

Plans Panel (East)

Thursday, 19th May, 2011

PRESENT: Councillor D Congreve in the Chair

Councillors M Coulson, R Grahame,
P Gruen, G Latty, T Leadley, K Parker,
J Procter, A Taylor and D Wilson

181 Chair's opening remarks

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

182 Late Items

There were no formal late items although the Panel was in receipt of the following information to be considered at the meeting:

Application 10/04855/FU – 505 Harrogate Road LS17 – photographs circulated by an objector (minute 188 refers)

Application 11/00915/FU – Grove Lane LS6 – drawings circulated by an objector (minute 189 refers)

Application 10/04438/FU – Cragg Hall Farm Linton – written representations and graphics circulated by the applicant (minute 192 refers)

183 Declarations of Interest

No declarations of interest were made

184 Apologies for Absence

Apologies for absence were received from Councillor Lyons and Councillor Finnigan who were substituted for by Councillor Coulson and Councillor Leadley respectively

185 Minutes

RESOLVED - That the minutes of the Plans Panel East meeting held on 14th April 2011 be approved

186 Application 10/05711/FU - Alterations to existing unlawful residential annexe to form 3 bedroom residential annexe - 11 Old Park Road Gledhow LS8

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 related to an application to regularise unauthorised works to a residential annexe at 11 Old Park Road Gledhow which was

situated in the Roundhay Conservation Area and adjacent to the playing fields of Roundhay High School

The application sought to alter the unauthorised annexe through reducing its height and length at first floor level by 3 metres, whilst seeking to retain the existing (unauthorised) length of the building at ground floor level. Other proposed amendments included a new roof profile, alterations to windows and the patio doors

An Enforcement Notice had been served on the works and this was upheld at appeal with the timescale for demolition of the unauthorised works being April 2011. The current application had been submitted in December 2010 after negotiations with Officers

Members were informed of the recent planning history of the site with plans of the previously approved scheme being shown in context of the unauthorised development and the scheme under consideration

An update on the boundary treatment between the site and the school was provided with Members being informed that the applicant's arboriculturist was satisfied that the newly planted hedge would grow, although the Council's Landscape Officer disagreed and was of the view that the hedge would not provide sufficient screening of the property

Officers were of the view that despite the amendments, the development remained larger than permitted and were recommending the application be refused

The receipt of five further letters of objection were reported together with a representation from Councillor G Hussain who supported the application and a further representation from the applicant's agent who requested determination of the application be deferred to enable further discussions to take place

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

Members commented on the following matters:

- whether further amendments to the scheme were possible which could meet the applicant's requirements
- the value of delaying a decision on the application for one cycle, with mixed views on this
- that no remedy had currently been found which would satisfy the LPA
- the point at which enforcement action had been taken and whether this could have commenced when the footings had been inspected

On this matter the Head of Planning Services stated he could check on this and respond directly to Members

The Panel's legal adviser was asked to provide a view on the reasonableness of determining the application at the meeting when a deferral of one cycle had been requested

The Panel was informed that from the information before it and the Officer's recommendation it would be reasonable to determine the application

The Chair was of the view that a decision on the application should be deferred to the June meeting and that further negotiations should take place on the following matters:

- the length of the ground floor to be reduced to be similar to that of the 2007 planning permission
- the side wall of the building be sited to allow for a substantial hedge to be planted

Members considered how to proceed with concerns being expressed that any amendments should be in line with the existing permission

RESOLVED - That determination of the application be deferred for one cycle for further negotiations on the issues now raised and that the Chief Planning Officer be asked to submit a further report to the June meeting

187 Application 11/01102/FU - Change of use and alterations from former internet cafe to pizza takeaway with restaurant facilities - 209 Dewsbury Road Hunslet LS11

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for alterations and a change of use of a vacant A1 shop to an A3/A5 pizza takeaway with restaurant facilities at 209 Dewsbury Road LS11

The site was within an S2 Centre and as a hot food take away, policy SF15 had to be considered, however it was felt that given the relatively small scale of the proposal, the proposed use was acceptable in policy terms although consideration had to be given to residential amenity in view of the close proximity to Burton Terrace and that there was living accommodation above the shop. Conditions to address these issues were proposed

Officers reported the receipt of further objections from residents of Burton Terrace and from the applicant who had raised concerns at the conditions relating to hours of opening as these had been requested up to 23.00, although 22.00 hours was being recommended and the wording of condition no 6 to enable access to the flat from Back Burton Terrace

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

Members discussed the following matters:

- odour mitigation measures, particularly the discharge of extracted air through the existing chimney; the adequacy of this and whether Environmental Health Officers (EHO) in considering the proposals had taken into account the amenity of nearby residents using their attics. The Panel's Lead Officer agreed to consult EHO on this and report back to the Chair
- that the proposed closing hours of 22.00 were acceptable

RESOLVED – That the application be granted subject to the conditions set out in the submitted report, subject to the rewording of condition no 6 to enable access from Back Burton Terrace to the living accommodation above the shop

