

Plans Panel (East)

Thursday, 10th December, 2009

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, R Finnigan,
P Gruen, M Lyons, J Marjoram, K Parker,
P Wadsworth and D Wilson

120 Chair's opening remarks

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

121 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 09/03181/FU – Wellfield House Victoria Road Churwell Morley LS27 – Councillor Finnigan declared a personal interest as a Member of Morley Town Council which will have been consulted on the proposals (minute 127 refers)

Application 09/03813/FU – Cockburn College of Arts Gipsy Lane LS11 – Councillor Congreve declared a personal interest through being a Governor at the school (minute 131 refers)

Application 09/01462/FU – Peel Street/Melbourne Street Morley LS27 – Councillor Finnigan declared a personal interest as a member of Morley Town Council which had objected to the application (minute 136 refers)

122 Apologies for Absence

Apologies for absence were received from Councillor Taylor

123 Minutes

RESOLVED – To approve the minutes of the Plans Panel East meeting held on 19th November 2009

124 Request for a site visit

Councillor Parker requested that agenda item 9, application 09/02871/FU – Change of use and alterations of former joiners shop to form one 4 bedroom dwelling house with attached car port with 2 car parking spaces at Churchside Villas Methley, be deferred to enable a site visit to take place prior to the next meeting on the grounds of concerns relating to on-street parking and impact on residential amenity

RESOLVED - To defer consideration of the application to enable a site visit to take place

125 Request to withdraw an item from the agenda

The Panel's Lead Officer requested that the report relating to application 09/04265/FU – 12 Church Lane Swillington LS26 be withdrawn from the agenda to enable some highways issues which had recently come to light, to be considered. The Panel's Lead Officer also requested that if the highways issues could not be resolved then the recommendation be changed to a refusal of the application with this decision being deferred and delegated to the Chief Planning Officer

RESOLVED- That consideration of the report be deferred and that the application be dealt with as suggested by Officers

126 Application 09/03527/FU - Amendment to previous approval 32/0352/FU - alterations and addition of roof lights and replacement of 1st floor window with emergency escape hatch (2m high fence to side Permitted Development) - 22 Barrowby Lane Austhorpe LS15

Further to minutes 116 and 117 of the Plans Panel East meeting held on 19th November 2009 where Panel deferred the application to enable further discussions with all parties, the Panel considered a further report

Officers presented the report and outlined the amendments which had now been made to the application which would overcome the overlooking issues to the satisfaction of all affected parties

RESOLVED - To approve the application in principle and to defer and delegate final approval of the application to the Chief Planning Officer subject to signing of a Section 106 agreement to ensure that the previously approved permissions in respect of two central roof light and first floor window to the side elevation cannot be reinstated and that the window and roof lights shown to be removed on the layout plan are removed and subject to the conditions set out in the submitted report

127 Application 09/03181/FU - Demolition of single storey extension and erection of two storey extension with glazed link and basement with additional car parking to offices at Wellfield House Victoria Road Churwell Morley LS27

Plans, drawings, 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 proposed the demolition of an existing glazed single storey extension and sought permission for a replacement two storey extension and additional car parking to offices at Wellfield House, Victoria Road, Churwell Morley LS27

Members were informed of an amendment to the report to state that 55 car parking spaces would be provided and not 51

The new extension would be in a contemporary design with materials comprising glazing, zinc and granite together with stone cladding columns to tie in with the host property which was a Georgian/Victorian stone villa surrounded by trees, some of which were protected

Members were provided with images showing summer and winter sun-path diagrams and whilst there would be some overshadowing of neighbouring properties in winter, there would be little impact during the summer months. The extension had also been designed with a set back at the first floor to further reduce its impact on residences at Laneside Gardens and the internal layout of the rooms would be arranged to minimise the impact of the development on residential amenity

The proposals aimed for a BREEAM 'excellent' rating

Members' attention was drawn to the principle of development and whilst the site was not in the town centre it was an existing office development; the proposals would provide for the retention of a local firm which employed locally and offered the opportunity for the creation of a further 50 jobs. In view of this, Officers had taken a pragmatic approach and were satisfied with the principle of development

