

## **Plans Panel (East)**

**Thursday, 1st December, 2011**

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

Councillors R Grahame, P Gruen, G Latty,  
T Leadley, M Lyons, C Macniven, K Parker,  
J Procter, R Pryke and D Wilson

### **114 Chair's Opening Remarks**

The Chair welcomed everyone to the December meeting of the Plans Panel (East) and asked Members and officers present to introduce themselves.

It was reported that Agenda Item 12, Application 11/03752/EXT – Foxwood Guest House, Carr Lane, Carlton, WF3 had been withdrawn to allow for a site visit. In regard of Agenda Item 17, Application 11/01673/RM – Land to the rear of 35 Lower Mickletown, Methley, LS26 it was reported that representations had been received from the Environment Agency. These reported that the land had been categorised as Flood Zone 3 which was an area which had a high probability of flooding. When the application had been earlier subject to appeal, there had been conditions to restrict the application to Flood Zone 1, which was an area that was least likely to flood. Members were therefore asked to withdraw the application.

**RESOLVED** – That Agenda Item 17, Application 11/01673/RM – Land to the rear of 35 Lower Mickletown, Methley, LS26 be withdrawn from the Agenda.

### **115 Declarations of Interest**

Councillor Lyons declared a personal interest in the following items due to his membership of the West Yorkshire Integrated Transport Authority:

- Item 8 – Application 11/02744/FU – Middleton Arms, Middleton Park Road, LS10
- Item 11 – Application 11/01014/OT – Land Adjacent to Jude's Pond, Haigh Moor Road, West Ardsley, WF3
- Item 20 – Application 10/05048/EXT – Land at Temple Green, Off East Leeds Link Road, LS10

Councillor Mac Niven declared a personal interest in Item 19 – Application 11/03592/LA – Former Braim Wood High School – Wetherby Road, Roundhay, LS 8 due to her position as a Governor at Roundhay School.

Councillor Leadley made the following declarations of interest:

- Item 7 – Application to Register Land as a Town or Village Green, Pit Hill, Churwell, LS27 – Personal Interest as he knew the applicants.
- Item 11 – Application 11/01014/OT – Land Adjacent to Jude's Pond, Haigh Moor, WF3 – Personal and Prejudicial Interest as he knew the land owners.

### **116 Apologies for Absence**

An apology for absence was submitted on behalf of Councillor R Finnigan. Councillor T Leadley was present as substitute.

### **117 Minutes**

**RESOLVED** – That the minutes of the meeting held on 3 November 2011 be confirmed as a correct record.

### **118 Application to register land as a Town or Village Green - Pit Hill Churwell LS27**

The report of the City Solicitor informed Members of an application submitted to the Council by a group identified as 'Save Pit Hill Churwell' (the applicant) for the registration of an area of land referred to by the applicant as Pit Hill, Churwell as a Town or Village Green under the provisions of Section 15(1) of the Commons Act 2006. Members were shown plans of the area and the land in question was highlighted.

It was reported that the applicant had claimed that the tests had been met to register the land as a Town or Village Green but this had been rebutted by the Landowners and objectors to the application. It was suggested that an Independent Inspector be appointed to examine the evidence submitted by the parties.

**RESOLVED** – That public hearings be called and an inspector be appointed by the City Solicitor, with a view to undertake an examination of the evidence submitted by the parties concerned and to prepare a report in relation to his/her findings for consideration at a future meeting of the Plans Panel East

### **119 Application 11/02744/FU - Middleton Arms Middleton Park Road LS10**

The report of the Chief Planning Officer brought back an application for the demolition of a public house and erection of a single storey retail food store, associated car parking and landscaping at Middleton Arms, Middleton park road, LS10.

The item had been deferred following the November meeting of Plans Panel (East) to allow for further negotiations and consideration of the following:

- Move the store away No 98 Middleton Park Road
- In re-siting of the building, see if TPO trees (lime) at the front of the site could be retained
- If the trees could not be retained, compensatory planting (good sized) to be provided on/off site
- See if the detailed brickwork could be retained/incorporated into the scheme and the retention of the free standing public house be investigated.

Members were shown revised site plans of the site. It was reported that a further submission had been made which moved the development 1.5 metres west and 1 metre north from the TPO trees. Members were also informed that compensatory planting had not been offered and it was felt that the amendments still did not give a satisfactory outcome with respects to 98 Middleton Road.

It was further reported that Highways were now satisfied with the revised plans and one further letter of objection had been received which stated that the proposed re-siting was still not satisfactory.

