

## **Plans Panel (East)**

**Thursday, 17th March, 2011**

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

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

### **156 Chair's opening remarks**

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

### **157 Late Items**

There were no formal late items but the Panel was in receipt of the following additional information for consideration:

Layout plans in respect of the five items on the agenda (minutes 162 to 166 refer). Copies of these had been circulated to Members prior to the meeting

### **158 Declarations of Interest**

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

Applications 10/05639/FU and 10/04987/FU – 36 Victoria Road Morley and Prospect Garage Church Street Morley – Councillor Finnigan declared personal interests through being a member of Morley Town Council which had commented on the applications (minutes 162 and 163 refer)

Application 10/03984/FU – Scott Hall Square LS7 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 164 refers)

Application 10/05745/LA – Middleton Park Visitors Centre – Councillor Taylor declared a personal interest through being a member of Wades Charities which had undertaken regeneration work in Middleton Park (minute 166 refers)

(A further declaration of interest was made later in the meeting – minute 166 refers)

### **159 Apologies for Absence**

Apologies for absence were received from Councillor Gruen who was substituted for by Councillor Hardy and from Councillor Grahame and Mr Sellens, the Head of Planning Services

## **160 Recent appeal decisions**

The Chair asked the Panel's Lead Officer to advise Members on the outcome of two high profile appeals

Members were informed that the application for five wind turbines at Hook Moor, Mickfield, which Panel had refused in line with the Officer's recommendation had been appealed by the applicant. Whilst the Inspector had dismissed the appeal, this decision had been challenged in relation to the status of the RSS as a material consideration at the time the decision had been made. This challenge had been upheld and the appeal decision remitted to the Planning Inspector for reconsideration

In relation to a major residential development at Churchfields, Boston Spa which was refused under delegated powers, Members were informed that the appeal had been allowed and that a report on this would be presented to Panel at the next meeting

Members expressed their concerns at the situation in respect of both applications

In terms of the Hook Moor application, Members queried the evidence provided by the Ministry of Defence (MOD) in respect of the impact of the proposals on radar at RAF Leeming and RAF Church Fenton. The Panel was informed that further discussions had taken place between the MOD and the applicant and that an agreement had been reached that the proposals would not have an effect on the MOD's operation

In relation to the appeal decision at Churchfields Boston Spa, there was a call for these concerns to be raised with the Secretary of State, with the Chair suggesting Members dealt with this via the Chief Executive's office

## **161 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 17<sup>th</sup> February 2011 be approved subject to recording Councillor Latty's apologies which were tendered for that meeting

## **162 Application 10/05639/FU - Alterations to roof including increase in overall height and addition of three dormer windows to front and two dormer windows to rear - 36 Victoria Road Churwell Morley LS27**

Plans, drawings, photographs and an historic image 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 was recommending that the application for extensions and alterations to the roof at 36 Victoria Road Morley be refused on the grounds of inappropriate design and scale resulting in a form of development which was detrimental to the character of the host dwelling and the wider street scene

Comments from the Council's Conservation Officer were read out at the meeting as these had been received after the agenda had been despatched. Members were informed that the site was not currently in a Conservation Area but that the proposed alterations to the boundary of the Morley Conservation Area which were due to be confirmed this year, would most likely mean the site would fall within that revised boundary

The Panel heard representations from the applicant who addressed the Panel Members discussed the following matters:

- the existing headroom of the property
- the conflicting information from Planning Services which the applicant had received
- that the decision in this case was a finely balanced one
- that the existing roof was too shallow and that the proposals were acceptable, particularly if the chimney features were retained
- the need for consistent advice to be provided on Conservation Area applications

The Panel considered how to proceed

**RESOLVED** - That the Officer's recommendation to refuse the application be not agreed and that the application be deferred and delegated to the Chief Planning Officer for approval subject to appropriate conditions

**163 Application 10/04987/FU -Demolition of existing buildings and construction of new vehicle servicing building, car sales area and parking - Prospect Garage Church Street Morley LS27**

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 redevelopment proposals, including some demolition of an existing car showroom and forecourt/MOT servicing workshop and storage buildings

Members were informed that the main concerns in respect of the application related to the impact of the proposals on neighbours' amenity with particular concern at noise, disturbance and views of parked vans from nearby homes

