

NORTH AND EAST PLANS PANEL

THURSDAY, 21ST DECEMBER, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors B Cleasby, R Grahame,
S Hamilton, S McKenna, E Nash, J Procter,
K Ritchie, P Wadsworth and G Wilkinson

SITE VISITS

The Panel site visits were attended by Councillors Walshaw, Hamilton, Nash, Ritchie, S. McKenna, and Wilkinson.

77 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

78 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

79 Late Items

There were no formal late items. However, it was noted that a red line map had been omitted from the hard copy agendas for Agenda Item 9 – Application 17/04217/FU Change of use of woodland to a Go Ape high ropes course with associated reception cabin at Temple Newsam Park, Temple Newsam Road, Leeds. This was circulated to all Members prior to the meeting.

80 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

However, Cllr. R Grahame did declare an other interest in Item 7 – Appeal by Mr Darren Hirst (Just Design Ltd) against a refusal to grant planning permission (Ref: 16/07555/FU) for the construction of 13 dwellings at the former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14, as his wife Cllr. P Grahame is a Ward Member for Crossgates and Whinmoor.

Cllr. Cleasby declared an interest during Item 10 - 17/03940/FU – Siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds as he owns a caravan and travels away for extended periods.

81 Apologies for Absence

There were no apologies for absence.

82 Minutes

RESOLVED – That the minutes of the meeting held on 16th November 2017 be approved as a correct record with the following amendment.

Item 71 – 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land off Ninelands Lane, Garforth, Leeds, LS25 to include;
“In relation to the design of the affordable homes Members requested that they see the designs prior to approval of the application”.

83 Matters arising

Item 71 – 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land off Ninelands Lane, Garforth, Leeds, LS25

- It was noted that no response to a letter from Chair had been received from Yorkshire Water

Item 73 – 17/04886/FU – Replacement dwelling with garage and associated landscaping 5 Wensley Drive, Chapel Allerton, Leeds, LS7 3QP.

- Cllr. Wilkinson had requested that an obscured glazed window would not be able to open. It was noted that this would be checked.

84 APPEAL SUMMARY 16/07555/FU - Construction of 13 houses Former Site Of Stanks Fire Station Sherburn Road Swarcliffe LS14 5DW

Further to minute 172 of the meeting held on 11th May 2017, the report of the Chief Planning Officer requested Members to note the appeal decision.

At the meeting held on 11th May 2017 Members resolved to accept the officer recommendation that planning permission be refused for the construction of 13 dwellings at the former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14.

Reasons for refusal were set out at point 1.1 of the submitted report.

Members were informed of the issues identified by the Inspector as set out at points 2.1 and 2.2 of the submitted report and included:

- Confirmation that the appellant had submitted a Unilateral Undertaking in respect of a contribution towards the provision of greenspace. That the Unilateral Undertaking addressed the second reason for refusal and consequently, the Inspector had not considered the issues of provision of green space;

- Whether the proposed development would be likely to increase opportunities for crime and antisocial behaviour and provide a safe or secure environment;
- The effect of the proposal on the character and appearance of the area; and
- Whether future occupiers would be likely to experience acceptable living conditions in terms of privacy, outlook and outdoor amenity space.

Members were advised that the Inspector had concluded that the proposal was likely to increase opportunities for crime and antisocial behaviour and would have an unacceptable effect on the character and appearance of the area where the landscape is concerned.

RESOLVED – To note the appeal decision.

85 17/00029/OT - Outline application for 26 dwellings and means of access Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS

The report of the Chief Planning Officer asked Members to consider a proposal to contest the appeal against the non-determination of an outline application for 26 dwellings and means of access on land at Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS.

Members were informed that the application was presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 6th October.

Members were advised of the proposed putative reasons to contest the appeal these were set out at paragraphs 1 – 4 at the header of the submitted report.

Members noted that 123 representations had been received in relation to the application with 120 of these being objections which were summarised at point 5.3 of the submitted report. It was also noted that the Linton Village Society had objected to the proposal and their objections were set out at 5.4 of the submitted report.

Members were informed of comments received from Linton Parish Council which were read out at the meeting.

Members were advised of a late representation from the landowner which was read out at the meeting.

Members' attention was drawn to 4.2 of the submitted report which set out the planning history of the site.

