

## **Plans Panel (East)**

**Thursday, 25th November, 2010**

**PRESENT:** Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,  
P Gruen, G Latty, M Lyons, K Parker,  
J Procter, A Taylor and D Wilson

### **80 Chair's opening remarks**

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

### **81 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 to 12 of the Members Code of Conduct:

Application 10/03984/FU – Scott Hall Square Chapeltown LS7 – Councillor R Grahame declared a personal and prejudicial interest through knowing the applicant's agent who had registered to speak on the proposals (minute 85 refers)

Application 10/03984/FU – Scott Hall Square Chapeltown LS7 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 85 refers)

Application 10/04252/FU – Waitrose Capitol Parade Green Road Meanwood LS6 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 87 refers)

Application 10/04190/OT – White Rose Shopping Centre LS11 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 88 refers)

Application 10/04190/OT – White Rose Shopping Centre LS11 – Councillor Finnigan declared a personal interest as a member of Morley Town Council as the Town Council had commented on the application (minute 88 refers)

Application 10/03753/EXT – South Queen Street Mill South Queen Street Morley LS27 – Councillor Finnigan declared a personal interest as a member of Morley Town Council as the Town Council had commented on the application (minute 89 refers)

Application 10/02584/EXT – Park Mills South Street Morley LS27 – Councillor Finnigan declared a personal interest as a member of Morley Town Council as the Town Council had commented on the application (minute 90 refers)

Applications 09/05411/FU and 10/00378/CA – Former Buslingthorpe Tannery Education Road LS7 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 92 refers)

## 82 Minutes

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 28<sup>th</sup> October 2010 be approved

## 83 Matters arising

### Regional Spatial Strategy

The Panel's Lead Officer advised Member that as a result of a successful legal challenge to the Secretary of State's revocation of the Regional Spatial Strategy (RSS), reports would now refer to the RSS. Accordingly the RSS forms part of the statutory development plan for Leeds with the Unitary Development Plan. However, the Government had affirmed its intention to introduce legislation to abolish the RSS and the Government's Chief Planning Officer had written to Local Planning Authorities advising them of this and stating that the intention to abolish the RSS was a material planning consideration

The Panel's legal adviser informed Members that the RSS remained in place and that it formed part of the Statutory Development Plan although the intention to abolish the RSS by legislation also needed to be taken into account when determining planning applications in terms of the weight to be attached to the policies in the RSS

The Chief Planning Officer, who attended the meeting, stated that in cases where the RSS was relevant, Officers would address the degree of materiality in order to assist Members

### Recent appeal decisions

Members were informed of two recent appeal decisions which had been published, these being for minerals workings at Newton Lane and a wind farm at Hook Moor. In both cases the Inspector had dismissed the appeals, so endorsing the views of Panel. Reports on both decisions would be submitted to the next meeting, for Members' information

## 84 Application 10/04232/FU - Detached two storey annexe accommodation with attached garage and car port to side - Applegarth Orchard Drive Linton LS22

Plans, drawings 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 two storey annexe, garage and car port within the grounds of Applegarth, which abutted but was not within the Linton Conservation Area

Members were informed that the plan displayed at the meeting had been superseded and that a lift was now included, with a copy of latest plan being available for Members' consideration

Officers reported the receipt of an additional letter of objection which did not raise new issues

If minded to approve the application, additional conditions were suggested by Officers

The Panel heard representations from an objector who attended the meeting  
Members discussed the following matters:

- planning decisions on neighbouring properties and whether a consistent approach was being adopted
- the lack of comments in the report relating to highways
- concerns that the scale and massing of the proposals were inappropriate in the location
- the limit on the number of dwellings accessed from a private drive and whether the proposals impacted on these limits

Officers provided the following comments:

- that the application was not for an additional dwelling and therefore Highways Officers had not formally been consulted. The Panel's Highways representative stated he was content that there were no highways grounds on which to refuse the application
- the proposal was for an extension, albeit for a couple to live in and not an additional dwelling so that in this case, the limit on the number of properties accessed from a private drive was not a material planning consideration

Members continued to voice concerns at the lack of written information on highways issues in the report

**RESOLVED** – That determination of the application be deferred and a further report be submitted to Panel which addressed highways issues and the planning history of the locality

## **85 Application 10/03984/FU - 8 bungalows and 21 houses with landscaping at Scott Hall Square Chapeltown LS7**

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

Plans, graphics 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 which would provide 100% affordable housing on a cleared site at Scott Hall Square LS7

