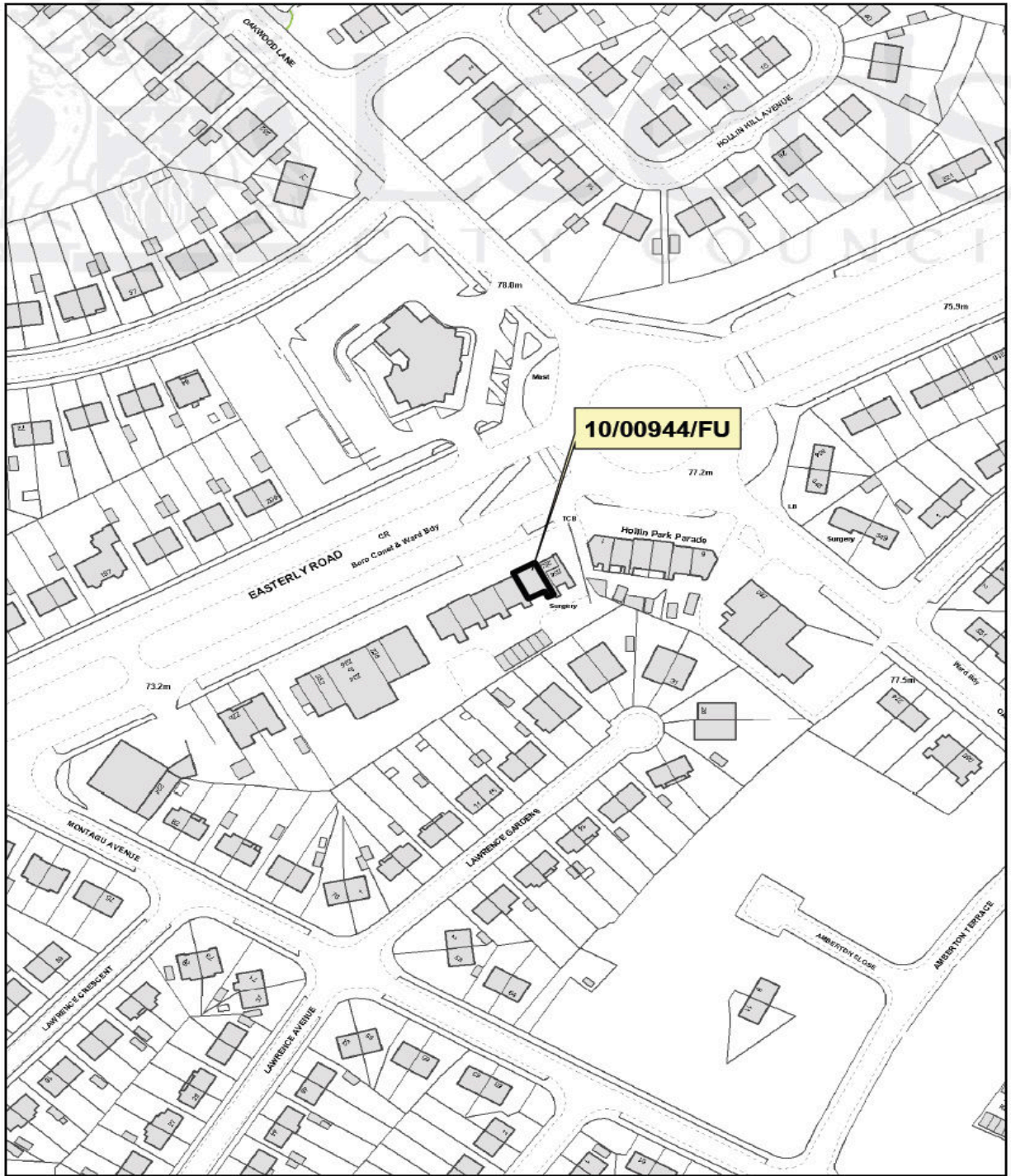
11.0 CONCLUSION

- 11.1 For the above reasons, it is considered that the proposed development is unacceptable and contrary to policy, with particular regard to residential amenity, and as such is recommended for refusal.

Background Papers:

Application file: 10/00944/FU

Certificate of Ownership: the applicant and Mrs. Parveen Akhtar.



