

PLANS PANEL (WEST)

THURSDAY, 8TH DECEMBER, 2011

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, K Groves, J Hardy, T Leadley,
P Wadsworth, C Fox, M Hamilton and
E Nash

80 **Late Items**

The Panel received a supplementary agenda which included the report for Agenda Item 13, Applications 11/04253/FU and 11/04253 – Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall

81 **Declarations of Interest**

Councillors Chastney and Akhtar declared a personal interest in Agenda Item 7, Application to Register Land as a Town or Village Green at Butcher Hill West Park due to their membership of the North West Inner Area Committee.

Councillor Fox declared a personal interest in Agenda Item 8, Stonebridge Mills, Stonebridge Lane, Wortley and Agenda Item 13, Commercial Road/Kirkstall Hill/Kirkstall Lane, Kirkstall as he had a family member who was a Tesco shareholder. He also declared a personal and prejudicial interest in Agenda item 11, The Tannery, Leeds Road, Otley as he knew the applicant.

82 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Harper, J Matthews and R Wood.

Councillors E Nash, M Hamilton and C Fox were in attendance as substitute Members.

83 **Minutes - 10 November 2011**

RESOLVED – That the minutes of the meeting held on 10 November 2011 be confirmed as a correct record.

84 **Matters Arising**

With regard to a previous decision of the Plans Panel West in respect of a Town or Village Green application at Yeadon Banks, it was reported that the decision had been the subject of a High Court challenge and Judicial Review. The landowner had argued that the application was retrospective in nature, that legislation was grotesquely unfair to landowners and should not be relevant until 20 years after the provision of the relevant act i.e. 2020. The

landowner had also challenged the decision through Human Rights legislation as they felt there was no fair balance in the landowners interest. A strong judgement had been made against these appeals and they had been dismissed, it was also requested that the landowner met the Council's costs in this case. The landowner had indicated that they would further appeal to the Supreme Court and had until 30 December 2011 to do so. Part of the land in the application was owned by the Council.

It was also reported that the Chancellor had announced that the Leeds City Region Rail Growth Pack had been approved. The new stations at Kirkstall Forge and Apperley Bridge would now go ahead along with the development of twelve hundred dwellings and commercial developments at Kirkstall Forge. The development would support the creation of 2,500 to 4,000 jobs and lever in £350 million investment. It was hoped that the scheme would reduce congestion on the A65. It was anticipated that work would commence in the summer of 2013 with the station being ready for the end of that year.

85 Applications to Register Land at Butcher Hill, West Park and Old Farm Drive, Leeds as Town or Village Greens Under the Provisions of Section 15(1) of the Commons Act 2006

The report of the City Solicitor informed Members of three applications that had been submitted to the Council by Councillor B Atha and the Spennings Hill Resident's Association, Moor Grange Action Group, West Park Resident's Association, Kirkstall Crusaders, Hawkesworth Community Association and North West (Inner) Area committee (The Applicant) for the registration of areas of land identified by the Applicant to be Butcher Hill Playing Fields, West Park Playing Fields and land off Old Farm Drive (the application sites) as Town or Village Greens under the provision of section 15(1) of the Commons Act 2006.

The report advised Members of the relevant issues which should be taken into account in considering the applications and to seek a determination as to the procedure that should be followed in order to resolve the applications and in particular whether in the circumstances outlined whether non statutory public hearings should be held.

The applicant had maintained that the test had been met to register the areas of land concerned as a Town or Village Green and had provided evidence to support this, this was rebutted by the landowner. As it was clear there was a matter of dispute between the applicant and the landowner, the Panel was advised to decide whether to appoint an independent inspector to conduct an inquiry into the application.

Members discussed the possibility of the plans Panel conducting an inquiry into the applications. It was reported that this would require significant training for the Panel and hearings could be held over several days. There was also an issue of the Council owning some of the land and a perception of how this could be viewed. Further suggestions were made as to how the Panel could proceed with this matter and members were asked to vote on the following:

- To appoint an independent Inspector
- To defer the decision for further investigation into the implications of the Plans Panel (West) carrying out the inquiry.
- That the Plans Panel (West) carry out an inquiry into the applications.

Members were further advised that in these cases where distinct opposite views had been made, that an independent inspector should be appointed. It was also mentioned that Members would have to sit through all the evidence at all stages of the inquiry.

RESOLVED – That the Plans Panel (West) carry out an inquiry into the applications.

**86 APPLICATIONS 11/03820/FU, 11/03826/FU AND 11/03828/LI -
STONEBRIDGE MILLS, STONEBRIDGE LANE, WORTLEY, LS12**

The report of the Chief Planning Officer provided the Panel with a position statement on an application for Stonebridge Mills, Stonebridge Lane, Wortley. The report had been deferred from the previous meeting to allow Members an opportunity for a site visit. The site visit had taken place prior to the Panel meeting.