Members were informed that the principle of development was acceptable as the site was a brownfield site and was in a sustainable location with reasonable access to public transport and other facilities

Revisions to the design of the scheme had been made which now resulted in a less dense development. In terms of the impact of the scheme on neighbours' amenity, Officers were of the view that the revised scheme provided greater separation between properties and that concerns regarding overlooking and overshadowing could be addressed by appropriate conditions

An existing footpath link in the southwest corner of the site would be retained and to increase natural surveillance in this area and address concerns relating to crime and anti-social behaviour, a two storey property with primary windows facing the footpath had been included

Officers reported the receipt of two further letters of objection and outlined the concerns raised which related to the revised scheme, for Members' consideration

Reference was made to colour of the roofs which would be red tiled and not the colour shown in the graphics provided

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

Members discussed the following matters:

- the level of consultation and involvement the applicant had engaged in with the local community
- concerns at the 2.5 storey houses and the view that these should be deleted from the scheme
- the lack of a greenspace area in the scheme
- the need to give further consideration to the crime prevention measures within the design of the scheme

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer in accordance with the recommendation set out in the submitted report and subject to further negotiations taking place in respect of:

- the removal of the 2.5 storey houses from the development
- the provision of an area of greenspace on the site
- further consultation by the applicant with local residents
- Secured by Design requirements to be addressed

and in the event that these issues cannot be satisfactorily resolved, that a further report be submitted to Panel for determination

(Councillor Grahame resumed his seat in the meeting)

#### **86 Application 10/02946/FU - Replacement detached 4 bedroom dwelling house - 9 Linton Road Wetherby LS22**

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 the demolition of the existing house at 9 Linton Road Wetherby and its replacement with a larger property which had been designed to utilise the extreme slope of the site

Members were informed that Wetherby Town Council had commented on the application in relation to the provision of a much needed pavement on Linton Road, but stated that the property was a replacement dwelling not an additional dwelling and that it was not feasible to extend the boundary to provide a footpath

If minded to approve the application, further conditions were recommended which related to the gradient of the driveway; submission of ground and finished floor levels and details of the solar panels

The Panel discussed the application and commented on the following matters:

- the need for further details on the garage
- further detail on the massing and design of the property

**RESOLVED** - That consideration of the application be deferred to enable further negotiations to take place in respect of reduced massing of the property; revised design of the rear elevation and clarification on the proposal for the existing garage to the front of the dwelling and that the Chief Planning Officer be asked to submit a further report to Panel in due course for determination

**87 Application 10/04254/FU - Variation of condition no 15 (opening hours) and condition no 16 (delivery hours) of approval 08/02993/FU (Demolition of shopping parade and erection of retail food store with service yard, covered and external car parking and landscaping ) - Waitrose Capitol Parade Green Road Meanwood LS6**

Further to minute 81 of the Plans Panel East meeting held on 28<sup>th</sup> August 2008 where Panel approved in principle application 08/02993/FU, Members considered a report of the Chief Planning Officer seeking the variation of conditions 15 and 16 of that approval, relating to opening and delivery hours for the Waitrose store at Capitol Parade Green Road LS6

The Panel was informed that the proposed opening and delivery hours had been amended since the report had been despatched, following a public meeting held on 15<sup>th</sup> November. The revised proposals were outlined as:

Opening hours

Monday to Friday 8.00 – 21.00 (representing an extra 30 minutes in the morning)

Saturday 8.00 – 20.00 (representing an extra 30 minutes in the morning and an extra hour in the evening)

Sunday no changes to the approved hours of 10.00- 17.00

Delivery hours

Monday to Friday 7.00 – 20.30 (representing an extra 30 minutes in the morning)

Saturday 7.00 – 20.30 (representing an extra hour in the morning)

Sunday no changes to the approved hours of 8.30 – 17.00

In addition, opening hours on Bank Holidays would be restricted to 8am-8pm and the extended opening hours until 10pm as outlined in the submitted report were now proposed for 4 days per year, these being 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> December and the Thursday before Easter. A six month temporary period for the new opening and delivery times was proposed. Members were informed that Environmental Health Officers had not raised objections to the proposals

If minded to approve the application, Officers requested that approval be deferred and delegated to the Chief Planning Officer subject to the signing of a revised Section 106 Agreement/Deed of Variation

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

Members commented on the following matters:

- that additional hours were being sought within a few weeks of the store's opening; whether this was poor planning or an attempt to extend the previously negotiated hours
- whether a noise impact assessment had been carried out
- the possibility of the store applying for an extension to their liquor licence
- whether any data had been received from the traffic monitoring which had been requested as part of the original approval
- whether the problems associated with staff parking had now been resolved