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: 10th June 2010

Subject: APPLICATION 10/00060/FU – Amendment to permission 23/436/03/FU (Change of use involving first floor extension and new second floor of workshop to 10 flats) for alterations to unauthorised works to approved scheme at Tennyson Street, Morley

| APPLICANT | DATE VALID | TARGET DATE |
|------------------|-------------------|--------------------|
| MSS Developments | 16.02.10 | 18.05.10 |

Electoral Wards Affected:

Morley South

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 conditions:

1. Works to commence on the implementation of the approved scheme within 3 months of the date of this permission unless otherwise agreed in writing.
2. Within 1 month of the date of this permission the applicant shall submit a schedule of works for the completion of the development within a period to be agreed in writing which shall be no longer than 12 months from the date of permission, unless otherwise agreed in writing.
3. Development to be in accordance with approved plans
4. Use of materials as agreed as part of the planning application, unless otherwise agreed in writing with the LPA.
5. Details of heads of basement windows to Tennyson Street to be agreed
6. Landscaping scheme to be submitted
7. Implementation of landscaping
8. Replacement planting within 5 years
9. Provision of cycle parking prior to occupation
10. Details of all pedestrian accesses to be agreed.
11. Parking spaces to remain unallocated

12. Details of air vents and all rainwater goods to be submitted and approved in writing prior to installation.

Reasons for approval: The application seeks to rectify unauthorised and unacceptable works which have been carried out at the site and is considered that the revised scheme by reason of its appearance and scale sits well in the streetscene and no undue harm results to highway safety or residential amenity. As such it is an acceptable scheme which overcomes the shortcomings of the works which have been carried out and the proposal complies with policies GP5, H4, N4, N13, T2, T24, BD5 and BD6 of the UDP Review and, having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel at the request of Councillor Leadley due to concerns regarding the relationship with existing properties and the car parking arrangements and Councillor Leadley has requested that Members visit the site to consider these issues.
- 1.2 Planning permission has been granted for a residential development at the site. A development has taken place but this does not comply with the planning permission granted and is not considered to be acceptable. This application proposes changes to the design and form of the works as carried out in order to improve the development.

2.0 PROPOSAL:

- 2.1 This is a full application to regularise and amend works which have been carried out at the site to convert an existing former industrial building into 10 flats. Permission was granted in 2003 however there are significant differences between the approved scheme and the development carried out. The works carried out are not considered to be acceptable in their current form and therefore this application proposes amendments to the development in order to bring it to a form of development closer to the approved scheme and which could be considered acceptable in its own right.
- 2.2 In 2003 permission was granted through application 23/436/03/FU for the change of use of the building involving first floor extension and new second floor of workshop to 10 flats. The second floor extension was to have a pitched roof which was raised approximately 1 metre higher than the adjoining terraced properties, but which at the lower eaves height came down to meet the adjoining ridge of the terrace (15 Tennyson Street). The approved development included a first floor to be clad in grey composite panels and for the second floor extension to be timber clad to the front elevation. The approved scheme included first and second floor balconies. 7 parking spaces were shown to serve the development, accessed from South Parade via a parking court within the applicant's ownership serving an adjacent residential development – City Mills (23/475/01/FU).
- 2.3 Works have taken place to convert the former industrial building into 10 flats referred to as 'Fab Pad apartments' by the applicant but these works are not in accordance with the plans approved for application 23/436/03/FU. At ground floor 6 one bed apartments are laid out which also now include stairs down to a basement level which is referred to as a 'Den'/ living room space. This is an addition to the 2003 scheme. At first floor there are 3 units; 2 x 1 bed plus study, and also one 2 bed flat.

Two of the first floor units have access onto a balcony overlooking Tennyson Street. Within the second floor extension a 2 bed unit has been created which also has a balcony/ terrace.