Maps, plans and photographs were shown at the meeting, these included photographs showing the difference in gradient of the site.

Members heard that this site was unacceptable as a sustainable development due to matters of location, poor accessibility, and an inadequate infrastructure.

Members discussed the following points:

- Entry to the site
- Need for more open space within the development
- The difference in gradient of the site
- Site Allocations Plan
- Flooding risk in relation to amount of hardstanding
- Lack of capacity in local schools

Panel Members were of the view that the developer was trying to circumvent planning. Officers advised Members that the Inspector would be made aware of planning history in relation to the site.

RESOLVED – To agree the suggested reasons upon which to contest a forthcoming appeal as set out in the submitted report with the following amendment to reason 2:-

- To refer to the unacceptably steep gradients of pedestrian access routes to the site; and for an additional reason
- Relating to a shortfall in provision in on-site greenspace.

Under the provisions of Council Procedure Rule 16.5 Councillors R Grahame and S McKenna required it to be recorded that they had abstained from the vote.

86 17/04217/FU - Change of use of woodland to a Go Ape high ropes course with an associated reception cabin Temple Newsam Park, Temple Newsam Road, Off Selby Road, LS15 0AE

The report of the Chief Planning Officer set out a proposal for the change of use of woodland to a Go Ape high ropes course with associated reception cabin at Temple Newsam Park, Temple Newsam Road, Leeds.

It was noted that the planning application was brought to Plans Panel as the proposed development was a major application and related to land in the City Council's ownership (Temple Newsam Estate) which was of a wider community interest.

This application seeks planning permission for the use of a portion of woodland known as Menagerie Wood, to accommodate the installation of high rope adventure courses. The Panel noted this revised scheme did not cross public rights of way.

The Panel was informed that the courses comprised of a number of elements which included a central platform with access stairs, stockades and access rope ladders, platforms on trees, timber and wire crossings, zip wires and zip wire landing zones. A brief explanation of the activity was provided to the

Panel. It was noted that the facility would provide activities for both adults and children.

Members were informed that the facility was to include a cabin which would be used as a reception, equipment store and office for staff. The cabin was to be sited at the southern end of the site. It was noted that to accommodate the cabin four trees would have to be removed. Members were also informed that another smaller shelter would be used for debriefing and shelter from the weather.

The Panel was informed that Go Ape would use the current car park and that this had recently been improved and could accommodate more cars.

Members were advised of a suggestion to use Pump Wood located to the west of Temple Newsam house.

Members were informed that the activities on offer required mature trees and that there would be no impact on the trees. It was noted by the Panel that a condition was to be added for further tree planting to the north of the site.

Members noted that the applicant, Adventure Forest Ltd – Go Ape, had been operating similar facilities for 15 years and had 31 sites across the country. This would be the first such site in West Yorkshire. Photographs were shown to the Panel of the other locations, the structures and the activities on offer.

Members were informed that ladders used to ascend the course were pulled up and locked when the facility was closed.

Members were advised of the following:

- The site was within a designated Green Belt;
- It was not considered that the facility would harm the character or the appearance of the Special Landscape Area;
- The facility would generate additional revenue from attracting additional visitors and would assist in the delivery of management and improvement projects at the Temple Newsam Estate;
- The heritage impact was acceptable when weighed against the mitigation measures to be adopted.

Mr Vosper an objector to the Go Ape scheme and a member of Friends of Temple Newsam Park attended the meeting.

Mr Vosper raised his concerns that Menagerie Wood was an inappropriate site for this scheme, he proposed that Pump Wood would be more appropriate for the following reasons:-

- Traffic issues would be alleviated
- Car parking in place
- Cabin could be located on hardstanding already there
- No trees would need to be felled
- Near to toilet block

- Not near memorial areas or walled garden

Mr Vosper advised the Panel that the Friends of Temple Newsam had met with Ben Davies and discussed using Pump Wood as the location for the venture.

Mr Vosper was of the opinion that Go Ape wanted to dominate the park and gardens and in his view the park and gardens should not be compromised for commercial gain.

In response to a Members question Mr Vosper was of the view that the report did not properly reflect the concerns of the Friends of Temple Newsam or the discussions that had taken place with Mr Davies.

Mr Davies addressed the Panel explaining why he thought Go Ape would be good for the park and the area.