Officers provided the following responses

- that a noise impact assessment had been carried out
- that traffic monitoring was taking place and this would be assessed once sufficient information had been obtained to enable meaningful monitoring to occur
- that the issue of staff parking in the surrounding streets had now been resolved

**RESOLVED** - To defer and delegate approval of the application to the Chief Planning Officer, subject to the conditions set out in the report, including the revised opening and delivery hours now stated and subject to the signing of a revised Section 106 Agreement

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

**88 Application 10/04190/OT - Outline application for extensions for the provision of up to 2048 sq metres Class A1 - retail floorspace and up to 1850 sq metres Class A3 - restaurants and cafe floorspace at White Rose Shopping Centre Dewsbury Road LS11**

Plans, graphics and photographs were displayed at the meeting

Members considered a report of the Chief Planning Officer on an application for extensions for A1 and A3 uses at the White Rose Shopping Centre LS11

Officers presented the report and referred to a previous application for an extension to an existing mezzanine unit at the shopping centre (10/00773/FU) which was approved in principle by Panel at the Plans Panel East meeting of 8<sup>th</sup> April 2010 (minute 220 refers). As part of that approval there was a planning obligation to submit a further application within 6 months, so enabling some control over the expansion of the White Rose Centre which, due to an appeal decision at Gateshead Metrocentre, the view existed that each unit could be regarded as a separate unit for planning purposes, so potentially enabling greater expansion of the White Rose Centre through the insertion of mezzanine floors up to 200 sq metres in each unit and without the need for planning permission

Although the application before Panel was in outline, plans had been submitted which indicated possible areas for extensions to existing buildings and these areas were highlighted to Members, with Officers stating that the proposed extensions represented an increase in total floorspace of approximately 6%. Panel was informed that the proposals restricted the extensions to current retailers in the centre to protect existing retail centres

Members were informed that 40 car parking spaces would be lost as a result of one of the proposals but there would be re-provision within the site

Officers reported a further letter of representation from Morley Town Council which welcomed the proposals for improvements to the bus station at the White Rose Shopping Centre but raised concerns that the jobs created at the centre would be at the expense of jobs from nearby traditional centres, thereby causing harm and reiterated the request that the application should also restrict the insertion of any additional floors within the spaces at the centre, not solely the A1 uses

Members commented on the following matters:

- whether the proposals would generate more traffic
- the need for further details about local employment and training initiative and how 'local' was defined

- the impact of the expansion on small and medium sized enterprises in Morley
- the need for a rail link to be taken forward

Officers provided the following responses:

- that with the relatively small expansion, little extra traffic was anticipated
- that it would be possible to define 'local' to include not just Morley but other areas of South Leeds, e.g. Beeston, Belle Isle and Middleton together with clauses in the S106 Agreement relating to the provision of proactive recruitment campaigns
- that a railway halt was not seen as feasible at this time and would involve the closure of another station – Cottingley – however, as part of the South Leeds Initiative, there was a proposal at this location – possibly a Park and Ride

Members considered how to proceed

**RESOLVED -**

i) To defer and delegate approval to the Chief Planning Officer subject to the conditions specified in the submitted report; an amendment to condition 5 to require the submission and approval of a car park management plan (and any other conditions which he might consider appropriate) and the submission of an acceptable Travel Plan as well as completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to deal with the following matters:

- the removal of the ability to install a mezzanine floor of 200 sq metres or less in each individual A1 unit in the White Rose Centre without planning permission

- the first occupation of any A1 use floorspace permitted by this application will be limited to existing tenants who have entered into a lease of part or all of that floorspace for a term of no less than 3 years from the date of grant of the planning permission

- local employment and training initiatives; these to be restricted to the South Leeds area and to include provision for an active recruitment campaign

- provision for dedication of land for cycle route

- £40,000 Metro contribution to pay for real time bus information

multistop display within the shopping centre

- travel plan monitoring evaluation fee (£3,335) and implementation

- the planning obligations to become effective on grant of planning

permission

In the circumstances where an acceptable travel plan is not received or 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 shall be delegated to the Chief Planning Officer

The above being subject also to the Secretary of State not wishing to call the application in for his own determination following a referral under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009

ii) That a final draft of the Section 106 Agreement be circulated to Councillors Finnigan and Gruen for their consideration