- 2.4 The applicant has submitted a schedule of the 'defects' which have occurred in the development as constructed compared to the approved development granted planning permission 23/436/03/FU and these are as follows;
- Ridge height and pitch to additional second storey roof
 - Eaves depth and profile
 - Window arrangements
 - Quality of cladding
 - Coping details
 - Additional lower level fenestration to existing façade to Tennyson Street
 - Ground levels and landscaping in parking court
 - Loss of 1 parking space
- 2.5 The amendments the applicant is seeking to the work which has been carried out are as follows;
- i) Roof of second floor addition is to be re constructed and the pitch is to be lowered to almost meet the ridge height of the adjacent terrace no. 15 Tennyson Street.
 - ii) The metal cladding to the second floor is proposed to be replaced with cedar cladding.
 - iii) First and second floor eaves are reduced in thickness and aluminium fascias and soffits proposed.
 - iv) Existing cladding to all 4 elevations is to be replaced with Kingspan Optimo cladding in accordance with sample provided
 - v) The first floor window arrangement will be amended closer to the approved design.
 - vi) The industrial type ribbed cladding to the first floor South West elevation will be replaced with through coloured render. Cedar boarding will also be installed on the ground floor South West elevation to cover breeze block infill to existing openings adjacent to the fire escape access.
 - vii) The infilled window to the first floor south east elevation will be rendered.
 - viii) New heads are proposed to the lower level windows inserted facing Tennyson Street.
 - ix) Landscaping plan provided detailing proposed works within the parking court.
- 2.6 The revised scheme results in a reduction of 1 parking space to serve the development and 6 parking spaces are proposed within a parking court to the south of the flats, accessed from South Parade which also provides access to the 12 new build flats at City Court which have undercroft parking provision and a further 4 parking spaces within the parking court.
- 2.7 Bin storage was a condition of the previous approved scheme and as part of this application the applicant proposes to create an enclosed bin storage area off Peel Street and residents will be able to use the rear access to take rubbish to the bins. A cycle store is also provided adjacent to the rear access.
- 2.8 The applicant has provided samples of the proposed render, cladding panels, cedar paneling and the balcony fittings and these will be available for Members to consider on site.

- 2.9 A s106 legal agreement has been completed by the applicant and accompanies this application, to pay the outstanding greenspace commuted sum for the development - 50% of which will be payable on the grant of planning permission and the legal agreement requires that the other 50% shall be paid prior to the first occupation of the development.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a former brick built industrial building within a mixed residential/commercial area of Morley. The site faces onto Tennyson Street and has a footpath accessing the rear of the building off Peel Street. Access into the parking area to the south of the site is off South Parade.
- 3.2 The brick building was originally part single storey and part 2 storey. The applicant has inserted windows into a basement level and has also added a first floor above the original single storey element and added a second floor to the building.
- 3.3 The site is part of a number of buildings in the same ownership which are bounded by Peel Street, South Parade and Tennyson Street. To the rear of the site is 'City Mills', a commercial office/light industrial building and yard. To the south of the site is City Court a new build 3 storey residential development of 12 flats with undercroft parking which shares access through the car park of the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/05546/FU - 13 Tennyson Street - Amendment to permission 23/436/03/FU (Change of use involving first floor extension and new second floor of workshop to 10 flats) 2nd floor extension to create two further flats (12 flats in total). Refused 04.01.2008 on grounds of lack of suitable parking and impact to residential amenity.
- 4.2 23/436/03/FU - 13 Tennyson Street - Change of use involving first floor extension and new second floor of workshop to 10 flats. Approved - 22.10.2003
- 4.3 23/475/01/FU - South Parade (adjacent site) - Detached 3 and 4 storey block of 12 two bedroom flats and extension to mill to form industrial. Approved – 06.09.2002

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In August last year it became apparent that development at the site had begun in advance of pre commencement conditions (approved under 23/436/03/FU) which needed to be discharged. However it then became apparent that, the development which had been carried out at the site was not in accordance with the approved plans. The applicant was advised that the planning permission had not been implemented and therefore the development at the site was unauthorised.
- 5.2 A site meeting took place on 17 August 2009 and the applicant was advised to stop all works on site in order to negotiate an agreed way forward before any works recommence. Officers advised that they would be unable to support the retention of the works which have been carried out, should an application be submitted.
- 5.3 Negotiations have since been taking place to discuss possible alterations to improve the appearance of the first and second floor additions to the building in relation to the thickness of the eaves profile, the roof form of the second floor, the

reinstatement and addition of cedar panels and re-cladding of the upper floors with improved materials.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 A neighbour notification letter was sent to No. 12 Tennyson Street on 17 February 2010. The application was also advertised by way of site notices posted around the site on 19 February 2010 as well as an advert in the Morley Advertiser on 25 February 2010.

