

Plans Panel (East)

Thursday, 8th July, 2010

PRESENT: Councillor D Congreve in the Chair

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

12 Chair's opening remarks

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

13 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 08/00416/FU – Moat House Church View Methley – photographs and press cuttings (minute 18 refers)

14 Declarations of Interest

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

Application 08/00298/OT – Optare, Manston Lane LS15 – Councillor R Grahame declared a personal interest through his wife's, Councillor P Grahame's, involvement in this matter as a Ward Member for Crossgates and Whinmoor Ward (minute 17 refers)

Application 08/00298/OT – Optare, Manston Lane LS15 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the application (minute 17 refers)

Application 10/00492/FU – Thorp Arch Grange Walton Road LS23 – Councillor Lyons declared a personal interest as a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals (minute 20 refers)

(A further declaration of interest was declared later in the meeting – minute 23 refers)

15 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 10th June 2010 be approved

16 Verbal update on the Regional Spatial Strategy

The Panel's Lead Officer informed Members of a letter from the Secretary of State for Communities and Local Government which had been received on 6th July 2010 and had confirmed that the Regional Spatial Strategy (RSS) had been cancelled

The Panel was informed that many of the reports on the agenda for the meeting made reference to the RSS as these had been written prior to the letter from the Secretary of State having been received. In light of this letter, the RSS could no longer be considered as a material planning consideration

Members were informed that as the Secretary of State had previously indicated that it would be for local authorities to set their own targets, a paper on this would be considered by Executive Board at its meeting on 21st July, with Panel being updated on this issue in due course

17 Application 08/00298/OT - Outline application to lay out access and erect residential development at the Optare site - Manston Lane Crossgates LS15

Further to minute 235 of the Plans Panel East meeting held on 13th May 2010, where Panel deferred consideration of a report requesting revisions to the Section 106 Agreement in respect of education contributions arising out of planning permission for a residential development on the Optare site, Manston Lane LS15, Members considered a further report. A copy of the report considered at the Plans Panel East meeting on 25th September 2008 was appended for information

Officers presented the report; outlined the proposed revised contributions; explained how 'local' demand was determined and requested Members' approval to an extension of the time limit from 3 years to 5 years for the submission of reserved matters applications. As requested, Officers from Education Leeds attended the meeting and responded to queries from Members

Members commented on the following matters:

- the basis of the formula used to calculate contributions and whether this had changed
- that residential developments would generate pupils for schools; whether local provision was being considered and how parental preference fitted in with that
- with reference to the above statement, that it was not acceptable to indicate in this case, that because John Smeaton Community College was full and there was capacity at another High School, that the level of contributions for secondary school provision should be reduced
- that where extra school provision was required, there was a value attached to that and which schools pupils went to was immaterial and the view that the method for deciding education contributions was fundamentally flawed
- the future of Parklands Girls' School; how 'long-term' was defined and if Parklands Girls' School relocated, whether the funding from the S106 Agreement would move with the school
- the large number of pupils bussed in from the East Leeds area to Boston Spa High School at a significant cost to Education Leeds and the need for a better policy to ensure the right levels of education provision were available arising out of residential developments

- the view that national planning guidance was flawed as was the way it was being interpreted and the need for this to be considered, possibly by Executive Board
- that the funding formula appeared to change to suit the particular situation and the need for a more simple formula to be used
- the need for Education Leeds to admit that new residential developments led to increased numbers of children requiring places, usually at local schools
- the knock-on effect of reduced contributions arising from the Optare development as the education contribution in relation to the adjoining Threadneedle development would need to be reviewed in order to deal equitably with both sites
- that further negotiations were needed between Officers and the applicant to discuss an alternative level of contribution, between the initial and the revised figures
- issues around the delivery of the Manston Lane Link Road and whether the trigger point for the delivery of this had been reached
- minded not to support extending the time for commencement to 5 years

Officers provided the following comments

- that the way in which S106 Agreements were calculated in respect of education contributions had not changed; that a nationally defined multiplier was used which could change annually and took into account changes to population. However in view of Members' comments best practice would be looked at
- that the comments made around taking into account parental preference and that the method of calculation of education contributions were accepted but that the planning guidance did not allow for this to be considered
- regarding the S106 Agreement relating at Thorp Arch, there were several trigger points, one being occupancy levels of 1m sq ft; currently 600,000 sq ft was occupied therefore the implementation of the Manston Lane Link Road remained some years away
- that legal advice would be sought on matters raised by Members and the interpretation of the policy and subject to legal advice that these concerns be reported to Executive Board with a view to agreeing a change to the application of the policy