Members were shown plans and photographs of the site and attention was brought to the listed buildings on the site. The Panel was informed of which buildings were earmarked for demolition and concern was expressed regarding the justification for the removal of listed buildings. Further issues highlighted in relation to the application included the following:

- Negotiations with Highways were ongoing.
- The possibility of having a bus lay by on Stonebridge Lane.
- Metro request for a hopper bus.
- Environment and Neighbourhoods had been consulted and would not object to 24 hour deliveries to the proposed supermarket.
- Members were asked to consider the heritage assets of the site. It was reported that the condition of some of the buildings on site had deteriorated and were in need of repair work.

In response to Members comments and questions, the following issues were discussed:

- Members were strongly of the view that listed buildings should be retained where possible. The scheme should come forward with a total package for the historic buildings on site including their reuse with viable uses and not just proposals to use some and seal and secure others.
- In the meantime existing buildings to be retained should be protected to prevent further deterioration.
- Reclamation and reuse of stone should any buildings be demolished.
- Ensuring the retained mill pond had value by the development of a management plan.

- Highways issues – Members were shown details of access to the site and proposed road layouts.

RESOLVED – That the report be noted.

(Councillor Taggart declared a personal interest in this item due to his position as Chair of the West Yorkshire Joint Services Committee as representations had been made by the West Yorkshire Archaeology Service. Councillor Hardy also declared the same personal interest as a substitute Member of the West Yorkshire Joint Services Committee).

87 Applications 11/04253/FU and 11/04253 - Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall

The report of the Chief Planning Officer provided a position statement on the application for the redevelopment of land surrounded by Commercial Road, Kirkstall Lane, Kirkstall Hill and Beecroft Street in Kirkstall. It was proposed to demolish all the current buildings on the site and these would be replaced with a new supermarket, three storey car park, 7 smaller retail units, a new community centre and a replacement Post Office Workers Club. There would also be a play area to the front of the site.

Members were shown site plans and photos of the site and a model of the proposed development was on display at the meeting. Further issues highlighted included the following:

- Entrances to the site – there would be vehicular entrances at Commercial Street and Kirkstall lane (servicing entrance).
- The scheme would introduce significant highways changes – Commercial Road would be widened to 3 lanes to allow access and new traffic signals would be installed. Kirkstall Hill would also be widened with traffic lights installed and Beecroft Street would become one way out onto Commercial Road but would be widened from its junction with Sandford road up to the junction with Kirkstall Hill. Concerns had been received from Highways regarding the capacity of the local road network to deal with the traffic but a full response to the traffic impact was awaited.
- Impact of a high building development with a small footprint and the impacts on views from Kirkstall Abbey, Beecroft Street and within the wider area given its hillside location.
- Consideration of materials to be used on the proposed development.
- Concern that the size and scale of the proposals together with the associated highways works would create a retail island. Further information would be brought on the likely retail impact.
- The proposed development would create approximately 400 jobs and be a significant regeneration scheme for the area on a largely vacant site.

Members were asked for their initial views on the proposals. The following issues were discussed:

- Highways concerns – roads in the area were already at a saturation level with congestion at junctions and the proposals would bring more traffic into the area. Highways would be able to provide more analysis and assessment of impact in due course.
- Concern that the proposal was not fitting for the area and was more suited to an out of town development. Comparisons were made to a similar development in Batley where the additional retail units had remained empty. Whilst Members were keen to see something happen on this site and were aware of the physical challenges in bringing a scheme forward on the site, there was a general consensus that the scheme presented due to its size, scale and impact would be out of character and detrimental.
- Concern about pedestrian access arrangements.
- Concern regarding the siting and detail of the Children's play area.
- Concern of some Members about the demolition of the existing terrace of commercial premises on the Commercial Road frontage..

RESOLVED – That the report and discussion be noted.

(Councillor Nash declared a personal interest as she was a Member of the Co-Operative Retail Group).

88 Application 11/01860/FU - Carlisle Road/New Street Pudsey

The report of the Chief Planning Officer informed Members of an application to demolish some existing industrial buildings on an industrial site and replace them with 23 dwellings which would range in size from 2 to 4 bedrooms at Carlisle Road/New Street, Pudsey.

Members were shown site plans and photographs of the site. Members had visited the site prior to the meeting.

Further issues highlighted in relation to the application included the following:

- The design of buildings would be simple to reflect current small buildings and materials would include red brick at the bottom and rendering above. Discussions were ongoing regarding the possible reuse of the stone from the mill building.
- The land was not allocated for residential use in the UDP. The site had been marketed for commercial usage since 2006 and no interest had been received.
- It was not financially viable to convert the mill building into flats.
- Adjoining industrial buildings – discussions would be held with Environmental Health and the Applicant regarding the impact on the new development of the adjoining business and what mitigation measures may be required.
- Reference to Section 106 agreements and provision of greenspace contribution, affordable housing, bus stop upgrades and Metrocards for residents..

