

## **Plans Panel (East)**

**Thursday, 24th September, 2009**

**PRESENT:** Councillor G Latty in the Chair

Councillors D Congreve, P Gruen,  
T Leadley, M Lyons, J Marjoram,  
P Wadsworth and D Wilson

### **68 Chair's opening remarks**

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

### **69 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 09/01906/FU – Former Lion and Lamb Public House York Road LS14 – Councillors Congreve, Leadley, Lyons and Wadsworth declared personal interests as members of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 75 refers)

Application 07/06484/LA – Corpus Christi Catholic College Neville Road LS9 – Councillor Lyons declared a personal interest as older family members had attended the school and younger family members were expected to attend this school (minute 76 refers)

### **70 Apologies for Absence**

Apologies for absence were received from Councillor Finnigan who was substituted for by Councillor Leadley

### **71 Minutes**

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 27<sup>th</sup> August 2009 be approved subject to the following amendments:

The inclusion of Councillor Finnigan in the attendance for this meeting

Minute 61 – Application 09/02943/FU – Mosque, community centre and car parking at Catherine Grove LS11 ‘ The Head of Highways Development Services informed Members that a Supplementary Planning Document (SPD) had been adopted (ie approved)’ be amended to read ‘The Head of Highways Development Services informed Members that a Supplementary Planning Document (SPD) had been approved for development control purposes

## **72 Matters arising from the minutes**

Minute 61 – Application 09/02943/FU – Mosque, community centre and car parking at Catherine Grove LS11 – The Panel's Lead Officer stated that reference had been made to bringing back a report to Plans Panel East on the issues raised in relation to the requirement for a Travel Plan monitoring fee and the payment of such a fee by charities. As this raised policy matters it had been agreed at a joint Officer Member working group that a report on this would be brought to the next Joint Plans Panel meeting in October 2009

Members discussed this and it was requested that following consideration by Joint Plans Panel, that a report be presented to Plans Panel East Members

Minute 66 – Application 09/0276/FU – Retrospective application – Hertford Chase Colton LS15 – Concerns were raised that a report on enforcement action in the Plans East area remained outstanding

The Panel's Lead Officer agreed to inform Councillor Gruen of the timetable for the preparation of the report and it was requested that this item remain on the minutes until the report is presented

## **73 Application 08/02198/FU - Land rear of 17 and 19 Scarborough Lane Tingley WF3 - Appeal decision**

Further to minute 109 of the Plans Panel East meeting held on 25<sup>th</sup> September 2008 where Panel resolved not to accept the Officer's recommendation to approve an application for a five bedroom detached house with integral garage on land rear of 17 and 19 Scarborough Lane Tingley, Members considered a report of the Chief Planning Officer setting out the Inspector's decision on the appeal lodged against that refusal

It was the decision of the Inspector to dismiss the appeal

Members welcomed the decision

**RESOLVED** - To note the report

## **74 Application 09/02491/FU -Conservatory with external access ramp to rear at Baab-UI-Ilm Jamaat Community Centre - 166 Shadwell Lane LS17**

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 detached conservatory to the rear of the existing community centre at 166 Shadwell Lane LS17

Members were informed that the building had planning permission for cultural and social centre use and was used by the Khoja community. A fabric marquee was sited on the rear of the patio area and was used for eating after prayers

The proposals would see the removal of the marquee and the erection of a conservatory constructed in brick with UPVC glazed panels and a polycarbonate roof. A glazed link between the building and the conservatory would be included which would help address potential noise nuisance

Officers reported the receipt of two additional letters of objection and outlined the concerns raised in these, particularly the breach of planning control through the erection of the marquee and breaches of opening hours

Members were informed that enforcement action in respect of the marquee had been held in abeyance until the outcome of the current application was known. Regarding breaches of opening hours, an investigation into this matter was currently underway

The Panel heard representations from the applicant's architect and from Councillor Ronnie Feldman on behalf of a neighbour

Members discussed the following matters:

- the size of the conservatory with some Members of the view that it was in keeping with the host property, whereas other Members expressed concern at the size of the proposed development and that it would lead to an intensification of the use of the site
- whether the increase in size of the conservatory would encourage its use by more people
- the proposed use of the conservatory and whether this use could be restricted to eating only
- the hours of use with the suggestion being made that these should be restricted to 8pm each evening
- the representations made regarding neighbour nuisance; how this had been dealt with; the enforcement action which had been taken and the impact of the proposals on neighbour amenity