**89 Application 10/03753/EXT - Extension of time period for planning permission 07/03491/FU - change of use carrying out alterations and extension of vacant mill building to form 42 flats and 2 houses with 2 garages and 18 car parking spaces - South Queen Street Mill South Queen Street Morley LS27**

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 an extension of time and an amendment to conditions in respect of an application for a residential scheme at South Queen Street Mill, Morley

The request for Panel to consider the application was made by Morley Town Council and Members were informed that having considered the information submitted on the financial viability of the scheme, the Town Council was now content for the decision to be delegated to the Chief Planning Officer

The applicant sought the removal of the requirement to provide affordable housing within the development and the provision of the full greenspace contribution. Officers stated that Panel would need to consider these matters against the re-use of a derelict building that made a positive contribution to the character of the conservation area. Officers were of the view that the application could be supported and recommended to Panel that the application be approved

Members discussed the following matters:

- concerns that concessions were being sought and the need for minimum standards in respect of planning obligations which should be met
- that the LPA had already taken a flexible approach to the application as the design of the development did not comply with all of the guidelines
- that the proposed wording of the S106 Agreement should be tightened up in respect of the 'recession proofing' element and rather than requiring a revised financial viability statement to be submitted in 2 years if the site 'is not substantially redeveloped', this should be amended to read 'when 50% occupied'
- that Members had not seen the information in the viability statement
- that there was no indication in the report of a start date for the development and this information should be provided
- that the contractor was currently on site; that the development would sustain construction jobs and that the current condition of the site was having a detrimental impact on Morley Town Centre

Members considered how to proceed

As Councillor Taylor had not been present for the whole of this item he indicated he would abstain from voting

**RESOLVED** - To defer determination of the application and to request the Chief Planning Officer to submit a further report, with accompanying financial information and providing a date for the commencement of works on the site

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



**90 Application 10/02584/EXT - Extension of time period for planning permission 07/03820/FU change of use of mill into 33 flats - Park Mills South Street Morley LS27**

Plans and photographs were displayed at the meeting

Officers presented the report which sought an extension of time and an amendment to conditions in respect of an application for a residential scheme at Park Mills South Street Morley LS27

Having regard to the discussions on the previous application, the Panel requested the same information before determining the application

**RESOLVED** - To defer determination of the application and to request the Chief Planning Officer to submit a further report, with accompanying financial information and providing a date for the commencement of works on the site

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

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

Further to minute 187 of the Plans Panel East meeting held on 23<sup>rd</sup> February 2010, where Panel considered two applications for supermarkets at Middleton and resolved to refuse the application from Tesco and to approve in principle the application from Asda, Members considered a report of the Chief Planning Officer providing information on the current position of the Asda application and seeking confirmation of the Panel's decision in respect of that application

Plans, photographs and graphics were displayed at the meeting

Before considering the report, the Panel's Lead Officer referred to a late representation submitted on behalf of Tesco which requested the Chair's discretion to permit a speaker on behalf of Tesco to address the Panel at the meeting.

Members were also informed of the key issues contained in the letter of representation including:

- if Members' voted to approve the application this should be subject to a 12 month commencement of development condition to ensure timely delivery
- Tesco's view there had been a change in circumstances since February 2010
- that the grant of planning permission to Asda had been on the basis of the situation at the time
- that both application sites were edge of centre
- that the application from Tesco was ready to commence, if granted permission
- that there had been slippage in the Asda scheme and this was likely to occur again in the case of Brandon Medical which was to have been relocated by January 2011
- possible delay to the road closure
- that the linkage to Middleton needed to be considered as a whole in light of deliverability issues
- that Tesco would deliver their scheme quicker and without the need for any road closure

- that the proper approach would be for the applications for Asda and Tesco to be considered together at a later date

The Panel's legal adviser confirmed the point made in representations submitted by Tesco's lawyers to the effect that the Chair has the discretion as to whether to allow public speaking. He also referred to the Protocol for Public Speaking at Plans Panel. He highlighted paragraph 2.14 of the Protocol which states that applicants, supporters or objectors will only be entitled to address the Panel on one occasion unless, in the opinion of the Chair, significant new information had been produced raising new material planning considerations. He made the point that the Chair would need to make this decision taking into account the issues referred to earlier by the Lead Officer and also the report which concludes that there are no material changes justifying a change to the recommendation to approve

Having considered this, the Chair was of the view that there were insufficient reasons to allow a representative of Tesco to address the Panel

The Panel's Lead Officer presented the report and referred to the minutes of the Plans Panel East meeting of 23<sup>rd</sup> February 2010 which had been appended to the submitted report