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

- It was felt that the applicant had made genuine attempts to fall in line with what the Panel had requested at the last meeting and the fact that the application would create employment opportunities for local people needed to be considered.
- It was regrettable that TPO trees would be lost and an additional condition regarding additional planting at the site was suggested.
- Previous highways issues related to car park provision and access.
- It was suggested to add conditions relating to the planting of trees to the front of the site and placing restrictions on the types of goods sold.

**RESOLVED** – That the Panel do not accept the officer recommendation that planning permission be refused and defer and delegate the grant of planning permission top officers. Conditions to include compensatory planting to the front of the site and the premises be restricted to discount food retail.

#### **120 Application 11/02650/FU - 16 Nook Road Scholes LS15**

The report of the Chief Planning Officer informed Members that the application had been presented to Plans Panel at the request of a local Ward Member and concerns regarding the design of the proposal and its effect on the character of the streetscene.

The application had been considered at the previous meeting of Plans Panel East when Members had resolved the following:

- To defer and delegate approval to officers, following further consultation with Ward Members over the design and dwelling.
- That a further condition to be added to require a method statement for the construction of the dwelling, including days and hours of building works.
- Condition 13 to be explicit as to what time of year demolition and construction works can take place.

**RESOLVED** - that permission be granted subject to conditions specified in the report.

#### **121 Application 11/01550/OT - Land adjacent to Castle Mona Lodge Wetherby Road Scarcroft LS14**

The report of the Chief Planning Officer informed Members that outline permission was sought for a residential development on allocated Greenfield site comprising 11 detached dwellings and associated access. The proposal was considered to be acceptable given that it was allocated for housing, was located in a sustainable area and would result in significant public benefits in the form of provision of greenspace within the village. The application had been reported to Plans Panel due to the number of representations received and in light of recent Greenfield appeals.

The Panel was shown site plans and photographs of the site.

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

- The surrounding land was residential and adjacent to greenbelt. The land was marked for phase 3 housing within the UDP.
- The application had been reduced from an initial proposal of 14 dwellings.
- Land that would be allocated as greenspace would be transferred to the Parish Council.
- The layout of the proposals was in keeping with the village of Scarcroft and fit within the character of the area.
- All houses would be set an adequate distance away from others.
- Reference was made to highways measures and the proposals offered safe access into the site.
- In summary, it was reported that the proposals were in accordance with development plans and policies and would also be of a benefit to the local community and residents.
- As there was less than 15 units on the site there was no requirement to provide affordable housing.

An objector to the application addressed the meeting on behalf of local residents.

Main concerns included the following:

- Access from the A58. Although the speed limit was 30 MPH, the average recorded speed was 38 MPH with traffic often travelling much faster.
- It was felt that the report was misleading on the use of greenbelt land for the provision of access. It was stated that a fence had been moved from its original position following the removal of trees. This gave the impression that less greenbelt land was being used than had originally been decided.
- The proposals would have an impact on some resident's privacy and amenity.

The applicants agent addressed the meeting. The following issues were highlighted:

- The site had been identified for housing back in 1992 in the Vision for Leeds and this had been reaffirmed in the UDP review.
- The application took account of TPO trees and proposed large gardens for the dwellings within the character of the area.
- Highways officers were happy with access arrangements. Alternative access would mean the removal of TPO trees.
- The fence where the access to the site would be had been moved back to the original position following the removal of trees.
- Draft legal agreements had been submitted for transfer of the land.
- Layouts had been revised following discussions with residents.
- Meetings had been held with Ward and Parish Councillors and it was felt that the proposals would add to the vitality of the area.

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

- Tree Protection Orders had been made in 1999. Of the 5 removed trees, one was in a dangerous condition and 3 others had been diseased. The developer was happy to replace these.
- The land in between the site and the greenspace that would be transferred to the Parish Council was under third party ownership.
- Issues surrounding the greenbelt land – this would not be built on and had not been highlighted as an issue for concern during discussion with Planning Officers.
- The possibility of having access from the adjacent site as opposed to access from the A58. Members were informed that previously, agreement, in terms of access, couldn't be reached with the owner of the adjacent site before that was developed.
- Pillars at the proposed access to the site would be retained, but may have to be moved.
- The proposals would include the provision of a dedicated right hand turn lane into the site off the A58. There would also be the provision of crossing refuges and it was felt that the proposals were acceptable on the issue of highways safety.
- The visibility standard and splay at the access to the site would be based on traffic speeds of 40 MPH.
- Further issues relating to access were discussed including the following:
  - Concern that the access road was too close to houses
  - Potential alternative access points on the land between the site and the proposed greenspace.
  - Access from the adjacent site.