The Panel's Lead Officer stated that the enforcement issues were separate from the merits of the planning application and should not form any part of the Panel's decision. It was further set out that the Council had served an Enforcement Notice that sought the removal of the marquee. An appeal had been lodged and this was due to be heard on 20<sup>th</sup> October. It was part of the appellant's case that the marquee was immune from planning control; if the appellant was correct then the appeal would be allowed. The proposal before Members sought to provide a solution which allowed the applicant to carry on their activities whilst protecting the amenities of neighbouring residents

Members considered how to proceed

**RESOLVED** - That determination of the application be deferred to enable further discussions with both parties regarding the proposed use of the conservatory and the permitted hours and that the Chief Planning Officer be asked to submit a further report reporting on the outcome of these negotiations

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

Further to minute 62 of the Plans Panel East meeting held on 27<sup>th</sup> August 2009 where Panel resolved not to accept the Officer's recommendation to refuse the application, Members considered a report of the Chief Planning Officer setting out possible conditions to be attached to an approval for Members' determination

An alteration to the wording of condition 16 was proposed to include the requirement for details of alterations and works to bus stop 12860 and a TRO for waiting restrictions in the immediate vicinity of the site to be submitted to and approved in writing by the LPA

Advice was sought from the Panel's Legal Officer regarding voting on the application by Members who were not present at the August meeting

(Having not attended the previous meeting, Councillors Latty, Leadley, Wadsworth and Wilson did not participate in discussions or voting on this matter)

**RESOLVED** - That the application be granted subject to the completion of a Section 106 agreement and the conditions set out in the submitted report, including the proposed alteration of condition 16 as set out above

**76 Application 07/06484/LA - Outline application for part demolition and erection of extensions to school at Corpus Christi Catholic College Neville Road Osmondthorpe LS9**

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the refurbishment of Corpus Christi Catholic College at Neville Road LS9

Members were informed that the application formed part of the Building Schools for the Future programme, although compared to other schemes, this one was more modest comprising largely renovation but with some extensions and demolition. The proposals would not lead to an increased admission number

The application had been delayed due to lengthy discussions with the Environment Agency (EA) which had raised an objection. As much of the site was in a flood zone, flood risk statements setting out proposed mitigation and protection measures had been submitted and the EA had now withdrawn its objection

Officers requested, if minded to approve the application, that it be deferred and delegated to the Chief Planning Officer to resolve some highways issues relating to cycleways and other highways improvements. Whilst these were not fundamental to the outline permission, they related to design and budgeting for the school

Members discussed the following matters:

- flooding
- concerns that the mitigation measures put forward for this application could have an impact higher up, particularly in the Dunhills
- that the school was located close to Wyke Beck; that the EA had not yet secured funding for flood alleviation works to Wyke Beck and whether assurances from the EA could be sought that this work would be carried out
- that the flood situation at the school should be looked at along the whole area and not in isolation
- highways
- whether parking restrictions would be put in place to address safety in view of the close proximity of Corpus Christi Catholic College to two primary schools and the number of accidents which have occurred in this area

Officers provided the following responses:

- regarding flooding, that a number of conditions would be attached to any approval and that these set out the minimum mitigation measures which would be in place in the event that the school flooded. Alongside these would be a series of other measures mainly from mains drainage using sustainable drainage techniques. Whilst noting the concerns raised regarding flood alleviation at Wyke Beck, it was not possible to delay a decision on this application pending assurances from the EA that funding for flood prevention would be provided

- in relation to highways safety, the Panel's Highway's Officer confirmed that the site was in a sensitive location but that it was being controlled by conditions

Members welcomed the improvements which the scheme would bring

**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 further discussions relating to cycleways and other highway improvements

**77 Application 09/03427/FU - Variation of condition number 3 (hours of opening - 11.00 hours to 2330 hours Monday to Saturday and 23.00 on Sundays) - Change of use of shop to take away hot food shop at 15 Middleton Park Circus, Middleton, LS10**

Further to minute 280 of the Plans Panel East meeting held on 10<sup>th</sup> April 2009 (Application 08/00853/FU) where Panel approved a change of use of shop to take away hot food shop at 15 Middleton Park Circus LS10 and imposed opening hours up to 22.30, Members considered a further report of the Chief Planning Officer seeking an extension of these hours

Officers presented the report and stated that the applicant wished to extend the opening times by one hour Monday to Saturday and by 30 minutes on a Sunday evening

Members were informed that the proposed late hours of opening accorded with policy and that no objections to the proposals had been received

**RESOLVED** - That planning permission be granted subject to the condition set out in the submitted report, with all other conditions from application 08/00853/FU to be imposed

**78 Date and time of next meeting**

Thursday 22<sup>nd</sup> October 2009 at 1.30pm in the Civic Hall, Leeds