Morley Town Council

6.2 Morley Town Council wrote on 10th March and have made the following comments:

- In relation to 2003 application (23/436/03/FU), the Town Council were concerned about the balconies overlooking Tennyson Street and about car parking which proposed 20 spaces shared between a block of 12 new flats and the 10 flats proposed on this site and were concerned that this was not enough in an area characterised by terraced houses without off street parking.
- In 2007 the Town Council point out that a revised application was made and objected to that proposal which would have extended the top storey across the whole of the building to make 12 flats on the grounds that overlooking from balconies suffered by terrace houses across on Tennyson Street would have been greater than in the 2003 application because of the full second storey proposed. The application also did not refer to any parking provision and no on site greenspace would have been provided.
- Works at the site have not been done according to the 2003 permission and work has stopped. The Town Council recognise that the purpose of the latest application is to regularise and modify the scheme as build to produce a match between it and an amended version of the 2003 permission. Twenty parking spaces shared with the twelve new built flats are offered again, though their arrangement is unsatisfactory as none are within the red line, some would be over a footway and block a pedestrian gate, and would make movement in and out of the undercroft spaces beneath the new flats difficult if not impossible.
- The Town Council state that there have been many deviations from the 2003 permission; some can be rectified, such as amending the pitches and eaves of roofs and using cedar boarding instead of profiled metal industrial cladding, though the submitted drawings are confused and likely to lead to further misunderstandings. Perhaps the most remarkable features are the semi-basement 'dens' beneath the apartments, which have no basis at all in the agreed permission. The Town Council remain unhappy about the balconies, which would overlook the houses and gardens on the opposite side of Tennyson Street. A large diameter plastic pipe outlet near a top corner of each of the large windows on the original Tennyson Street façade is not shown on drawings and is not clear what they are for.
- The Town Council raise concerns regarding the latest application and the level of certainty however they recognise that as work has gone as far as it has then a practical solution must be found. However the Town Council state that whatever is agreed must be clear to all sides and capable of being implemented without further deviation, ad hoc improvisation or scope for dispute and confusion.

- 6.3 The Town Council have been informed of negotiations with Officers in relation to the proposed alteration to the pitched roof of the new 2nd floor of the development together with the more subtle revisions such as the eaves details (reduced thickness) and agreement reached in respect of the quality of materials. Furthermore the Town Council were advised that the applicant has entered into a section 106 agreement for the outstanding greenspace payment.
- 6.4 Councilor Leadley has written (letter dated 13th May) to advise that the Town Council considered this information at the meeting on 11 May 2010 and appreciated the efforts which have been made by Leeds Officers to resolve the long running and difficult problems which have arisen from the ad hoc improvisations which have appeared during implementation of the permission. However, because of the continued doubts about the relationship of the new flats to the terrace houses across Tennyson Street and the practicality of the off street parking to be shared with the already occupied new build flats within the City Mills original curtilage, the Town Council consider that Plans Panel East Members should be asked to consider the revised proposal after a site visit, to see if there was any scope for further improvement. Councilor Leadley requests that this application is determined by Plans Panel East and that Members visit the site to assess for themselves what is now proposed, to look at the relationship between the flats (known as Fab Pads) and the houses across Tennyson Street and to examine the proposed parking arrangements.

7.0 CONSULTATIONS RESPONSES:

Statutory: none received

Non-statutory:

Highways – No objections, cycle parking should be conditioned to be provided.

Land Drainage – No comments

8.0 PLANNING POLICIES:

- 8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, the RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this proposal.
- 8.2 The site is unallocated in the Unitary Development Plan (UDP). The following policies apply:

UDP

- GP5 – Detailed Planning Considerations
- H4 – Residential Development (unallocated sites)
- N4 – Greenspace hierarchy
- N13 – Design and new buildings
- T2 – Highway Safety
- T24 – Parking
- BD5 – Amenity and new buildings

Planning Policy Statement 1 – Delivering Sustainable Development (2005)
Planning Policy Statement 3 – Housing (2006)

Supplementary Guidance Note 4 – Greenspace relating to New Housing
Development (1998)

Supplementary Planning Guidance Note 13 – Residential Design Guide (2003)
Supplementary Planning Document – Street Design Guide (2009)

9.0 MAIN ISSUES

1. Principle
2. Character
3. Residential amenity
4. Greenspace
5. Highways
6. Conclusion

10.0 APPRAISAL

1. Principle

- 10.1 The principle of residential use of the building and the extensions has been accepted through application 23/436/03/FU. The matter for consideration as part of this application is therefore the differences between the works proposed to alter the unauthorised works which have taken and the approved scheme.