The Panel considered how to proceed

RESOLVED - To defer consideration of the report to enable further negotiations to be undertaken on the level of the education contribution, together with legal advice on the issues raised by Members and the interpretation of the policy and subject to this advice, that Members' concerns on the interpretation of the policy to be reported to Executive Board with a view to agreeing a change to the application of the policy

18 Application 08/00416/FU - Erection of a pair of semi-detached dwelling houses each with single detached garage to garden site at land opposite Moat House Church View Thorner LS14

Plans, drawings, photographs and graphics, including images from previously submitted applications on the site were displayed at the meeting

Members noted that the application had been included on the agenda for the Plans Panel meeting on 8th May 2008 where it was deferred for a site visit and the report subsequently withdrawn at the meeting on 5th June 2008 to enable the applicant to obtain a flood risk assessment

Officers presented the report and outlined the planning history, as set out in the submitted report. Members were informed that when the report had been included on the agenda for the meeting on 8th May 2008 it was being recommended for approval, however due to the recent revisions to PPS3 in respect of garden land now being considered as greenfield; the need to have regard to the special character of the area and the publication of the Thorner Conservation Area Appraisal and Management Plan, Officers were now recommending refusal of the application, with suggested reasons being included in the submitted report

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

Members considered how to proceed

RESOLVED - That the application be refused for the following reasons:

- 1 The Local Planning Authority consider that the development of this Greenfield site is contrary to policies of the adopted Unitary Development Plan Review (2006) (UDPR) and the policy statements set out in Planning Policy Statement 3 (PPS3), Housing, both of which place a priority on the development of previously developed land in advance of Greenfield sites. The incremental release of Greenfield sites is prejudicial to the Local Planning Authority's strategy of promoting sustainable forms of development on brownfield sites including vacant and derelict land. As such the application proposal is contrary to policies SP3, H3 and H4 of the UDPR and the statements set out in PPS3
- 2 The application site comprises a mature garden space that is prominent in the streetscene, provides a positive element in the landscape, is intrinsic to the character of the local area and consequently is of significant public value. The proposed development by reason of its scale, extent and layout results in the loss of this mature garden and produces a form of development that is inappropriate in its context and that fails to take opportunities available for improving the character and quality of the area. Consequently the proposed development is contrary to policies GP5, N12, H4 and BD5 of the Unitary Development Plan Review (2006) and the guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development' and Planning Policy Statement 3 'Housing'
- 3 The Local Planning Authority consider that the proposed development will result in the loss of an open green space that makes a positive contribution to the character and appearance of the Conservation Area and the proposed development would by reason of the overall amount of development, the siting of the buildings, layout and loss of open character would be harmful to the character and appearance of the

Thorner Conservation Area, contrary to Policy N19 of the UDPR, the guidance contained within the Thorner Conservation Area and Management Plan and Planning Policy Statement 5, 'Planning for the Historic Environment'

19 Application 09/01584/OT - Outline application to erect four 5 bedroom detached houses at land near Crank Cottage Station Road Morley LS27

Further to minute 234 of the Plans Panel East meeting held on 13th May 2010 where Panel resolved to defer and delegate approval of an application for a small residential development on Station Road Morley LS27, subject to conditions and completion of a S106 Agreement, Members considered a further report

The Panel's Lead Officer presented the report and explained that the application had been brought back to Panel as the planning permission had not been issued and that recent revised planning policy in respect of new housing development meant that this was now a material planning consideration and needed to be taken into account on this application

Officers remained of the view that the application could be supported as unlike the previous application (08/00416/FU), the site was relatively narrow; was set some distance away from the existing dwelling; the existing dwelling would retain a large garden and it was a sloping site. As a result of these factors, the site was not usable garden; one boundary was screened with a high hedge which obscured views from the nearby Albert Road; views from other public vantage points were limited and that the proposals would not have a detrimental impact on visual amenity

Members discussed the following matters:

- the revisions to PPS3 and the need to carefully consider the advice given by Officers
- that the new legislation was welcomed but that each application must be considered on its merits

