

## **Plans Panel (East)**

**Thursday, 17th February, 2011**

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

Councillors R Finnigan, R Grahame,  
P Gruen, K Parker, J Procter, A Taylor,  
P Wadsworth and D Wilson

### **139 Chair's opening remarks**

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

### **140 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 10/03637/FU – Richmond Hill Primary School LS9 – Councillor Grahame declared a personal interest as he had met the Headteacher and Officers about the application (minute 148 refers)

Reserved Matters applications for sites in Beeston Hill and Holbeck – Councillor Gruen declared a personal interest through being the Executive Member for Neighbourhoods and Housing as the applications were to provide social housing (minute 150 refers). Councillor Gruen stated that whilst he was aware of the proposals he had not formed any decision on them

Application 10/0452/FU – Change of use of former Presbytery to Constituency Office Rosgill Drive LS14 – Councillor Gruen declared a personal interest through knowing the applicant (minute 152 refers)

Application 23/312/04/FU – Replacement filters to storage silos, Wide Lane Morley LS27 – Councillor Finnigan declared a personal interest as a member of Morley Town Council which had commented on the application (minute 153 refers)

Application 10/05048/FU – Position statement for Land at Temple Green off East Leeds Link Road LS10 – Councillor Grahame declared a personal interest as he had responded to the consultation on this matter (minute 154 refers)

(Further declarations of interest were declared later in the meeting – minutes 152 and 154 refer)

### **141 Apologies for Absence**

Apologies for absence were received from Councillor Latty and Councillor Lyons

### **142 Minutes**

minutes approved at the meeting  
held on Thursday, 17th March, 2011

**RESOLVED** - That the minutes of the Plans Panel East meeting held on 20<sup>th</sup> January 2011 be approved

**143 Application 10/03042/FU - Variation of Conditions 7 & 9 of Permission 33/88/02/FU (hard & soft landscaping), land at Butts Garth Farm, Littlemoor Lane, Thorner LS14**

The Chair informed the Panel that the applicants had withdrawn their application

**144 Application 08/06412/FU - Appeal by Barrett Homes against refusal of planning permission for the revised siting and substitution of house types to 2 plots forming part of the Millennium Village, land off Station Road, Allerton Bywater**

Further to minute 205 of the Plans Panel East meeting held on 11<sup>th</sup> March 2010 where Panel resolved not to grant planning permission for the revised siting and substitution of house types to 2 plots forming part of the Millennium Village, Members received a report setting out the Inspector's decision in respect of the appeal lodged by the applicant

Members were informed that in dismissing the appeal the Inspector highlighted issues of outlook and privacy. A revised application had been submitted which sought to address these issues

**RESOLVED** – To note the appeal decision

**145 Application 10/03826/FU - One 3 bedroom Agricultural Worker's Dwelling with attached Garage at Riverside Nurseries, Linton Common, Wetherby LS22 4JD**

Further to minute 132 of the Plans Panel East meeting held on 20<sup>th</sup> January 2011 where Members resolved not to accept the Officer's recommendation to approve the application for a three bedroom dwelling and garage for an agricultural worker at Riverside Nurseries Linton Common, the Panel considered a further report of the Chief Planning Officer

Officers presented the report and advised Members that whilst reasons for refusal based upon the concerns raised by Panel had been drawn up, there was concern that reason 1, relating to the failure to demonstrate a functional need for any form of residential accommodation at the site could be difficult to substantiate, if challenged

Panel considered how to proceed

**RESOLVED** – That the application be refused for the following reasons:

- 1 The proposal by virtue of the overall scale of the dwelling and the level of accommodation provided is considered to be disproportionate to the needs of the agricultural unit and as such the proposal constitutes inappropriate development in the Green Belt that results in a loss of openness causing harm to visual amenities and character of this Green Belt location. Consequently, the proposed workers' dwelling would be contrary to Policy N33 of the Leeds Unitary Development Plan (Review

2006) and national planning policy guidance in PPG2 (Green Belts) and PPS7 (Sustainable Development in Rural Areas)

- 2 The Local Planning Authority considers that the proposed development would be unacceptable in highway terms owing to its isolated and remote location where access to public transport facilities is limited; the inadequate and sub-standard access road and lack of pedestrian footway. The proposal would therefore be detrimental to highway and pedestrian safety, contrary to Policy T2 of the Leeds Unitary Development Plan (Review 2006), the guidance contained within the Council's Street Design Guide and the guidance contained within PPG13