Mr Davies said that he would work in partnership with Leeds City Council to retain heritage value, care for conservation and the Park. He went on to say that the shelter would be for all users of the park, the scheme would encourage people to live life adventurously.

Mr Davies informed the Members that he would work to make the activities affordable for all and would provide free places for schools and low income families.

Mr Davies said that they had decided not to go ahead with an application at Roundhay Park.

Mr Davies advised Members that he had worked with officers to address concerns of noise.

Members discussed the following points:-

- The need for a site visit;
- Impact on trees in Menagerie Wood;
- Facilities including toilets and car parking and proximity to Menagerie Wood;
- Conservation aspects including impact on animal and insect habitats
- Design and location of cabin;
- Health, social and economic benefits;
- Partnership working with Parks and Countryside Team and Friends of Temple Newsam;
- More information on objections raised.

In response to Members discussions and questions the Panel were advised of the following:-

- Four trees would be removed for the cabin, these trees would be used as part of the design feature on landing platforms, pathways and wood piles for insect habitats;

- The activities on offer were daytime only activities;
- Menagerie Wood was close to car parking and toilet facilities;
- Go Ape worked in various locations around the country including inner city areas and had not experienced issues of anti-social behaviour;
- Trees would be protected and monitored for damage and growth – Members were informed that the use of ‘sacrificial battons’ protected the trees from damage whilst still allowing the tree to grow, the trees would be monitored on a yearly basis;
- No mechanical noise as pulleys were used which did make small noise vibration. A new type of wire was used which was much quieter;
- An alternative location did not form part of the application and the application should be considered based on the information submitted.

Mr Davies informed the Panel that he was committed to partnership working with Parks and Countryside and also Friends of Temple Newsam.

Members discussed further the need for a site visit.

RESOLVED – To defer consideration of the application for one cycle to allow for a site visit.

Members also requested a fuller summary of the objections to be included in the next report to Panel.

A condition to be added to the suggested list of conditions to secure additional tree planting to the north of the site.

87 17/03940/FU - Siting of one static residential caravan and renovation of the old telephone exchange building into an amenity block with associated ground works and landscaping The Old Telephone Exchange Site, Coal Road, Whinmoor, S14 2SA

The report of the Chief Planning Officer related to a proposal for the siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds.

Members were advised that the application site was Brownfield land within designated Green Belt.

Members were also advised of the following:-

- Need for 28 new pitches for Gypsy and Travellers by 2022 as set out in the Core Strategy;
- National Planning and Policy Framework Guidance for Travellers and Gypsies
- Personal circumstances of the applicant
- Development Plans Panel had not considered the site as part of Site Allocation Plan.

- Personal and temporary planning consent for 3 years only considered to be a pragmatic solution

Members had attended a site visit earlier in the day. Photographs and plans were shown at the meeting.

Members were informed of the following points:

- The proposal of a static caravan with decking on two sides;
- A mobile caravan would be positioned to the northern side of the site. It was noted that planning permission was not needed for this;
- The rebuilt telephone exchange building to be used as an amenity building would comprise of a bathroom and a kitchen;
- A wood burning stove was to be installed within the amenity building requiring a flue inserting into the roof;
- The proposed courtyard area surrounded by the amenity building and the caravans was to be a hardstanding of tarmac;
- Two car parking spaces were proposed;
- The family comprised of a father and four children aged from 11 to 21 years.

One letter of objection had been received with objections as set out at point 6.1 of the submitted report.

Members noted that Shadwell Parish Council had also raised objections and were set out at point 6.2 of the submitted report.

The Panel discussed at length the following points:-

- Ownership of the land. Cllr. Procter informed the Panel that of the land identified on the submitted map only that within the black line belonged to the applicant and that further land identified within the red line belonged to the Mexborough Estate. It was noted that no comments had been received from the Mexborough Estate;
- The untidiness of the site;
- What enforcement action had been taken;
- Requirement for enforcement action to be taken;
- Proposed drainage and sewage services for the site;
- Design of static caravans;
- Space around the application site and access arrangements to a triangular area which would effectively be cut off;
- Access to and from the site.

Members were advised that the applicant had provided a signed Certificate A which was taken in good faith as proof that the land was in the ownership of the applicant.