If minded to approve the application, Officers proposed additional conditions relating to site accesses and details of the scheme of footway improvement at the nearby junction

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

Members commented on the following matters:

- the impact of the proposals on the levels of light available to the properties at 6 and 8 Croft House and whether a light test had been undertaken by Officers
- highways issues and the need to ensure appropriate conditions were included
- the landscaping and the need for the maintenance of this to be controlled by condition
- the retaining wall to the adjacent gardens and whether the proposals would have a detrimental impact on the condition of this

Officers informed the Panel that a specific light test had not been undertaken as it was not felt to be necessary as the proposals represented an improvement on the existing situation. A noise survey had been carried out by Environmental Health and an appropriate condition had been included

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, plus additional conditions relating to:

- details of site accesses to be submitted and approved

- details of scheme of footway improvement at the Croft House Road/Church Street junction to be submitted and approved
- provision of a method statement for carrying out the works and the maintenance of the integrity of the retaining wall to adjacent gardens and an amendment to condition 7 to require a scheme of management and maintenance of landscaping to be submitted and agreed with the LPA and for local residents to be consulted on the details pursuant to this condition and for Ward Members to be kept informed

**164 Application 10/03984/FU - 7 bungalows and 17 houses with landscaping and public open space at Scott Hall Square Chapeltown LS7**

Further to minute 85 of the Plans Panel East meeting held on 25<sup>th</sup> November 2010 where Panel agreed to defer and delegate approval of a residential development providing 100% affordable housing at Scott Hall Square LS7, subject to further negotiations taking place on several matters, Members considered a further report

Plans and graphics were displayed at the meeting

Officers presented the report and informed Panel that the scheme had been further revised with the deletion of 5 houses from the proposals, with this area now providing public open space

Further consultation had taken place with the community and the applicant had revised the scheme in view of this

Members discussed the images shown and were of the view that dormers should be re-instated to the front of plots 23 and 24

**RESOLVED** - To approve the application in principle and to defer and delegate final approval to the Chief Planning Officer subject to the conditions set out in the submitted report (and any others which he might consider appropriate), consultation with local residents on details of the proposed public open space; re-introduction of dormers to the front of plots 23 and 24 and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1 That all housing on the site shall remain affordable
- 2 Fee of £600 for management of the obligation

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 shall be delegated to the Chief Planning Officer

**165 Application 10/04815/FU - Part single, part two storey retail store with car parking to former garage/petrol filling station site - 700-702 King Lane Moortown LS17**

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought permission for a retail store with car parking on the site of a vacant garage/petrol filling station on an existing shopping parade at King Lane LS17

Members were informed that this brownfield site was outside the retail centre and would serve a local retail function

A new pedestrian crossing on King Lane to the south of the site would be provided and measures to prevent rat running would be addressed through the provision of bollards

The existence of flats above the proposed retail premises and the close proximity of a house to the rear of site had led to colleagues from Environmental Health suggesting appropriate conditions

A flood risk assessment had been carried out and appropriate conditions included. A bat survey had revealed no evidence of bats, with the premises being assessed as having limited bat roost potential. The necessary remediation works from the previous petrol/garage use would require some work to the watercourse. The presence of White Clawed Crayfish had been recorded in Meanwood Beck and whilst the works could have an impact, this would be temporary and would in the long term create a better environment

If minded to approve the application, Officers requested an amendment to the condition concerning opening hours on Sundays and Bank Holidays with these being extended to allow operating hours of 08.00 – 22.00

Due to the small scale of the development a S106 Legal agreement was not required

Officers reported receipt of a further letter from Alwoodley Parish Council

The Panel heard representations from the applicant's agent and from a representative of Alwoodley Parish Council who had been registered as an objector to the proposals

The Panel's legal adviser was asked to comment on the issue of a S106 Agreement, particularly in view of the comments made by Alwoodley Parish Council who, rather than objecting to the application appeared to be seeking funding to benefit an area beyond the development site (including replacing bollards along the parade)