#### **146 Application 10/02705/FU - Erection of Polytunnels at Sturton Grange Farm, Ridge Road, Leeds LS25**

Plans, photographs and drawings were displayed at the meeting

Members considered a report seeking approval for the erection of polytunnels at Sturton Grange Farm (Field 6) LS25, which was situated in the Green Belt

Officers presented the report and stated that determination of the application by Panel had been requested by Councillor Dobson who had raised concerns about the erosion of the Green Belt and the likelihood of further caravans being sited on the farm to accommodate additional seasonal workers

Members were advised that:

- in terms of the principle of development, polytunnels were defined as an agricultural use which was appropriate development in the Green Belt
- in terms of visual impact, that polytunnels whilst being relatively new within the landscape were becoming more common and that landscaping was being provided to limit the views of these in the immediate area. As the site was not in a Special Landscape Area this type of screening was considered to be acceptable
- in respect of residential amenity, some concerns had been raised about the number of seasonal workers being employed at the farm and the impact of noise and disturbance. As part of the conditions attached to the approval for siting of seasonal workers' caravans, a management and complaints condition had been included, with only 1 complaint having been registered through this, although some complaints had been made directly to the applicant, outside of this process. A check of police records showed no reported incidents
- that additional polytunnels did not automatically mean there would be a need for additional workers and caravans, rather it would result in a reduction of workers as increased amounts of raspberries would be grown which were less labour intensive
- that the concerns of the Environment Agency regarding drainage had been addressed through revisions to the scheme and their objection to the proposals had been withdrawn
- that landscaping proposals along the common boundary which had been agreed as part of an earlier application had been reviewed and

that a 20m wide buffer in the form of a bund and extensive planting would now be provided

Members were informed of the level of representations which had been received on the application

Officers recommended the application be approved

The Panel heard representations on behalf of a local resident who objected to the proposals

Members discussed the following matters:

- the seasonal vacancies which would be created and where these would be advertised
- the proposed landscaping; whether the Nature Conservation Officer had been involved in the proposals and that details of the proposed trees and shrubs should have been included in the report
- whether restrictions could be placed on the number of caravans on the site. Members were informed that permitted development rights had been removed so any increases to the number of caravans on the site would require planning permission
- concerns that polytunnels were noisy, particularly in bad weather and whether the application complied with the voluntary code of practice which existed in respect of polytunnels. On this matter Members were informed that it complied in respect of the requirement for 30m separation
- the distance between the start of the bund and the residential properties; that the impact on residents' amenity would be from this point and that there should be a sufficient gap between the two points

Members considered how to proceed

**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 to enable further negotiations to take place on the siting of the proposed landscaped bund 10m away from the common boundary with residential properties that share a boundary with the application site. In the event that agreement cannot be reached on this matter, that the application be reported back to Panel for determination

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

#### **147 Application 10/04241/RM - Reserved Matters application for one 5 bedroom detached house and attached double garage with store over at 16A Church Lane, Bardsey**

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

Officers presented the report which sought permission for Reserved Matters relating to scale; appearance and matters relating to landscaping in respect of one 5 bedroom detached house and attached double garage with store over at 16a Church Lane Bardsey which was bounded by the Bardsey-cum-Rigton Conservation Area

Members were informed that the proposals were for a traditional two storey dwelling constructed of natural slate and stone with timber windows. At 5m to eaves level and 8.5m to ridge, the height of the property was considered to be acceptable and it would sit well with the two storey properties in the vicinity

The landscaping proposals had been drawn up in consultation with Ward Members

Officers reported the receipt of two further letters of objection which related to the landscaping scheme with concerns being raised at the impact of the proposed mature tree planting on overshadowing and loss of light. If minded to approve the application, Officers suggested that the application could be deferred and delegated to the Chief Planning Officer for an amended landscaping scheme to be considered

Concern had also been raised at the possible use of the garage/store and a further condition to restrict its use had been requested

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

Members commented on the following matters:

- land ownership issues and concerns that the site being considered was not the original application site. Whilst noting the Panel could not address these issues, concerns remained that these matters should be dealt with elsewhere
- the need for the landscaping scheme to be in line with residents' wishes and should involve Ward Members
- the proposed materials, with a natural slate roof being preferred
- the tightness of the access road and the need for a detailed construction method statement to be provided

The Panel's Lead Officer stated that if a construction management plan had not been included on the outline permission and that if conditions were to be imposed on the Reserved Matters application this should be confined to the Reserved Matters issues. As a way forward it was suggested that these could be dealt with by negotiation with the applicant

**RESOLVED** - To defer and delegate approval of the Reserved Matters to the Chief Planning Officer subject to the conditions set out in the submitted report; an additional condition restricting the use of the first floor of the garage to domestic storage only; consultation with Ward Members on the proposed materials and re-negotiation of the landscaping scheme, in consultation with Ward Members. In addition, negotiations would be undertaken with the applicant to seek a construction management plan