RESOLVED - To defer and delegate approval to the Chief Planning Officer, subject to the conditions specified, a Traffic Regulation Order to be drafted in consultation with Ward Members and further consideration of the siting of the bin store and following completion of a Section 106 Agreement to cover the following matters:

- the provision of a contribution (£200 per unit) for drainage improvements at Cotton Mill Beck

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 to be delegated to the Chief Planning Officer

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

20 Application 10/00492/FU - Laying out of access and erection of 12 houses - Thorp Arch Grange Walton Road Thorp Arch Wetherby LS23

Plans, photographs 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 which sought permission for a residential development comprising 12 houses at Thorp Arch Grange Walton Road Wetherby LS23

Members were informed of previous proposals which had been refused and the revisions undertaken on this application by the applicant to address concerns raised by the Planning Inspector, which had resulted in a smaller number of units, tighter boundaries and some elevational changes, including roof design

There would be three house types in the scheme and Members were informed of recent changes to the proposed terrace – house type C - relating to the relocation of garages and internal alteration to locations of living rooms

The line of Poplars along one boundary would be removed. Whilst these had been included in a TPO it was felt that their loss would not be detrimental to the street scene

Officers reported an amendment to condition 4 which would delete the reference to the inclusion of sedum roofs and an additional condition relating to submission and approval of proposed vehicle circulation and parking areas was requested if Members were minded to approve the application in principle

The Panel heard representations on behalf of the applicant's agent and an objector who attended the meeting

Members discussed the following matters:

- that the proposals represented overdevelopment of the site and did not respect the character of the area
- the importance of having regard to the Village Design Statement when considering applications
- concerns at the removal of the line of Poplar trees particularly as these were covered by a TPO; provided screening for the adjacent houses and that no replacement tree line was to be provided
- mixed views about the height of the proposals with some Members considering 2.5 storeys acceptable and others of the view that a two storey scheme would be more suitable
- the particular variety of Poplar tree on the site and that if they were to be removed this should be done outside of the nesting season
- concerns about the block of terraced properties and that semi-detached properties might be more suitable but that the appearance of the houses was satisfactory

The Panel discussed how to proceed

RESOLVED - To defer and delegate approval to the Chief

Planning Officer in consultation with Ward Members and subject to the conditions set out in the submitted report (and any others which he might consider appropriate) and, including an amendment to condition 4 to remove the reference to sedum roofs; an additional condition stating No development to commence until a plan detailing the vehicle circulation and parking areas has been submitted to and approved in writing by the Local Planning Authority. The approval details shall be implemented prior to first occupation and retained as such thereafter; further negotiations on the removal of the terrace properties and their replacement with semi-detached properties; the maximum height of the development to be two storeys; compensatory planting to be provided in lieu of removal of Poplars and following completing of a Section 106 Agreement to cover the following matters:

- Commuted sum payment to cover provision of off-site greenspace

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

21 Application 09/05297/FU - Two storey rear extension with porch to side, single storey side extension and detached double garage to rear at Hemmingways Cottage The Green Thorp Arch Wetherby LS23

Plans, photographs 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 which sought permission for side and rear extensions and a detached double garage at Hemmingways Cottage Thorp Arch LS23 which was situated in the Thorp Arch Conservation Area

Members were informed that two additional letters of representation had been received, both from residents who had previously commented on the proposals. The Panel was also informed that the applicants had confirmed that all of the proposed development was on land within their ownership

If minded to approve the scheme, Officers sought an amendment to condition 4 which related to obscure glazing, with this being amended to also include the rear bathroom window and rear window of the side extension

The Panel heard representations from the applicant and two objectors who attended the meeting

Members discussed the following matters:

- the need for a plan showing the location of the beech trees/hedge to the proposed side extension
- that the boundary of the proposed family room would appear to be very close to the existing trees and whether this could be built without the need to remove any of the trees
- that what was being proposed amounted to a considerable increase in the size of the liveable footprint
- that if approved, that the existing extension should be demolished at the outset and that all construction traffic and skips etc be contained within the site, with clear hours of operation being drawn up and approved
- whether the roof of the side extension which was to be demolished and replaced was asbestos. It was confirmed that this material was steel sheeting, not asbestos