188 Application 10/04588/FU - Demolition of existing house and erection of 4 semi-detached three storey houses with garages - 505 Harrogate Road Moortown LS17

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the demolition of the existing, vacant, house at 505 Harrogate Road LS17 and its replacement with 4 semi-detached three storey houses with garages

Members were informed that the development would be well screened with all the trees on the frontages being retained and a new vehicular access would be provided

Policy PPS3 as amended, was relevant in this case, however there was an extant permission on the site for demolition of the property and the neighbouring house and the erection of two blocks of nine 3 bedroom apartments

If minded to approve the application, additional highway conditions were suggested

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

RESOLVED - That the application be granted subject to the conditions set out in the submitted report plus additional conditions requiring details to be submitted of the widened access and of closing off the redundant access and reinstatement of the verge

189 Application 11/00915/FU - Three storey residential care home with basement car parking, laundry, kitchen and stores at Grove Lane Headingley LS6

Plans, photographs, drawings and an artist's impression 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 three storey residential care home on a brownfield site at Grove Lane LS6

Members were informed that residential use had previously been approved on the site although what was being proposed was in a different form, ie a 76 bed residential care home

Officers considered the design and scale of the proposals were in keeping with the area, with materials to be brick, render and slate

Access arrangements were acceptable and car parking provision for 17 cars in a basement car park was considered to be sufficient

Landscaping would be controlled by conditions which included the retention of the existing trees and their enhancement by additional tree planting

Local employment for 60 people on a full and part-time basis would be provided by the scheme

Details of further consultation on the proposals with local residents were provided, with Officers stating that if Members had concerns at the impact of the development on residential amenity, that the application could be deferred and delegated to enable further discussions to take place on this matter

Additional conditions relating to highways and use of the care home were suggested by Officers

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

Members discussed the following matters:

- the proximity of the proposals to existing residences
- the possibility of resiting the property further into the site to improve the relationship to Cherry Grove to protect residential amenity
- concerns that details of the access road to the basement car park had not been provided
- the arrangements for service vehicles
- that daily deliveries could occur in this setting and whether it was possible to condition delivery hours

- that obscure glazing should be provided to some secondary windows on the eastern elevation

Members considered how to proceed

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to further negotiations on the following matters:

- realigning the access road and building 1 metre away from the properties on Cherry Grove
- the provision of obscure glazing to secondary windows on the eastern elevation
- consideration of delivery hours

and subject to the conditions set out in the submitted report with additional conditions in respect of:

- restricting the use of the care home to the provision of nursing home care or extra care for elderly people
- details of off-site highway works (access points, ambulance bay, TRO and reinstatement of verge) to be submitted
- details of signage to car park to be provided
- submission of finished floor levels

(and any others he might consider appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- a) Public Transport contribution - £21,189
- b) Metro bus stop contribution - £10,000
- c) Travel plan and monitoring fee - £2500

190 Application 10/05634/FU -Part retrospective application for change of use of domestic storage with ancillary workshop to car repair centre - 25 - 29 Florence Street Harehills LS9

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

Officers presented a report which sought permission for a change of use of domestic storage and workshop to a car repair centre at Florence Street LS9

Members were informed that one of the representations was from Harehills Labour Club rather than a local resident as stated in the report

An additional condition relating to the use of Florence Avenue for emergency use was proposed. Condition no 11 was proposed to be reworded to state ' hours of delivery 08.30 – 18.00 Monday to Saturday. None on Sunday or Bank Holidays'

A further condition was suggested to prevent paint spraying taking place on the premises

RESOLVED - That the application be granted subject to the conditions in the submitted report, as amended, plus additional conditions to restrict the Florence Avenue entrance to emergency exist only and no paint spraying to take place on the site

191 Application 10/00279/OT - Outline application to layout access and erect business and industrial park development including retail/amenity block, car parking and attenuation pond - Land off Sandbeck Lane Wetherby LS22 - Position statement

(Prior to consideration of the following matter Councillors Coulson and Taylor left the meeting)

Plans, photographs and graphics were displayed at the meeting

Officers presented a report of the Chief Planning Officer providing an update on an application for a major industrial park development in Wetherby and seeking Members' comments on a range of issues

Members were informed that the site was allocated in the UDP for employment uses with proposed uses being for a mixed B1,B8 development with small ancillary A1/A2/A3/A4 provision. Reference was also made to the national objectives in 'Planning for Growth' which placed importance on the need to secure economic growth when considering planning applications

A revised layout was displayed at the meeting and whilst scale and appearance would be considered as Reserved Matters, single and two storey blocks were envisaged

In terms of accessibility to the site, walking distances based on average walking speeds indicated that the nearest bus stop was 6 minutes from the site with Wetherby Town Centre being 15 minutes walk from the site

The following general comments were made:

- disappointment that the comments made by Ward Members at a meeting with the applicant had not been taken into consideration
- that Metro was of the view that the site was inaccessible and the amount of public transport contributions being sought would be insufficient
- that Harrogate Borough Council had raised valid concerns about the proposals
- that information on the planning file about the proposed design of the buildings suggested the inclusion of a tall building which would tower above the A1 and would not fit in with the image Wetherby had as an historic market town
- that the office accommodation exceeded the limit suggested at this location
- that an A1 floorspace of 200 sq metres was felt would protect trade elsewhere but that a larger unit was being proposed
- that any retail use was regrettable as Wetherby Town Centre would not benefit from the development if people chose to remain on the site during lunch breaks
- the archaeological potential of the site and the comments of WYAAS that a full evaluation of the site was required before an application was determined
- why the Public Rights of Way which existed across the site had not been identified in the application
- that a sequential assessment of office space in Wetherby Town Centre had taken place in January 2010 but needed to be updated to reflect the current situation which was not as robust as when the survey was done
- that the level of the proposed office accommodation did not currently exist in Wetherby but that Thorp Arch was relatively close and this was

experiencing some difficulties, despite being in a sustainable and accessible location

- that much greater detail was required and should be shared with Ward Members
- the need for the applicant to understand the issues in Wetherby, especially those of Wetherby Business Association

In response to the specific questions in the report, the following responses were provided:

- The principle of employment use on the site - this was agreed
- Scale and mix of uses - some concerns were raised at the lack of detail to enable these matters to be properly considered; that single and two storey buildings might be acceptable but that a three storey building should be reconsidered; whether office accommodation should be accepted in an out of town location and the viability of the retail use on the site; that any scheme should support Wetherby Town Centre and that due to the inaccessibility of the site, increased car parking would be required with concerns about this
- Concerning the sustainability of the site in terms of its location, reference was made to Metro's comments which stated that the site was unsustainable
- Access arrangements – these were considered to be acceptable
- Layout and scale – comments made on this – see above
- Biodiversity and landscaping – that little information was provided on biodiversity and concerns about the approach to landscaping, these being echoed by Harrogate Borough Council
- Heads of Terms – that detailed information had not been provided. The Head of Planning Services highlighted the areas where contributions were being sought and the need to continue discussions on these matters in negotiation with Ward Members
- Time limit – the imposition of a 5 year time limit condition in which the reserved matters should be submitted if the outline application was approved was accepted so long as the S106 contributions could be updated and be index-linked
- Other issues to be addressed – these were as set out in the general comments together with a need to make provision for local employment and training initiatives

The Panel's Lead Officer summarised Members' comments as being supportive of the principle of employment use but that more detail was required in terms of design and quantum of development and that the retail element should be removed from the scheme

RESOLVED - To note the report and the comments now made

192 Application 10/04438/FU - Detached dwelling - Cragg Hall Farm Linton Lane Linton LS22 - Position statement

Plans, photographs, drawings and a model of the proposals were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Members considered a report of the Chief Planning Officer setting out the current position on an application for a detached dwelling at Cragg Hall Farm Linton which was situated in the Green Belt and seeking Members' comments on specific issues on the application

An update received from the applicant was read out for Members' consideration

The proposals were for the demolition of all existing buildings on the site and the construction of a detached 3 storey dwelling of contemporary design with a basement, swimming pool, guest suite and garaging

The house would be positioned centrally within the site and had been designed to maximise light. Extensive and varied landscaping would be provided around the property

As the application raised finely balanced arguments, especially in relation to Green Belt policy, Members' comments were requested

The following general comments were made:

- the planning history of the site and the views of two Planning Inspectors on the importance of the site to Green Belt purposes
- that the land was seen as being of local importance through being the last remnant of such land between Linton and Wetherby, as noted by the Planning Inspectors

In response to the specific questions set out in the submitted report, the following responses were made:

- development in the Green Belt – the Panel confirmed that the proposals should be regarded as being inappropriate for which very special circumstances needed to be demonstrated by the applicant
- impact on openness – mixed views with the removal of the existing buildings having some support but concerns that 1.8 metre high security fencing and hedging would not preserve views and that information on which side of the boundary the hedge would be planted was essential
- principle of single dwelling – it was considered that a single dwelling of suitable size could best safeguard against future development was agreed but that its location also needed to be considered
- the design and its acceptability in the location – some Members considered the design to be acceptable. Some Members expressed the view that if the building was reoriented within the site, many of the issues associated with the proposals could be resolved. Concerns were also expressed that insufficient attention had been paid to the visual impact of the property especially in winter when it would be less screened by foliage
- highways – considered acceptable
- further comments-
 - that no evidence had been provided of the very special circumstances which existed
 - that the site was controversial in the area with much local concern about its future
 - the infilling which had occurred on the site and what materials had been used to do this
 - the possibility of the applicant who was in attendance addressing these points. The Chair explained this was not

possible at this stage but that when the application came forward for determination, public speaking would be allowed

The Head of Planning Services summarised the comments and stated that possibly if very special circumstances could be demonstrated then the application might be supported although key elements to be addressed were also the location of the property in the site and its impact on openness

RESOLVED - To note the report and the comments now made

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

193 Date and time of next meeting

Thursday 16th June 2011 at 1.30pm in the Civic Hall, Leeds