Officers reported the receipt of two further letters of objection

If minded to approve the application Officers requested additional conditions be considered relating to highways and the provision of obscure glazing on the south and west boundary

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

Members discussed the following matters:

- the possibility of noise and light pollution and the need for this to be addressed
- the use of granite in the scheme with some views that this should be replaced with stone
- the hours of use of the premises, with some concerns being raised at the requirement for a 10pm finish; that this was not specified in the submitted report and that the hours of use should be restricted to 10pm for one year to ascertain the impact of this on local residents
- that the organisation had operated on the site for many years and had been reasonable and conscientious
- the need to include conditions to mitigate noise and light pollution
- the provision of obscure glazing and to require best endeavours to be used to employ local people including during the construction process

To address the concerns regarding the hours of use, the Head of Planning Services suggested that a condition could be imposed restricting later use to certain parts of the building and car parking area

Relating to the proposed materials and the mixed views of the Panel on this, Members noted the agent's comments that he was willing to consider increased stone elements alongside the granite

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; additional conditions relating to provision of:

- visibility splay
- obscure glazing to first floor windows on south and west elevation
- method statement for construction
- method statement to mitigate against noise and light pollution
- best endeavours to secure local employment
- hours of use for part of parking area and part of offices
- stone to be used as the material for the base building, not slate

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; travel plan monitoring fee (£2500)

128 Application 09/02779/FU - 1 detached three bedroom dwelling house with attached single garage to garden site - 36 Fearnville Mount Roundhay LS8

Further to minute 113 of the Plans Panel East meeting held on 19th November where Panel resolved not to accept the Officer's recommendation to refuse an application for a detached dwelling house with garage to garden site at 36 Fearnville Mount LS8, Members considered a report setting out possible conditions to be attached to an approval

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

129 Application 09/00541/OT - Outline application to erect three detached houses at the rear of Bryn, Winton House and Towerhurst The Avenue Collingham LS22

Plans, photographs and drawings were displayed at the meeting

Members considered a report on an application for the erection of three detached houses at the rear of properties known as Bryn, Winton House and Towerhurst on The Avenue Collingham LS22

Officers presented the report and stated that refusal of the application was being recommended to Panel as the proposals did not improve the quality or character of the area and did not accord with policy

Members heard representations from the applicants' agent and an objector who attended the meeting

Members commented on the following matters:

- that a similar development higher up the street had been erected and why on some occasions Officers were of the view that existing developments did affect proposed schemes and sometimes they did not
- the comments made by the applicant's agent that he had been advised that a recommendation to approve the application had been placed on the report, with this being altered following the Chair's briefing meeting

The Panel was advised that due to changes in planning legislation, greater emphasis was now placed on the character of areas and through PPS1 and PPS3, Local Planning Authorities were able to better control this aspect. In the case of the three properties which were sited to the rear of Low Garth, Oakroyd and Birkby, these were likely to have obtained planning permission prior to the increased emphasis on the character of an area

Regarding the statements made by the applicant's agent on an amendment to the report's recommendation, the Chair stated that the Chair's briefing meeting considered applications which were to come to Panel and occasionally an application was recommended to be examined further in a Senior Officer Review; this application was one such case

The Head of Planning Services reiterated these points and stated that for this application the key issue turned on the impact of the application on the character of the area and after further consideration Officers were of the view that the correct

recommendation had been brought to Panel for Members' consideration and determination

Members discussed the importance of Officers not indicating to applicants, agents etc a possible recommendation on an application when the final decision did not rest with them

A site visit was then proposed by Councillor Wilson to enable a more informed judgement to be made on the issues connected with the site

RESOLVED - That determination of the application be deferred to the next meeting to enable a site visit to be undertaken

130 Application 09/04153/FU - Proposed newspaper storage building at The British Library Wighill Lane Walton Wetherby LS22