2. Impact on character

- 10.2 The development as built is considered to be an obtrusive feature mainly due to the roof form of the second storey and also the cladding materials used which are considered to be of an industrial nature. The proposed amended application is considered to address these two main issues, and the alterations to the second floor roof as well as the better quality materials together with the additional amendments set out in paragraph 2.5 are considered to ensure that the completed scheme will not detract from visual amenity.
- 10.3 A list of the proposed amendments to the development as carried out are set out in paragraph 2.5. The applicant has worked with Officer's to try to address the unauthorised elements of development which have been carried out. Advice has been sought from the design officer with regard to the opportunities to improve the scheme.
- 10.4 Much negotiation took place regarding the roof form of the second floor of the development as it was considered that this was a key element which could not remain as built. The proposed alteration of the second floor roof pitch to bring this closer to the approved scheme reduces the lower eaves of the roof almost to the ridge height of the adjacent terrace is considered to be a significant improvement which brings the scheme closer to the original permission. The highest part of the second storey roof is approximately 1.5m higher than the approved scheme (which was approx 1m above the terrace). The applicant has advised that survey drawings of the adjacent terrace at the time of the 2003 application were incorrect and this therefore accounts for part of the difference. Nevertheless, this alteration to the roof form is a significant improvement to bring the development closer to the approved scheme.

- 10.5 Further subtle changes to the development as built will bring the development closer to the approved scheme, such as the alterations to the fenestration and the eaves thickness.
- 10.6 The use of more suitable, better quality cladding on the development will improve the appearance of the extensions and remove the industrial appearance of the works carried out. The cladding panels, cedar cladding and render samples agreed between officers and the applicant have all been discussed with the Design Officer who is satisfied that the quality of the materials will improve the development to an acceptable standard. The agreement of materials as part of this application will reduce any uncertainties in the completion of the development.
- 10.7 Another significant revision will be the addition of landscaping within the car park which will soften the relationship of the parking court to the streetscene of Tennyson Street. The Landscape Officer has considered the landscaping proposed and whilst the scheme put forward is generally a reasonable landscape scheme, the Landscape Officer has provided some detailed comments regarding the plant and tree species proposed and these have been forwarded to the applicants, however if the scheme is not revised by the time of the Plans Panel meeting then this matter could be conditioned. The boundary wall which has been erected adjoining Tennyson Street would remain with a planting bed of between 4m and 8m depth.
- 10.8 In relation to the insertion of the low level windows these will serve the additional ancillary accommodate within the 'dens' which has been created. The lower level of accommodation increase the general level of accommodation within these units and on balance the windows are not considered to affect the character of the development. The applicant is proposing to replace the heads of the window openings with better quality.
- 10.9 Overall it is considered that the combination of the alterations to the roof, eaves and fenestration together with the use of better quality materials within the development will result in a conversion scheme which sits comfortably within this residential area and does not detract from visual amenity. The agreement of materials through the course of this application is considered to be an important factor in ensuring that the works are regularised to result in an acceptable scheme.

3. Residential amenity

- 10.10 The Town Council and Councillor Leadley have raised concerns regarding the impact of the proposed balconies on residential amenity in terms of the relationship with existing terraces on Tennyson Street and potential overlooking. Balconies were part of the approved development under application 23/436/03/FU and the officer assessment of this application stated that *'residential use of the site would lead to an increase in overlooking of some of the neighbouring properties on the opposite side of Tennyson Street from the existing window openings and the proposed balcony areas. It is considered that given the separation between the buildings and the level of overlooking existing from the street, the residential amenities of the neighbouring properties will not be unduly affected.'*
- 10.11 There is a distance of some 12 metres from the first floor and second floor balconies and the windows within the terraces on the opposite side of Tennyson Street and slightly reduced distance to the front gardens. It is considered that this element of the development has not altered from the approved scheme, other than the design of the balcony fittings and balustrades and the principle of balconies has therefore been established. The balconies also result in the extensions to the first and second

floor being set back from the main front elevation of the building which assists in reducing the visual presence and dominance of the development in the streetscene.