Members were informed that with effect from April 2010, the Community Infrastructure Levy Regulations 2010 had introduced a legal test governing the lawfulness of planning obligations relating to developments such as this. A planning obligation could only constitute a reason for granting planning permission for the development if the obligation was necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. In other words the obligations had to directly relate to the development proposals; be proportionate and address issues associated with that development. In terms of this application, it was the opinion of the legal adviser that the matters requested by Alwoodley Parish Council to be dealt with in a S106 Agreement were beyond the scope of the legal test for planning obligations

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

- the applicant's lack of consultation with neighbouring traders
- whether any work had been carried out in terms of a cumulative impact study of the proposals on existing shops
- the provision of an additional pedestrian crossing and the reasons for this. The Panel's Highways representative stated that the provision of the pedestrian crossing had come from the applicant and was not seen as planning gain as this would help mitigate the servicing and parking concerns which had been raised through this application
- car parking provision, with Members being advised that a TRO was being considered to deal with any overspill parking

- that a condition requiring local employment should be included

The Panel's Lead Officer informed Members that in terms of an impact assessment, the Government had placed a limit on the need for such an assessment to be carried out, this being 2500sqm

Further discussion ensued in respect of:

- the nature of the representations by the Parish Council. On this matter the Chair accepted that Alwoodley Parish Council was a relatively new Parish Council and had not previously made representations to Panel
- that the development could not be considered to be small scale and was larger than the surrounding retail premises
- that there was insufficient car parking, this being 50% under the UDP maximum
- that the impact of the proposals on traffic and local businesses had not been considered

The Panel considered how to proceed

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, with an amendment to condition 20 to allow opening on Sundays and Bank Holidays from 08.00 – 22.00 hours and an additional condition requiring details of the scheme for local employment during and post construction to be submitted and agreed by the LPA

### **166 Application 10/05745/LA - Middleton Park Visitors Centre Town Street Middleton LS10**

(Councillor Hardy declared a personal interest through his links with the Friends of Middleton Park)

Plans, photographs, drawings and graphics were displayed at the meeting  
Officers presented the report which sought permission for a replacement Visitor Centre at Middleton Park LS10 with a bandstand and associated landscaping works

The application was required to be considered by Panel as the applicant was the Council and the site was within the Green Belt

Funding for the development had been obtained from the Heritage Lottery Fund which had also set out design requirements

The Visitor Centre would include an education centre, café, ancillary store and office. The site was within the Green Belt and as such was regarded as being inappropriate development. Although the uses were not regarded as being essential, it was considered that they would enhance the park and in terms of the Visitor Centre it would replace an existing, disused facility so Officers were of the view that the proposals did not conflict with Green Belt Policy in this case

An amendment to the proposed opening hours of the café and Visitor Centre was requested, this being up to 19.00 hours daily and 21.00hrs on 10 occasions per year to cater for events. Officers considered that limiting the number of times late opening could occur would protect residential amenity

Enhancements to the main park entrance off Town Street would be provided as well as alterations to the pedestrian access situated opposite 261 Town Street

Security had been carefully considered with hydraulic shutters and safety glass being proposed as well as CCTV. No computers or large equipment would be

kept at the site overnight and although fencing around the Visitor Centre had been suggested, the funding could not be obtained to provide this

Members welcomed the proposals and commented on the following matters:

- whether anti-vandal paint should be considered for the shutters etc
- the need for the timber cladding to be treated to ensure its longevity
- whether solar panels would be provided. Officers agreed to consult with the applicant on this matter
- the hope that the proposed materials were sufficiently robust as it was unlikely that further funding would be forthcoming
- that some reference in the Visitor Centre should be made to the Middleton Railway and John Blenkinsop who designed the first practical locomotive railway and lived at Middleton Hall on Town Street

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, subject to the following amendments:

- condition 13 to include reference to steps
- condition 18 to allow opening until 19.00 hours daily and 21.00 hours on 10 occasions during a calendar year
- condition 23 to require an additional bat survey

plus additional conditions in respect of details of door widths and lobby area to be submitted and agreed and details of the scheme to seek to protect the building from vandalism to be submitted and agreed and that the applicant be informed of the comments made around the provision of information/display in the Visitor Centre in respect of John Blenkinsop and the historic Middleton Railway

#### **167 Date and time of next meeting**

Thursday 14<sup>th</sup> April 2011 at 1.30pm in the Civic Hall, Leeds