In view of the concerns raised by Members a proposal to defer determination of the application was proposed

RESOLVED - That determination of the application be deferred to enable further negotiations to take place and that a further report be submitted to Panel which included an accurate plan showing the boundary and beech trees/hedge in relation to the proposed side extension to the southern elevation and that a re-assessment of the application be undertaken in light of the above plan

(Councillors Grahame, Gruen and Parker left the meeting at this point)

22 Application 10/01694/FU - Replacement 1.5m high boundary wall with pillars, gates and railing to front at 210 Oakwood Lane Roundhay LS8

Draft minutes to be approved at the meeting
to be held on Thursday, 5th August, 2010

Plans, drawings and photographs were displayed at the meeting

Officers presented the report on an application for replacement front boundary treatment to 210 Oakwood Lane which was an amendment to a previously refused scheme

Members were informed that the existing boundary treatment and gates to the property was at a height of approximately 2025mm and was unauthorised

Officers were recommending refusal of the application with a possible reason being included in the submitted report and stated that if the application was refused, enforcement action would be pursued

RESOLVED - That the application be refused for the following reason:

The Local Planning Authority considers that the replacement boundary treatment and gates by reason of their height and the materials proposed, would result in a prominent, incongruous form of development that is out of character with the surrounding street scene and would subsequently harm the visual amenity of the local area. As such the proposal is contrary to the objectives which Policies GP5 and N25 of the Leeds Unitary Development Plan seek to protect

23 Application 10/01621/FU - Detached 15m high wind turbine in association with a farm - Hall Farm Thorp Arch Park Thorp Arch Wetherby LS23

Plans, photographs, drawings and graphics illustrating the views of the proposed turbine from various points 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 15m high wind turbine at Hall Farm, Thorp Arch which was designated as Rural Land and was situated in the Thorp Arch Conservation Area and in a Special Landscape Area

Members were informed that the proposal was similar to one which had been submitted by the applicant in November 2009 and which was refused in January 2010 by the Chief Planning Officer under delegated authority

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

Before discussion of the application ensued, the Head of Planning Services referred to the report which stated that Councillor J Procter had objected to the proposals and stated that there were issues around pre-determination and probity and that in such circumstances a Member should declare a prejudicial interest and leave the room. However, on consulting with Councillor Procter, the comments made were from the Community Planner and were submitted before Councillor Procter was appointed to the Panel

Councillor Procter confirmed this to be the case. The Chair stated the importance for Members and the public to be clear about such matters and that Councillor Procter had acted correctly

Councillor Procter at this point declared a personal interest as the owner of a biomass energy company as the application related to the provision of sustainable energy

Members commented on the following matters:

- how Leeds was performing against targets for provision of renewable energy and that figures on this issue be presented on the next

occasion an application for a wind turbine was being considered by Panel

- the location of the proposed wind turbine, in a Conservation Area and close to Thorp Arch Hall; a Grade II* Listed Building
- that many of the trees surrounding the area were deciduous and that the blades of the rotor would be visible during late autumn to early spring
- concern about how the application had been handled in that this application was very similar to the one refused earlier in the year which had been dealt with by a different set of Officers and why there was a difference in the recommendation being put forward

The Head of Planning Services stated that for applications for wind turbines of 15m and above, a screening opinion had to be provided and that was dealt with by the Department's Minerals Team which had now built up some expertise in this. Smaller turbines, ie under 15m in height were dealt with in the area teams in consultation with Minerals Officers. It was regrettable that previously no views had been taken on the impact of the proposals on the Conservation Area or the Special Landscape Area but that it was right for the application to be considered by Panel

In terms of applications for wind turbines across the city, there had been 50 received, with 6 being refused so far, including a major wind farm at Hook Moor which had been refused due to concerns by the Ministry of Defence

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

24 Application 10/01783/FU - Amendment to previous approval 09/00392/FU (proposed detached house) for insertion of obscure glazed first floor window to rear - Alsation House Town Hill Bramham LS23

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought an amendment to a previous approval (09/00392/FU) for provision of an obscure glazed rear first floor window at Alsation House, Wetherby which had a long and sensitive planning history

Members were informed that neither the Parish Council nor the resident of the neighbouring property had commented on the application

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

25 Date and time of next meeting

Thursday 5th August 2010 at 1.30pm