- 10.12 In terms of the basement/ lower ground space which has been created, this space is proposed to be used as ancillary accommodation to the main ground floor living space and is referred to by the applicant as a 'den'. This space will be served by a small window at this lower level. As the space will not provide primary habitable accommodation it is not considered to raise any concerns regarding residential amenity.
- 10.13 The development was approved without any on site private amenity provision and the 2003 officer report states that *'the scheme fails to meet guidelines of Residential Design Aid 'Space about Dwellings' but given that the proposal is a conversion of an existing building, a more flexible approach can be adopted.'* It is considered that this flexibility is still relevant.

4. Greenspace

- 10.14 In terms of greenspace provision under policy N4 of the UDP Review and SPG 4 – Greenspace relating to new housing development, SPG4 recognises that the provision of an area of on site greenspace for developments of between 10 and 50 dwellings will often not be practicable and where on site greenspace provision is deemed not feasible a financial contribution to the provision of off site greenspace will be required. Given that there is no private amenity space, it is considered that a financial contribution to off site greenspace is even more of a priority as future occupiers will rely on access to off site greenspace.
- 10.15 The greenspace requirements of this site are considered to be best met via a financial contribution which would go towards the provision of and/or the enhancement to greenspace within the community area or adjoining community area in accordance with policy N4 of the UDP Review 2006 and guidance contained within SPG4.
- 10.16 The greenspace calculation for the development based on current rates is as follows;
N2.1 - £5,238
N2.2 - £2,619
N2.3 - £2,619
Maintenance of N2.1 Greenspace - £3,974.36
Fees - £1,571.52
Total sum required - £16,023
- 10.17 The applicant has entered into an s106 agreement to pay the above commuted sum towards greenspace provision. Members will be aware from previous officer reports that new tests relating to the legality of planning obligations have been introduced by way of new secondary legislation in the form of the Community Infrastructure Levy (CIL) Regulations introduced by Central Government as of 6 April 2010 which impact on planning obligations.
- 10.18 Whilst the focus of the CIL is to give local authorities the ability in future to levy a charge on a wide range of development proposals within their area the regulations also introduce a new legal test relating to the use of planning obligations based on the existing policy tests. The effect of this is that it will be unlawful for a planning obligation to be taken into account in a planning decision to authorise development if the obligation is not:

- (a) necessary to make the development acceptable in planning terms (test (a))
- (b) directly related to the development (test (b)); and
- (c) fairly and reasonably related in scale and kind to the development (test (c)).

10.19 These legal tests have been applied to the obligation in the S106 agreement which the applicant has entered into as part of the application relating to the greenspace contribution and this obligation is considered particularly necessary as future residents will rely on off site greenspace provision, the requirement is directly related to the development as it will secure provision in locations which as closely as possible meet the needs of the residents of the development and the contribution has been calculated on the basis of the location of the site and the number of residential units and is therefore reasonably related to the scale and kind of development. As such, the obligation is considered to be compliant with the three new legal tests. This contribution is in accordance with policy clearly set out in SPG4 and the development would not be considered acceptable without this obligation.

5. Highways

10.20 Approved application 23/436/03/FU showed 7 spaces within the red line layout plan for 10 units; it also showed the provision of 4 further spaces which possibly would be shared with the 12 flats approved under 23/475/01/FU (which were also served by undercroft parking) within the same ownership. At the time of the 2003 permission for the 10 flats, the officer report stated that a reduced level of parking was considered acceptable as it is a conversion from an industrial use, close to S2 centre and has good public transport links.

10.21 This application now includes the whole of the parking court accessed off South Parade within the red line of this application site, and includes a layout of 10 parking spaces including one disabled space. Although the area previously identified for the Tennyson Street flats now only allows for 6 parking spaces to be laid out (due to steps required due to levels differences) Highways do not have any objections to this parking layout and reduction of 1 space as it is considered that the parking court will be used on an unallocated basis. Furthermore on street parking would be available in front of the site on Tennyson Street and a pedestrian access into the site from Tennyson Street will be retained.