#### **148 Application 10/03637/FU - Demolition of existing school and erect replacement School with Nursery, soft and hard play areas, car parking and landscaping at Richmond Hill Primary School, Clark Crescent, Cross Green, LS9**

Further to minute 133 of the Plans Panel East meeting held on 20<sup>th</sup> January 2011 where Panel approved the application for the demolition of the existing Richmond Hill Primary School and the construction of a replacement school with play areas, car parking and landscaping, Panel considered a further report on issues relating to arrangements for playing provision for East Leeds Amateur Rugby League Club (ELARLC) and the submission of a project plan. A copy of this plan was included in the report

Officers presented the report and referred to a meeting which had taken place with Planning and Education Leeds Officers together with Councillor Brett regarding seeking further assurances from the consultants on the quality of the decant pitch

Members were informed that based on a previous survey, the consultants - TGMS Ltd – were of the view that the risk of further material working its way to the surface of the pitch was minimal and that this could be further minimised by sand dressing the area

Education Leeds had agreed to part fund this, with the rest of the funding being provided by Leisure Services who would undertake the works. The applicants had also reconfirmed they would facilitate a visit and inspection of the pitch with ELARC, following completion of the remedial works

A further letter of representation from ELARC had been sent to Members

Concerns were raised that not all Members had received this letter and that whilst there had been some progress this had not been as much as was needed to accommodate the rugby club's needs and that a further objection which had been made had not been seen by all Panel Members

Officers stated that Education Leeds had been proactive in this matter; that the concerns around the costs to the rugby club were understood but that this could not be considered at this stage but that this was the subject of a condition and that ELARC could use the East End Park playing pitch as a fallback if it did not wish to use the facilities at Snake Lane

It was noted that there had been the opportunity for all parties to come together on this matter and that it might not be possible to meet everyone's requirements

**RESOLVED -**

- i) That the details pursuant to condition 3 (project management plan) be approved
- ii) That a copy of the additional representation be provided to Councillor Procter

**149 Application 10/05443/FU - One detached 3 bedroom house with 0.9m high fence over existing stone wall & 1-1.4m high stone wall and gates to front on Land adjacent to 12 Barleyfields Terrace, Wetherby LS22**

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 3 bedroom house with boundary treatments on land adjacent to 12 Barleyfields Terrace Wetherby. The land had previously been in the ownership of 12 Barleyfields Terrace but was now in different ownership. As the lawful use of the land was garden use, Members were informed that PPS3 as amended, was relevant in this case

Officers stated that there had been several applications for residential development on the site, with this one seeking to overcome previous concerns, particularly in relation to height. Whilst amenity space for the proposed dwelling was limited it did meet requirements

Two additional letters of objection were reported which raised concerns relating to proposed materials; views from the cycle path; drainage/flood risk and removal of trees

The Panel was informed that:

- the plans indicated the materials would comprise brick and render with a slate roof; these materials were similar to those within the streetscene and would be conditioned as part of an approval

- regarding views of the site from the cycle way to the north, existing properties on Barleyfields Terrace were visible from the track and it was not considered that the proposals would have significantly greater prominence in this respect
- concerning drainage, no objections to the proposals had been received from the Flood Risk Management section
- that the Council's Landscape Officers had indicated that the removal of some trees and the proposed replacement boundary treatment of a hedge and new trees on the level ground within the site would provide greater benefits for amenity and public safety in the long term, given that the trees along the banking were currently unstable due to the gradient of the bank and ground conditions
- to improve the stability of the retained trees in the western part of the site, it was recommended that a condition be included requiring details of tree works to be submitted and approved in writing prior to works being carried out
- that a condition be included requiring the submission of a construction management method statement

The Panel was supportive of the application although the concerns raised by residents were noted and it was requested that Ward Members and Officers be consulted on details relating to proposed tree works

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, with an amendment to condition 5 to require a substantial fence to the boundary with the embankment and additional conditions relating to:

- the submission and agreement of a construction management plan
- that details of works to trees to be submitted and approved, with Ward Members and Officers being consulted on these details

### **150 Reserved Matters Applications for Residential Development of 8 sites and Full Applications for Refurbishment Works in Beeston Hill and Holbeck**

Further to minute 136 of the Plans Panel East meeting held on 20<sup>th</sup> January 2011 were Panel considered a position statement for reserved matters applications for residential development of 8 sites and full applications for refurbishment works in Beeston Hill and Holbeck, Members considered the formal applications