Central to Members' decision had been:

- the view of an independent retail consultant that 2 stores of the nature proposed in this location would have a detrimental impact on other shopping areas
- that the Asda site provided better linkages to the Middleton District Centre
- that regeneration benefits, including the relocation of a local business were greater than those offered by the Tesco scheme

Members were informed that the development proposal from Asda had not changed; that the Secretary of State had not called the application in; that final determination of the application rested with the Chief Planning Officer and that a S106 Agreement was ready to be signed and met the appropriate legal tests

Regarding the relocation of Brandon Medical Centre, site specific discussions were ongoing, with these being in relation to a site in the locality of the application site

The Panel's decision to refuse the Tesco application had not been appealed although another planning application had been submitted by Tesco, this being essentially the same as the previous one

Whilst there had been some slippage in the timing of the Asda scheme, Members were informed that it was ongoing and that the policy position was still largely the same as when the approval in principle was granted. It was recognised that there had been a change in circumstances in that Tesco had resubmitted their application, but there were considered to be no changes leading Officers to recommend reconsidering approval of the Asda application and Members were asked to reaffirm the resolution to approve the application

Reference was made to the recent changes in membership on the Panel and Members were reminded of paragraph 12.1 of the Code of Practice for the Determination of Planning Matters which provides that when they have not attended on each occasion during the application phase and wish to vote and take part in the decision on the application, Members must carefully consider whether they were fully appraised of all the facts and relevant information necessary to properly reach a decision

Concerns were raised that new members of the panel had not been fully appraised

Members considered how to proceed

Councillor R Grahame and Councillor J Procter who were not members of the panel when the application was determined stated their intention to abstain from voting on this matter

**RESOLVED** - To defer and delegate the application to the Chief Planning Officer for approval subject to the conditions set out in 23<sup>rd</sup> February 2010 Officer report and subject to the applicant entering into an agreement under S106 of the Planning Act to cover the following matters:

- local jobs and training creation
- relocation of Brandon Medical within the local area
- public transport contribution of £1,052,114
- provision of bus shelters and real-time information displays as set out in the submitted report
- travel planning including payment of £6,375 evaluation monitoring fee (for retail store and B1/B8 unit)
- on-site public realm provision in accordance with the approved plans
- off-site public realm £190,000 (including improvements to the steps/ramp linkage on St George's Road to the existing shops to create a new terraced link area – approximate cost £150k)

The Panel also recommended not to enforce a current legal restriction which affects the application site, under Section 52 of the Town and Country Planning Act 1971 (the predecessor of the current Section 106). This states that 'Pursuant to Section 52 of the Town and Country Planning Act 1971, not to use the Property for any purpose whatsoever other than for light industrial, general industrial, warehousing and ancillary office accommodation'. This was entered into by Leeds City Council, the former owner of the application land and other parties at the time of the Council's sale of the land to others

The Panel also recommended to agree in principle to the closure of Holme Well Road under the Planning Act

## **92 Applications 09/05411/FU and 10/00378/CA Former Buslingthorpe Tannery Education Road Sheepscar LS7 - Position statement**

Further to minute 39 of the Plans Panel East meeting held on 5<sup>th</sup> August 2010, Panel considered a report of the Chief Planning Officer setting out the current position on the proposals for a residential development at Buslingthorpe Tannery LS7

Plans, graphics and precedent images were displayed at the meeting

Members were informed that the applicant had taken on board Members' previous comments and had reduced the number of units from 349 to 285, in a mix of 275 flats and 10 houses. Provision of amenity space had been addressed, with each town house having its own private garden

In relation to highways issues, Members were informed that further information was required

The request for a well-designed marker building had been considered with design details emerging for a cylindrical-shaped building which took references from the tanning drums used on the site

Members had stipulated the need for a S106 Agreement to deal with planning obligations and the applicant had submitted a financial viability assessment which would be considered

Members provided the following comments on the issues raised in the report:

- no objections to the scale of the buildings and the approach to the architectural treatment and appearance was generally considered to be acceptable
- the need for buildings of the size proposed to retain a simple form and treatment
- in respect of the tower, Option C was preferred, subject to the appropriate mix, proportion and use of materials (split between use of cladding and brick)
- no issues in respect of the quality of the residential development and the amount and location of amenity space
- to note that highways details were outstanding and that issues of viability would be considered when the application was presented for determination

**93 Date and time of next meeting**  
Thursday 16<sup>th</sup> December 2010 at 1.30pm