**RESOLVED** – That the application be deferred for one cycle to gather further information regarding:

- What attempts have been made to achieve access to the site from The Meadow.
- The definitive position in respect of the boundary of the Green Belt and whether any part of the proposed access falls within.
- Can the proposed access road be redesigned/sited to reduce the impact on adjacent houses.
- Further information to be included in the report concerning the proposed off site highway works.

### **122 Application 11/01014/OT - Land adjacent to Jude's Pond Haigh Moor Road West Ardsley WF3**

The report of the Chief Planning Officer detailed an outline application to erect 32 houses on land adjacent to Jude's Pond, Haigh Moor road, West Ardsley. The application had been brought to the Plans Panel because it related to a substantial development proposal and was subject to local concern by nearby residents. The proposal was for the residential development of a Greenfield site that was allocated for such purpose (phase 3) in the Unitary Development Plan.

Members were shown photographs and plans of the site.

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

- Provision of affordable housing this would be 15% in line with interim policy
- The proposals provided facility for management of the pond
- Kerbing improvements
- Contribution to Education – there was limited availability in local schools.

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

- Deadlines for affordable housing under the interim policy and receipt of Section 106 monies.
- Use of local suppliers and local employment opportunities on the development – discussions had been held with Employment Leeds.

**RESOLVED** – That approval be deferred and delegated to officers subject to the completion of a Section 106 agreement to include:

- 15% affordable housing provision. Details of commencement and phasing of delivery of development to be agreed. If not commenced by June 2013 the affordable housing shall be provided in accordance with the policy in force at that time. Clauses to be included to safeguard the provision of and to ensure the delivery of affordable housing.
- Greenspace to be laid out (including enhancements to Jude's Pond).
- Improvements to local bus stop.
- Local employment and training,
- Education contribution of £20,000.

And subject to other conditions as outlined in the report including an additional condition regarding the gradient of access.

(Councillor Leadley left the meeting for the duration of this item)

(Councillor Gruen left the meeting at 3.00 p.m. during the discussion on this item)

**123 Application 11/03752/EXT - Foxwood Guest House Carr Lane Carlton WF3**

The report of the Chief Planning Officer informed Members of an application for the extension of bed and breakfast accommodation. It was reported that the development conflicted with Green Belt policy and was recommended for refusal. The application had also been requested for determination by Plans Panel by a local Ward Member on the grounds of intrusion into Green Belt.

**RESOLVED** – That the application be deferred to allow for a site visit.

**124 Application 11/03202/FU - 700-702 King Lane Moortown LS17**

The report of the Chief Planning Officer informed the Plans Panel of an application to vary a condition that required the installation of a second zebra crossing. It was recommended to refuse the request to remove the provision of the zebra crossing as it was a fundamental part of a package of traffic management measures to mitigate

the effects of the proposed retail store at 700-702 King Lane, Moortown. The application had been referred to Plans Panel at the request of a local Ward Member on the basis that the variation had the support of the Parish Council, Ward Councillors and the majority of local people.

Members were shown photographs of the site and a site visit had taken place.

It was reported that traffic speeds in the area were high and during a five week period, over 700 violations had been recorded. The development would bring an increase in traffic activity and the zebra crossing would provide further traffic calming in the area.

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

- There were other areas across the City that had zebra crossings in close proximity to each other as per the proposals.
- Pedestrian safety.
- Alternative traffic calming measures.

**RESOLVED** – That the permission to vary the condition regarding the installation of a zebra crossing be refused in accordance with the recommendation.

#### **125 Application 11/03639/FU - Land rear of Astura Court Scott Wood Lane LS7**

The report of the Chief Planning Officer informed Members of an application for a detached house and garage at land to the rear of Astura Court, Scott Wood Lane, LS7. The application had been brought to Plans Panel at the request of a local Ward Member on the grounds that the narrow, private access road and access was a problem for highway safety and congestion in the area.

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

- There would be improvements to the road surface and a built in turning area by the entrance of the development.
- The site was currently home to a number of pigeon lofts. These would be removed and the site would be used less intensively.

A local resident addressed the Panel with concerns and objections to the application and also answered Members questions. Issues discussed included the following:

- Difficulties with access and problems already encountered with visitors to the site for the use of the pigeon lofts.
- Reference to Land Registry documents and that further investigation should be made into access rights.
- The road was used by 6 residential properties and a business premises.
- The road was difficult to drive on in winter conditions due to the bad bend.
- More pigeon lofts had been placed on the site than had been initially agreed.