10.22 Morley Town Council has raised concerns regarding the parking layout and access to the undercroft parking for City Court. There will be a distance of 6 metres from the parking court surface spaces parallel to the access, and the undercroft parking for City Court flats. This distance is considered to be sufficient to allow vehicles to manoeuvre and the parking arrangements are considered acceptable, however pedestrian access to the proposed flats and also to City Mills needs to be clarified and the applicant has been asked to provide more details of this prior to the Plans Panel meeting.

11.0 CONCLUSION

11.1 This application seeks to improve unauthorised developments which have been carried out at the site. The amended scheme to alter the development, together with samples of materials which have been agreed with the applicant are considered acceptable to overcome the concerns regarding the form of and quality of works which have been carried out and to bring the development more closely in line with the 2003 approved scheme.

11.2 Members are asked to approve the application as set out in the recommendation at the start of this report, in order to allow works to recommence on site and to

complete the development which is within a residential area and is currently considered to be detracting from visual amenity. Members are advised that Officers have negotiated over the past 10 months with the applicant to achieve the scheme which is now considered to be acceptable and is considered to be a reasonable and improved solution to the form of development which has taken place and which is not considered acceptable to remain in its current form.

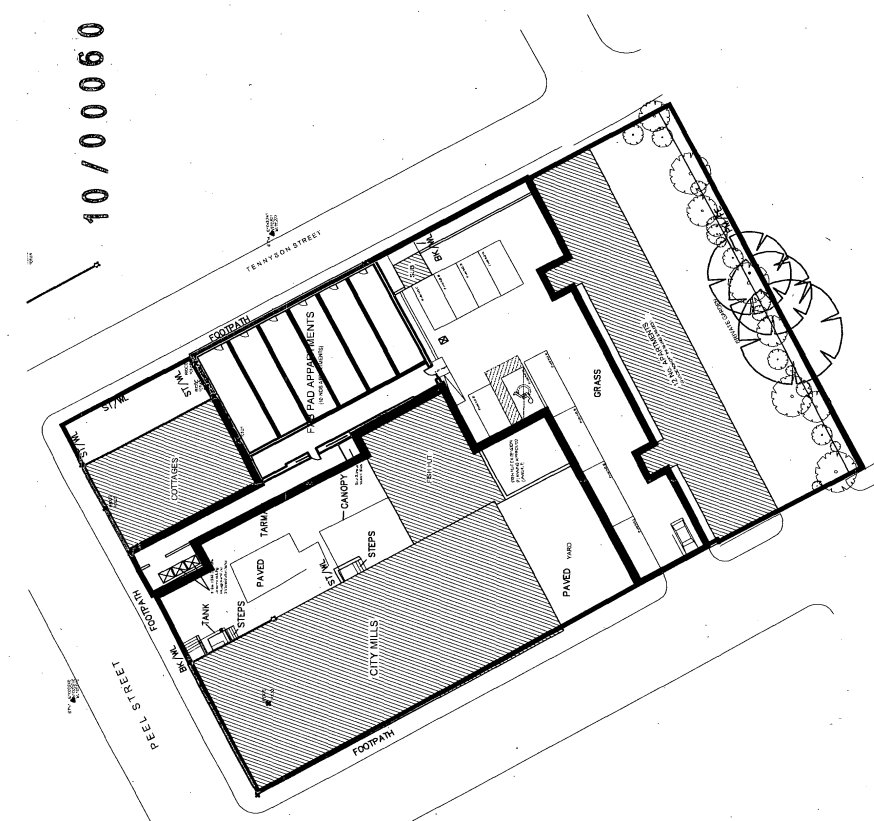
Background Papers:

Application file and 23/436/03/FU

Certificate of Ownership signed by applicant

LEEDS CITY COUNCIL
Please refer to Decision Notice
23 APR 2010
REVISED

10/00060



LOCATION PLAN 1:500

- C - RED AND BLUE LINE BOUNDARIES ADDED
- NEW LOCATION OF BIN STORE AND BIKE STORE
- B - CAR PARKING ARRANGEMENT AMENDED - LANDSCAPING DESIGN T.B.C.
- A - INFORMATION FROM INDEPENDENT SURVEY ADDED TO LOCATE EXACT POSITION OF THE EAVES AND THE RIDGE TO THE ADJACENT BUILDINGS

