

## **Plans Panel (East)**

**Thursday, 27th August, 2009**

**PRESENT:** Councillor C Fox in the Chair

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

### **53 Election of Chair**

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

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

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

### **54 Late Items**

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

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

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

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

### **55 Declarations of Interest**

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

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

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

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

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

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

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

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

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

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

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

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

## **56 Apologies for Absence**

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

The Panel was informed that Councillor Congreve had been unexpectedly delayed

## **57 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 30<sup>th</sup> July 2009 be approved

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

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

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

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

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

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

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

Officers presented the report and highlighted the main issues the Panel would need to consider, these being:

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

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

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

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

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

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

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

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

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

Members discussed the following matters:

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

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

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

Members discussed the following matters:

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

- the environmental credentials of the proposals

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

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

Officers provided the following responses:

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

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

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

Members considered how to proceed

A proposal to refuse the application was not seconded

Further deliberations on the most appropriate way to proceed ensued

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

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

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

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

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

Plans and photographs were displayed at the meeting

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

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

Members discussed the following matters:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Members discussed the following matters:

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

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



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

Members considered how to proceed

**RESOLVED -**

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

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

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

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

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

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

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

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

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

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

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

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

Members discussed and commented on the following matters:

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

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

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

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

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

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

Plans and photographs were displayed at the meeting

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

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

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

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

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

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

Photographs of the site were displayed at the meeting

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

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

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

Receipt of a letter of objection from Councillor Nash was reported

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

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

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

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

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

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

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

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

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

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

Members commented on the following issues:

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

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

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

**RESOLVED** - To note the report and the comments now made

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

Plans and photographs were displayed at the meeting

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

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

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

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

**67 Date and time of next meeting**

Thursday 24<sup>th</sup> September 2009 at 1.30pm in the Civic Hall Leeds