The applicants agent addressed the meeting and responded to Members comments and questions. Issues discussed included the following:

- The application sought the removal of the pigeon lofts and the building of a dormer bungalow.
- The number of vehicular movements would be less when the pigeon lofts had been removed.
- There would be access improvements with hard surfacing to the road and a new turning facility.
- Street Design Guide policy in relation to private access roads – in respect of this negotiations had led to the proposed access improvements.
- It was reported that there were no plans to re-introduce the pigeon lofts and that a condition could be applied to remove permitted development rights.

**RESOLVED** – That planning permission be granted in accordance with the recommendation with the deletion of condition 15 and the addition of a condition that removes permitted development rights.

#### **126 Application 11/02881/FU - Rear of The Hollies Park Avenue Roundhay LS8**

The report of the Chief Planning Officer related to a full planning application for a development to provide 4 five bedroom terrace houses with 2 detached garage blocks and a five bedroom detached house with a detached garage. The application had been reported to Plans Panel at the request of a local Ward Member due to concerns arising due to over development of the site, the design, impact on the character of the Conservation Area, loss of trees and the concerns of local residents.

Members were shown photographs and plans of the site.

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

- The proposed development was within an established residential area.
- The proposals were similar to adjacent properties.
- Objections had been received from Woodlands Hall – it was felt that the proposed development was a sufficient distance away.
- The original proposals had been negotiated down from 2 detached properties.
- Access to the site was felt to be satisfactory.
- Further letters of objection had been received on the grounds that the proposals were not in keeping with the character of the area and concern regarding traffic and pedestrians.
- It was suggested that the following conditions be added:
  - Notwithstanding the approved layout, revised plan to adoptable standards
  - Garage doors not to open onto adopted highway

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



- The access road to the site was the only way out for pedestrians and this was a significant danger.
- Privacy and amenity space for the terraced houses was sub-standard.
- The proposals would erode the conservation area, not enhance it.
- The proposals were contrary to planning policies, the Unitary Development Plan and the Roundhay Conservation Area Appraisal.
- Demolition of an existing wall by the developers.

The applicants agent addressed the meeting. The following issues were highlighted:

- During meetings with planning officers it had been felt that the proposals had met all necessary requirements and the proposals had been reduced from 6 six dwellings to five.
- Highways officers were satisfied that the safety was not compromised within the proposed development.
- A new wall would be constructed that reflected the nature of the area. This would be built with reclaimed materials.
- It was hoped to commence work in the new year and complete within nine months.
- The development would provide much needed family accommodation in the area.

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

- Discussions had been held with local neighbours to the site.
- The site was previously part of the walled garden of Woodlands Hall.
- Members were asked to consider the impact on the spatial amenity of the area.
- The proposals fit within design statements and surrounding properties.

**RESOLVED** – That the application be granted in accordance with the recommendation and conditions outlined in the report. Also subject to the following conditions:

- Notwithstanding the approved layout, revised plan to adoptable standards.
- Garage doors not to open out onto adopted highway.

(Councillor R Grahame left the meeting at 4.00 p.m. during the discussion on this item)

(Councillor P Gruen re-joined the meeting at 4.10 p.m. during the discussion on this item).

**127 Application 11/04246/FU - Primley Court, 18 Primley Park Crescent LS17**

The report of the Chief Planning Officer informed Members that the application had been referred to Plans Panel at the request of local Ward Members on the grounds that the proposals would result in a large property out of keeping with the rest of the street, and that the dormers, particularly those to the rear, would result in overlooking

of neighbouring properties, and that the proposals would result in increased traffic, congestion, pollution and noise and also causing the front of the site to become an unsightly parking area.

Permission had been granted in February 2011 for the provision of two additional flats in the roofspace of the property and permission was now sought for the following alterations to the approved scheme:

- Rearrangement of the layout of the two proposed flats within the roofspace to locate the living areas in the rear part of the building and the bedrooms in the front part.
- Provision of two flat-roofed dormers in the rear roofslope of the building to provide increased floor area to the two flats in the roofspace.
- Slight increase in width of dormers to front and re-siting of these to align them with the windows on the floors below.

It was further reported that further letters of objection had been received regarding the proposals being out of character with the area and that the dormers would be unsightly. The Panel was informed that the proposals met Neighbourhoods for Living Standards.

**RESOLVED** – That planning permission be granted in accordance with the recommendation and conditions outlined in the report.