Plans, drawings, graphics and sample materials 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 newspaper storage building at the British Library, Wighill Lane Walton LS22, which would provide facilities to relocate and store the stock of printed information which was currently inadequately housed in premises in London. Two informal pre-application presentations on the proposals had been made to Plans Panel East earlier in the year

Members were informed that following criticisms that the recently constructed Automated Storage Building (ASB) was visually bland and uniform, more articulation was proposed on the elevations of the newspaper storage building through the use of random panelling in shades of grey

A visual impact assessment of the proposals had been carried out with Officers presenting the 'worse case scenario' images for Members' consideration

Officers reported the receipt of a further letter of objection and further comments from Boston Spa Parish Council which echoed those made by Walton Parish Council that a simpler single colour finish to the building might be more appropriate

Panel was also informed of Walton Parish Council's concerns at the proposed access route for construction traffic and vehicles delivering documents through the ingress period and its impact on the village, with the Parish Council proposing an alternative route

Officers referred to the proposed conditions set out in the submitted report and stated that condition 2 should read 08.00 to 18.00 hours Monday to Friday and condition 8 should be amended to include 'printed material' rather than newspapers

Following the submission of revised plans and additional information, if minded to approve the application, additional conditions were recommended in respect of:

- protection of trees
- construction traffic
- provision of detailed design of the swale and construction access including details of the retaining wall
- submission of utilities routing to avoid tree routes
- final heights of the building to match those of the site cross section drawings Reference LEO A(00)10 Rev 3

Members heard representations on behalf of the applicant and from

Councillor John Procter who whilst not wishing to oppose the application raised concerns relating to the visual impact of the building and the traffic route proposed by the applicant

Members commented on the issues which had been raised relating to possible glare from the building, particularly in sunlight, the cladding materials; their colour and the most appropriate route for construction traffic and delivery vehicles during the ingest period

RESOLVED - To defer and delegate the application for approval by the Chief Planning Officer subject to the conditions set out in the submitted report, subject to the amendments to conditions 2 and 8, further conditions to cover the issues outlined above, further consultations with Ward Members and the Chair of Plans Panel East on the route for construction traffic; the content of the Section 106 Agreement and details of external materials and the signing of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) taking into account the aforementioned discussions and covering the requirements of the travel plan, the implementation of a traffic management system for the routing of the construction traffic including a penalty for breaches of the agreed routing for the drivers; the submission of an ecological management plan for the British Library campus at Boston Spa and if these issues cannot be resolved, that the application be brought back to Panel for determination

131 Application 09/03813/FU - Detached prefabricated classroom block to school - Cockburn College of Arts Gipsy Lane LS11

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

Officers presented the report which sought permission for a detached prefabricated classroom block at Cockburn College of Arts LS11

Members were informed that the prefabricated classroom block was currently on site and had been since 2004 when a three year temporary planning consent was granted for this use

The proposals were to use the classroom block as a vocational unit for the sole use of the school, with 12 – 15 students using each of the rooms. To improve the appearance of the block it was proposed to render this in the same off-white colour as that of the main school building

Officers reported a late representation from the Southleigh Residents Association who had raised objections to the proposals, stating that an agreement had been reached between them and the school regarding additional off-street parking arrangements so that particular objection had been withdrawn

If minded to approve the application Members' views on how to proceed with the increased off-street parking were sought as further consultation would be needed if it was to be included in the current application

The Panel heard representations on behalf of the college and from an objector who attended the meeting

Members discussed the following matters:

- the boundary fencing to the residential properties and that this seemed less robust than that provided by the school on the boundary to the adjacent golf course

- concerns that temporary planning permission had lapsed; that the Authority had been brought into disrepute because of this and the need to be fair and equitable when dealing with applications from the Council
- the need for Education Leeds to be asked to review its temporary permissions which had run out or were close to the expiry period and how it proposed to address the matter
- the suitability for permanent use of what was temporary accommodation and how this related to the school as a whole
- concerns about the impact on local residents of on-street parking; that temporary TROs had been introduced during the construction of the new school and that although these would become permanent, they were unlikely to be as effective as increased off-street car parking
- the need to resolve all elements of the application together rather than piece-meal