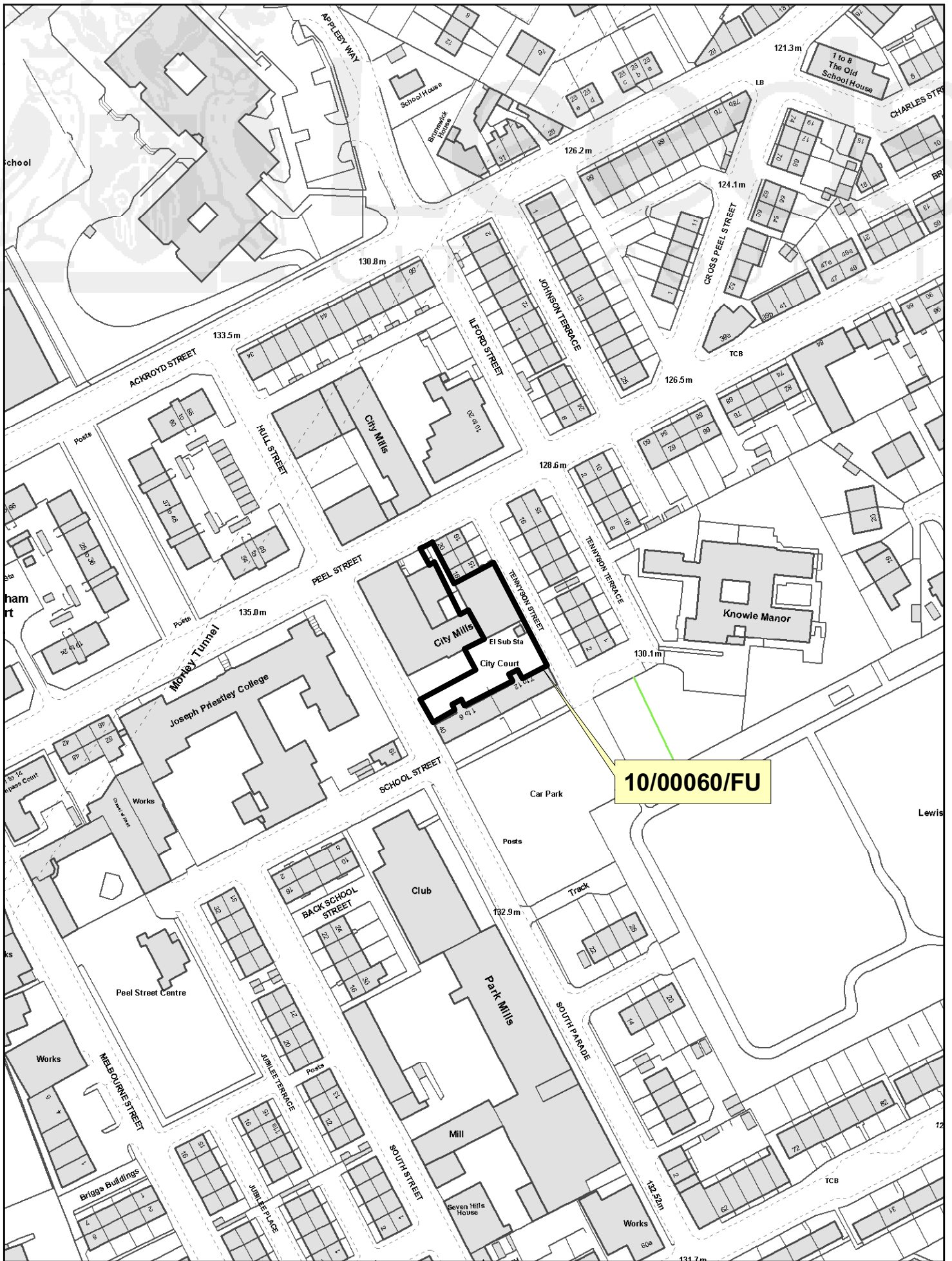


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| JH | | 06/09 | 1:200/1:500 | |

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| Client | MSS DEVELOPMENTS |
| Job | FAB PADS |
| Title | PROPOSED SITEPLAN AND LOCATION PLAN |
| Dwg. No. | 1688-018 |

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EAST PLANS PANEL

Scale 1/1500

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