#### **128 Application 11/01673/RM - Land to the rear of 35 Lower Mickletown Methley LS26**

The report of the Chief Planning Officer introduced an application that sought reserved matters approval for the layout, scale and appearance of a detached dwelling house with integral garage. The application had been brought to Plans Panel (East) at the request of local Ward Members on the grounds that the size, height and proximity of the proposed dwelling would have an adverse effect on the residential amenity of the occupants of those properties through loss of light and overshadowing. In addition, there were concerns with access and highway safety.

It was reported that a late representation had been received from the Environment Agency regarding a recent change to flood zone classification and part of the proposals now fell in zone 3. Condition 7 of the planning permission (appeal decision) set out that the house should be sited in zone 1.

**RESOLVED** – That the report be withdrawn from the agenda.

#### **129 Application 11/03893/LA - Site of former Carr Manor High School Stainbeck Lane Moortown LS17**

The report of the Chief Planning Officer introduced a proposal for the development of a new school building on the site of the former Carr Manor High School, Stainbeck Lane, Moortown. The application had been brought to Plans Panel as it related to a substantial and significant redevelopment proposal affecting the local communities in the Meanwood, Chapel Allerton, Potternewton and Harehills areas of the City, in addition to the immediate area surrounding the site.

Photographs, plans of the site and images of the proposed development were shown.

Issues highlighted in relation to the application included the following:

- The development would be on the footplate of the old school building.
- Reference to a deputation made to full Council from the Carr Manor Road Safety Group – Highways had considered and were satisfied with the proposals.
- Highways measures to be implemented – these included additional bus stops and provision of pedestrian handrails.
- The development consisted of a single storey school building with a sports hall.

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

- Traffic arrangements for dropping off children – there was no provision on site for this.
- Development of a green travel plan.
- It was desired to have the development ready for the school to open in September 2012.
- The building would be of a modular construction and could be added to.

**RESOLVED** – That the application be deferred for further negotiation over:

- The provision of an on site pupil drop off area
- Details of the travel plan to be provided.

### **130 Application 11/03952/LA - Former Braim Wood High School - Wetherby Road Roundhay LS8**

The report of the Chief Planning Officer introduced an application for a primary school on the site of the former Braim Wood High School. The application had been brought to the Plans Panel because the whole of the site was within the Green Belt where inappropriate development would not normally be allowed and even where special circumstances to justify the development could be demonstrated, the impact on the open character of the Green Belt should be minimised. A statement had been submitted with the application, setting out the very special circumstances leading to the decision to pursue development on this site. However for this reason the application was a departure from the adopted UDP and was on land controlled by the Local Authority. In these circumstances and under the Town & Country Planning (Development Management Procedure) Order 2010, if Members were minded to approve the scheme, it would need to be referred to the Secretary of State for Communities and Local Government to enable whether it should be 'called in'; before a decision could be issued.

The application also related to a substantial and significant development proposal affecting the nearby local community of Roundhay as well as its conservation area and the setting of listed buildings.

Photographs and plans of the site were shown to the Panel.

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

- The proposed development fell within the Roundhay Conservation Area.
- The development would be on the footplate of the old school building and would make use of the old service area.
- Pedestrian access from Wetherby Road.
- Impact on the highway network.
- An area for on site car parking had been identified.

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

- Concern that the proposals were out of character for the location.
- It was reported that the previous building had been demolished following anti social behaviour at the site.
- Concern regarding traffic movements on Wetherby Road and Elmet Lane.

**RESOLVED** – That the application be deferred for further negotiation over:

- The provision of an on site pupil drop off area
- Improvements to design and appearance of the building
- Further information to be provided concerning other sites considered for the school and why they are not appropriate.

### **131 Application 10/05048/EXT - Land at Temple Green off East Leeds Link Road LS10**

The report of the Chief Planning Officer referred to an application for extension of time for outline planning application 21/199/05/OT to allow submission of Reserved Matters until 2023 (to erect warehouse and distribution development with car parking and landscaping) at Land at Temple Green off East Leeds Link Road, LS10.

**RESOLVED** – That planning permission be granted in accordance with the recommendation.

- Condition 2 – to read ‘submission of first reserved matters and commencement of development both by 2018’
- Condition 5 – reference to B2 to be deleted.

Additional conditions:

- Update of Landscape and Design Framework for whole site to be submitted with each reserved Matters application.
- Development in accordance with the approved Flood Risk Assessment (October 2010).

### **132 Date and time of next meeting**

Thursday, 5 January 2012 at 1.30 p.m.