In response to Members comments and questions, discussion focussed on the surrounding industrial properties. Further discussion with Environmental Health would consider the possibility of noise disturbance to any new properties and what mitigation was necessary – this may necessitate some change to the layout or more robust boundary treatment. It was reported that there had not been any complaints or objections from existing properties about the 24 hour operation of the existing business adjoining.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer after further consultation with Ward Members and subject to the submission of a noise report and satisfactory resolution of any issues arising including adequate mitigation and the signing of a Section 106 Agreement to cover:

- Funding for offsite greenspace (£64,570.02)
- Provision of 3 affordable houses on site (2 submarket (plots 12 and 16) and 1 social rent (plot 4))
- Funding for upgrades to two bus stops (£6,000) and metrocards for first 3 years from occupation
- Conditions included in the report and any others considered necessary.

89 Leeds Bradford International Airport - Monitoring Report of Night Time Aircraft Movements, Noise Levels and Air Quality

The report of the Chief Planning Officer reminded Members of the previous monitoring report when there had been two breaches of the planning condition relating to night flying and aircraft noise.

It was reported that during the last monitoring period (March to October 2011 inclusive) there had been no further breaches. Members were also informed that a test flight was planned for the new B777 plane that would be used by PIA and was to be introduced in 2012. This would be quieter than the existing plans that was used.

RESOLVED –

- (1) That the report be noted in relation to the night time movements, noise and air quality movements. Members also advised that as aircraft technology evolved, aircraft noise should continue to reduce.
- (2) That continued support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage, given that no breaches had occurred in the last eight months, be agreed.
- (3) That a verbal update on the introduction of the B777 aircraft for PIA flights be given at a future Panel meeting.
- (4) That Members be updated and a further report on the night time movements, noise and air quality monitoring be reported in six months time.

90 Application 11/04581FU - St Ann's Lodge. St Ann's Lane, Burley

The report of the Chief Planning Officer informed the Plans Panel of an application for the change of use of a former hostel into student

accommodation. There were no physical alterations proposed to the property both externally and internally. The application was solely concerned with the use of the building. The application had been brought to the Panel following objections from local Ward Members.

Members were shown site plans and photographs. Further issues highlighted in relation to the application included the following:

- There were trees covered by Tree Protection Orders (TPOs) in the grounds.
- The building was in a residential area.
- Further objections had been received from the HMO Lobby and local residents.
- The property was not suitable to be converted for family use.
- It was over 35 metres from the nearest residential properties.
- The application was recommended for approval as it met all criteria of Policy H15.

In response to Members comments and questions, the following issues were discussed:

- The property was previously used by the YMCA and was mainly used for short term lets and had a high turnover of occupants.
- Further to objections it was not contrary to Policy H15 as all criteria had been met. The Panel was informed of the criteria involved.
- Members generally felt that the building was better being put back into use.

RESOLVED – That planning permission be granted subject to conditions outlined in the report.

91 Applications 11/04382/FU and 11/04383/CA - The Tannery, Leeds Road, Otley

The report of the Chief Planning Officer referred to previous applications that had been considered by the Panel and reminded Members of the decision to refuse planning permission in June. At that meeting, Members had also discussed other options and had voted in favour of supporting the full demolition of the Tannery building should an acceptable alternative scheme be proposed.

The application consisted of 10 houses in 3 blocks to replace the Tannery building. This would include two rows of 4 terraced properties and 2 adjoining town houses. Members were shown site plans and photographs of the site.

Further issues highlighted in relation to the application included the following:

- The building was within the Otley Conservation Area but was not listed or listable.

- Reference to previous applications included those that supported some retention of the building.
- Representations against and in support of the application.
- Re-use of stone from the building in the new development and landscaping works.
- Proposed contribution for Metro.
- Retention of the Otley Town Council plaque.

The applicant addressed the meeting. The following issues were highlighted:

- Active marketing of the site had not proved successful.
- The building was in an unlettable condition.
- Otley Museum had rejected an offer to take the building on.
- It would cost too much to bring the building back into a useable condition.
- The proposals for family housing were sympathetic to the area.

Members briefly discussed the proposals and the use of stone as opposed to red brick was suggested along with alterations to the positioning of the front doors on the two adjoining properties.

An objector to the application addressed the meeting. The following issues were highlighted.

- The Tannery was a historic building and was the first distinctive landmark when travelling into the Otley Conservation Area.
- Part of the building was still in use and alternative ways of utilising the building could be investigated.
- Access to the site.
- Members had previously agreed demolition subject to a high quality scheme. It was not felt that red brick would be appropriate and the conservation area was defined by stone buildings.

In response to Members comments and questions, further discussion was held regarding the use of materials with further emphasis being placed on the use of stone and for slate roofs.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement before the 16 January 2012 to ensure the following:

- Greenspace contribution of £23,902.59
- Off site highways of £5,000
- Metro Card contribution of £4,700

Subject to conditions as outlined in the report and no further representations raising new material issues being received prior to the end of the further publicity period on 15 December 2011. Further consultation

to held regarding the use of slate and stone and positioning of doors and windows.

- 92** **Date and Time of Next Meeting**
Thursday, 12 January 2012 at 1.30 p.m.