Members also discussed the fact that the description of the application had not explicitly indicated, as was usually the case, that the application was retrospective. In response to this Members were advised that as the use had expired in 2007 the application was for new proposals. Members questioned this, requested a consistent approach in the future and cited the way in which application 09/01417/FU for the New Horizons School had been dealt with (minute 108 refers)

RESOLVED -

i) To defer and delegate the grant of planning permission to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to resolving issues of providing fencing to the boundary with the residential properties and additional parking and that the application be referred back to Panel for determination if agreement on these matters cannot be reached

ii) That Education Leeds be asked to review the temporary permissions it currently has in force and to address any which had expired or were close to expiring

132 Application 09/04658/FU - Change of use and alterations of basement to one 2 bedroom flat with light-well to front to 106 Harehills Avenue Harehills LS8

Plans and drawings were displayed at the meeting

Officers presented the report which sought permission for the conversion of a basement area to one 2 bedroom flat at 106 Harehills Avenue LS8

Members were informed that the property which was in use as three flats did not have the benefit of planning permission for this use. Whilst the onus was on the applicant to prove this use had been continuous for four years, a check had indicated that the property had comprised three flats since before Council tax records began

Officers reported receipt of a further letter of objection although this raised no new issues

The Panel raised concerns regarding the adequacy of the headroom which would be available in the proposed flat and the parking provision

RESOLVED - That determination of the application be deferred and a further report be brought back to the next meeting addressing the concerns raised by Members

133 Application 09/03534/FU - Change of use of shop to hot food takeaway with flue to roof and part new shop front at 327 Harehills Lane Harehills LS9

Plans, photographs and graphics were displayed at the meeting

Officers presented a report which sought permission for the change of use of a shop to a hot food take-away at 327 Harehills Lane LS9

Members discussed the following matters:

- the proliferation of hot food takeaways in the area and whether there was a policy against this
- that UDPR policy SF15 which related to change of use to hot food takeaways could be used to resist the expansion of this use in the area
- that the Local Authority had an obligation to contribute towards combating health inequalities which sat uneasily with this application
- that much money had been spent in the area to curb anti-social behaviour caused by people loitering around off-licences; that this problem had moved to takeaways and that granting planning permission would have an impact on residential amenity

Members were advised that UDPR Policy SF15 did contain some constraints but these were insufficient in this case as the application site was within the S2 centre and two parking spaces were being proposed. Furthermore the UDP policy dealing with Primary and Secondary Shopping frontages could not be applied in this case as the number of units of a single use was calculated within a block and not an area

Members considered how to proceed

RESOLVED - That the Officer's recommendation to approve the application be not agreed and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out reasons for refusal of the application based upon the proliferation of hot food takeaways and the impact on residential amenity

134 Application 09/03257/FU - Detached single storey tennis hall with two disabled parking spaces at Boston Spa Comprehensive School Clifford Moor Road Boston Spa LS23

Further to minute 107 of the Plans Panel East meeting held on 19th November 2009 where Panel agreed to defer and delegate an application for a detached single storey tennis hall with two disabled parking spaces at Boston Spa Comprehensive School LS23, Members received a further report providing information on the issues raised at the previous meeting

Officers presented the report and informed Members that the existing and new facilities would be open to the community and that the school provided free tennis coaching to 25 schools, with this continuing once the new tennis hall was opened, with coaching for talented young players being included as part of the package

The funding had been secured through a grant of £369,000 although this had to be used by August 2010

Education Leeds had indicated there were no plans to demolish and rebuild Boston Spa Comprehensive School

Additional landscaping was being proposed to the north and south of the site to help to screen part of the development from residential properties

That the existing all-weather pitches were open and illuminated until 10.00pm and the same time limit would be applied to the indoor tennis hall

Members noted the information provided and the possibility of inter-school tennis competitions was suggested

RESOLVED - To note the report, the information provided and the additional condition relating to hours to use being limited to no later than 10.00pm to coincide with adjacent floodlighting