Graphs, photographs and sample panels were displayed at the meeting. Photographs of the exterior of Sherburn Court had been circulated to the Panel ahead of the meeting, as previously requested

Members were informed that although the report recommended all the applications be deferred and delegated, following the receipt of revised plans, Officers were seeking approval of all the applications apart from 10/05211/FU (Ingrams) which was recommended to be deferred and delegated following expiry of the public consultation period and subject to no further representations being received which raised new issues

Officers provided updates on several of the sites as follows:

- 10/05218/RM - Fairfax Road – further representations had been received regarding block 3, with concerns that this remained bulky and characterless and concerns about the boundary treatment

- 10/05225/FU and 10/05211/FU (refurbishment sites) – that the applicant has requested the time period condition for refurbishment be extended to 5 years
- 10/05214/RM – Holbeck Towers – proposed amendment to condition 1 relating to highway works
- additional condition regarding siting of properties to accommodate sightlines
- removal of ginnels; that this had been considered along with alternative options but to achieve specific standards, the necessary space requirements included rear access, so whilst noting Members' concerns about the presence of ginnels in the scheme, these remained
- removal of render to the upper floors
- 10/05216/RM – Coupland Place – confirmation that the colour of the proposed render would be white
- 10/05217/RM – Malvern Road - proposed amendment to condition 1 relating to highway works
- additional condition relating to dropped crossing from shared access through existing car park
- 10/05220/RM – Bismarcks – additional condition relating to highway works
- reduction in the amount of render to be used
- provision of Juliet balconies
- 10/05215/RM – Coupland Road – additional window details included and a reduction in the amount of render to be used
- 10/05218/RM – Fairfax Road – additional conditions relating to provision of details of proposed cul de sac road off Fairfax Road
- Reduction in height of block 3
- 10/05211/FU – Ingrams – amendment to time limit
- additional condition regarding final locations of alley gates
- 10/05225/FU – Meynell Heights – amendment to time limit
- delete condition 3 relating to cycle network as the potential future cycle route within the site would not be prejudiced by the proposals
- additional condition regarding final locations of alley gates
- colour samples of render shown

Members commented on the following matters:

- the lessons learned from the Swarcliffe PFI scheme and the need to clearly set out the requirements as part of the planning process
- the need for Ward Members and residents to understand the timescales involved



- that final approval of the scheme by Government was required, with the hope this would soon be given
- that Ward Members should be invited to meetings between the developer and client as the scheme progressed
- the need for consultation to continue, particularly with user groups through the Residents and Tenants Association
- the need for conditions to be included covering local employment and training. Members were advised these conditions had been included as part of the outline permission

The Chair thanked Officers and Panel Members for their work on this scheme

**RESOLVED** - To approve the reserved matters applications and grant planning permission as detailed below:

10/05227/RM – Folly Lane

Approve the details subject to the conditions set out in the submitted report

10/05214/RM – Holbeck Towers

Approve the details subject to the conditions set out in the submitted report, subject to an amendment to condition 1 to read 'details of off site highway works to Holbeck Road/Holbeck Moor (including alterations and reinstatement of footpaths on Holbeck Moor) to be submitted to the LPA and agreed in writing and carried out in accordance with the approved details prior to occupation', together with an additional condition in respect of siting of properties (plots 73 and 74) to accommodate sightlines

10/05215/RM – 1-21 Coupland Road

Approve the details subject to the conditions set out in the submitted report

10/05219/RM – 1-4, 2-20 St Luke's Green

Approve the details subject to the conditions set out in the submitted report

10/05216/RM – 15 – 44 Coupland Place

Approve the details subject to the conditions set out in the submitted report

10/05217/RM – Malvern Road

Approve the details subject to conditions set out in the submitted report and additional conditions relating to details of off site highway works to be submitted and approved in writing by the LPA and carried out in accordance with approved details prior to occupation and details of dropped crossing from shared access through existing car park off Malvern Road to be submitted and agreed in writing with the LPA and carried out in accordance with approved details prior to occupation

10/05220/RM – 53 – 133 Bismarck Street, 1 – 75 Bismarck Drive

Approve the details subject to the conditions set out in the submitted report and an additional condition relating to details to be submitted of off site highway works on Bismarck Street and Bismarck Drive and agreed in writing by the LPA and carried out in accordance with approved details prior to occupation

10/05218/RM – 2-64 Fairfax Road, 66-80 Cemetery Road

Approve the details subject to the conditions set out in the submitted report and an additional condition relating to final details of proposed cul de sac road off Fairfax Road to be submitted and approved in writing and the works to be carried out in accordance with the approved details prior to occupation of the dwelling houses hereby approved