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

Further to minute 74 of the Plans Panel East meeting held on 24th September 2009 where Members deferred determination of the application for a conservatory and access ramp to the rear of Baab-UI-Ilm Jamaat Community Centre at 166 Shadwell Lane LS17, to enable further negotiations to take place between Officers, the applicants and neighbours, the Panel considered a further report

Officers presented the report and outlined the negotiations which had taken place which it was stated had concluded amicably

A restriction on the hours of use in line with that currently enjoyed by the community centre was being proposed, although the applicants had indicated that restricting the conservatory to dining use only could not be accepted in view of the cost of the proposals

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

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

136 Application 09/01462/FU - Variation of condition 22 laying out of car parking area of application 07/03669/FU at Peel Street/Melbourne Street Morley LS27

Members considered a report of the Chief Planning Officer seeking approval for a variation of a condition relating to laying out of car parking area at Peel Street/Melbourne Street Morley LS27, attached to application 07/03669/FU

It was noted that a parking statement which was referred to in the report had not been included in the information provided to Panel

Councillor Finnigan requested that a site visit should take place prior to the next meeting to enable full consideration of the issues raised by the application

RESOLVED - That consideration of the application be deferred to the next meeting to enable a site visit to take place and that details of the applicant's parking survey be attached to the report

137 Applications 07/01009/FU and 07/0102/FU - Site 7 South Parkway Seacroft; Site 4 Thorn Walk and Site 5 Oak Tree Drive/Amberton Road Gipton LS9 for 249 houses - amendment to previously agreed legal agreement relating to developer contributions

Further to minutes 377 and 380 of the Plans Panel East meeting held on 10th May 2007 where Panel approved in principle applications for residential developments as part of the EASEL scheme, Members considered a report of the Chief Planning Officer on a proposed amendment to the Section 106 legal agreement relating to developer contributions

Officers presented the report and stated that due to the downturn in the housing market there was no immediate prospect of the eight sites delivering the 700 homes which had been proposed

Sites 5 and 7 had seen the commencement of some development and Executive Board had agreed the purchase by the Council of 20 properties for social and intermediate housing, with funding secured to support 88 properties for the HomeBuy Direct equity share scheme and the delivery of 60 affordable properties to be owned and managed by Chevin Housing Association

The legal agreement required that the contributions for each site towards greenspace, public transport and education be made prior to development and in one lump sum. However to facilitate development, Officers within the Council's Regeneration Team had negotiated an amendment with Bellways for approval by Panel which would provide contributions upon the completion of each property. A proposed payment schedule was appended to the submitted report for Members' information and consideration

Officers were recommending to Panel that the proposed amendment to allow staged payments of contributions be accepted

Members commented on the following matters:

- the difficult situation which existed; that people had been rehoused from the site which had resulted in a knock-on effect on the availability of social housing to other needy people; that the sites had been cleared but that little development had taken place; concerns about Section 106 funds across the city and the view that the amendment which was being proposed was unsatisfactory
- how the situation could be resolved if Members did not approve the amendment
- what the start and finish dates were for the payment of the contributions
- the current constraints within the housing market
- if payments would be made on completion of a property or upon occupation
- that the proposals represented a sensible suggestion to progress the development

Officers provided the following comments:

- that what was being proposed was not a way of avoiding paying the contributions but was a way of ensuring the viability of developing the sites
- that buyers for 168 properties had been secured and that part of the agreement was that these contributions would be paid
- that if Members did not approve the amendment then a further agreement would need to be considered as currently the only interest for properties on the two sites was from Housing Associations which had grant money to purchase the homes
- regarding payment dates, it was not possible to indicate when payments would be made as this related to when each property was completed and then occupied, which was when the payment of contributions was required

Members considered how to proceed

RESOLVED - To agree the amendment of the existing legal

agreement to allow staged payments of contributions in accordance with the schedule set out in Annex 1 of the submitted report

(Under Council Procedure Rule 16.5, Councillors Congreve, Lyons and Parker required it to be recorded that they voted against the matter)

138 Date and time of next meeting

Thursday 14th January 2010 at 1.30pm in the Civic Hall, Leeds