10/05225/FU (Ninevah's/Meynell's )(refurbishment sites)

Planning permission to be granted in accordance with the recommendation in the submitted report and subject to an amendment to condition 1 to require commencement of development within 5 years, the deletion of condition 3 relating to the cycle network and an additional condition for final locations of alley gates to be agreed in writing with the LPA

10/05211/FU (Ingram's) (refurbishment site)

To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to an amendment to condition 1 to require commencement of development within 5 years and an additional condition for final locations of alley gates to be agreed in writing with the LPA and subject to expiry of the public consultation period and no new issues being raised

**151 Application 10/04932/FU - Retrospective application for raised decking area to rear, Hunslet Green Community Sports Club, The Oval, Hunslet LS10**

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 retrospective approval for a raised decking area to the rear of Hunslet Green Community Sports Club. The request for the application to be considered by Panel had been made by Councillor Nash who had raised concerns about possible impact on residential amenity from anti-social behaviour and noise nuisance

Members were advised of a correction to the submitted report at paragraph 6.2 and were informed that the complaint made in July 2010 regarding the smoking area did not refer specifically to the raised decking area

Receipt of a further letter of representation from the applicant was reported regarding the proposed condition relating to hours of use and suggesting a trial period of longer hours of use to 23.00 be permitted

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

**152 Application 10/04524/FU - Change of Use of former Presbytery to Constituency Office at the former Presbytery, Our Lady of Good Counsel RC Church, Rosgill Drive, Seacroft LS14**

(Prior to consideration of this matter, Councillors Congreve and Grahame declared personal interests through knowing the applicant)

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought permission for a change of use of a former presbytery to a constituency office for the local MP

Members were informed that no alterations to the property were proposed and that a temporary, personal permission until July 2015 was being sought. New premises were required as the current one was insufficient to meet the needs of a constituency office, particularly as there was a lack of space and privacy for dealing with constituents' concerns

A search for other suitable accommodation had not been successful and the temporary use of the former presbytery had been offered to the applicant by the owners

Reference was made to the level of objections received to the application, with particular concerns at the loss of a family house. Members were informed that if agreed, following the expiration of the temporary planning permission, the property could revert to family accommodation

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

### **153 Application 23/312/04/FU - Replacement Filters to Storage Silos at Kalon Limited, Wide Lane, Morley**

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

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place on 20<sup>th</sup> January 2011 which some Members had attended. At that meeting a request was made to withdraw the report due to a late concern being raised (minute 127 refers)

Officers presented the report which sought permission for replacement filters to storage silos at Kalon Ltd, Wide Lane Morley LS27

Planning permission was granted for this development in October 2005 but following a Judicial Review, the High Court quashed the decision to grant planning permission and referred the application back to the Council for determination

Members were informed that the applicant had sought to reduce the noise from the Reverse Jet Filters using a variety of soundproofing methods. A proposed condition had been included in respect of the noise and if this exceeded 56 dBL A<sub>max</sub> fast between the permitted hours of use, then enforcement action could be taken

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

### **154 Application 10/05048/FU - Position Statement on an application for Extension of Time for Outline planning application 21/199/05/T to allow submission of Reserved Matters until 2023 (warehouse/distribution development) on land at Temple Green off East Leeds Link Road LS10**

(Prior to consideration of this matter, Councillor Grahame left the meeting and Councillor Procter declared a personal interest as a member of the Aire Valley Leeds Partnership Board as the site was a major employment site within the Aire Valley)

Plans and photographs were displayed at the meeting

Members considered a position statement setting out the current position on proposals for an extension of time to a previously approved application – 21/199/05/OT – to allow submission of Reserved Matters until 2023 for a major

warehouse and distribution development at Temple Green sited off the East Leeds Link Road

Officers presented the report and outlined the proposed timescales, with a correction given in respect of paragraph 1.1 of the submitted report which should read ' submission of 2<sup>nd</sup> reserved matters details by 2023 and a further two years to implement the 2<sup>nd</sup> reserved matters scheme'

Details of a revised S106 Agreement were outlined with Members being informed of the importance of the travel plan as trip generation would be a factor at this site. A holding objection was currently in place on the application by the Highways Agency but it was expected this would soon be lifted

In respect of the East Leeds Link Road, discussions were ongoing with Yorkshire Forward and the Government regarding contributions for this

**RESOLVED** - To note the report and that at this stage no concerns had been raised regarding the proposed extension of time for the submission of Reserved Matters

**155 Date and time of next meeting**

Thursday 17<sup>th</sup> March 2011 at 1.30pm in the Civic Hall, Leeds