Members were also advised that the consideration of the planning application and the need or otherwise for enforcement action in respect of the current use of the site, and any formal action to require the site to be tidied, were separate matters. Accordingly, the planning application had to be determined on its

individual planning merits regardless of any formal enforcement action the council may take.

The Highways Officer informed the Panel that access would be provided to fields and this one site when Coal Road is closed due to the proposed new orbital road.

Planning Officers provided clarification in relation to:-

- The brownfield status of the site with reference to the definition of previously developed land as set out in the National Planning Policy Framework, and
- Traveller Sites using DCLG Planning and Policy for Traveller Sites which also provided clarification on special or personal circumstances of an applicant.

Members' attention was drawn to 2.4 of the submitted report which advised Members that this was a traveller family, a father and 4 children. It was noted that there were similar sites located within the city which traveller families use as a base.

At the conclusion of the discussions, Councillor Procter moved a motion to refuse the application for the following reasons:-

- Inappropriate development in the Green Belt;
- Case not made for special circumstances;
- Site is not brownfield in its entirety.

Councillor Wadsworth seconded the motion. On being put to the vote, Councillor Procter's motion fell.

RESOLVED – To grant permission subject to the conditions set out in the submitted report.

Members requested that a compliance investigation be undertaken in respect of the existing use of the site and also whether a Section 2015 Notice (untidy land) can be served.

88 17/05844/FU - Two storey new build detached house with integrated garage Elmete Walk, Roundhay, Leeds, LS8 2LB

The report of the Chief Planning Officer requested Members consideration on a proposal for a detached house with integrated garage at 7 Elmete Walk, Roundhay, Leeds, LS8 2LB.

Members had attended a site visit earlier in the day. Photographs and plans were viewed throughout the presentation.

Members were informed that the application sought approval for the construction of a two storey dwelling within the side garden of the site. The proposal was for a dwelling with a gable front, garden area to the rear and a front drive similar to other dwellings on the street. A single garage would be

attached to the side of the house. Members noted that the main dwelling would measure 5.8mx8.6m and be 7.1m in height. To level the site it would be infilled and raised towards the south by 2m. The applicant had stated that the retaining walls to support the infilling would be earth banked and grassed over.

Members were advised that the property around the corner from the application site was not perpendicular to the application site and that this was material to the assessment of the impact of amenity to the occupiers of that property.

Members noted that the proposed dwelling was slightly different in appearance and that there was a general uniformity in appearance within the street scene.

Members were informed of a difference in levels between the proposed dwelling and that of neighbouring dwellings. It was noted that this proposal could mean a loss of view to neighbours of the adjacent dwelling. It was also noted there was no inherent right to a view.

Mr Donaldson of 1 Elmete Close attended the meeting. He said that he spoke on behalf of all the objectors and advised the Members that there had been no letters in support of the application.

Mr Donaldson said that he had lived at 1 Elmete Close for 30 years which was adjacent to the application site. He explained to the Panel that the proposed dwelling would cause loss of view and overshadowing to his property. Mr Donaldson went on to say that 12 metres should be maintained between properties to prevent over dominance. He said that the proposed dwelling would be approximately 8 metres from his property and the occupiers would be able to look into his living space.

Mr Donaldson raised concerns in relation to the following points:-

- The roots of a cherry tree in his garden which was close to the boundary;
- The location is within the Roundhay Conservation Area;
- The proposed house would be 3.5 metres above existing houses and have a significant impact on amenity space of neighbours;
- The retaining wall would pose an unsightly block;
- Proposed pitch roof on the garage would be different to other garage roofs on the street;
- Limited parking in the vicinity

Mr Patrick Barrett the agent was at the meeting and informed the Panel that the dwelling had been carefully designed after negotiations with builders and planning officers.

In response to Members questions Members were advised of the following:-

- In relation to the height of the pitched garage roof Mr Barrett explained that the roof was at 35 degrees to the ridge line and that this was a few metres below the soffit of Mr Donaldson's house;
- That the garage had been set back to allow for two car parking spaces;
- That there would be no impact to the roots of the cherry tree due to the difference in levels between the proposed dwelling and that of Mr Donaldson's property.

RESOLVED – To defer and delegate approval to officers subject to further negotiations concerning the treatment of the front elevation of the proposed house.

89 Date and Time of Next Meeting

To note the next meeting of the North and East Plans Panel will be Thursday 18th January 2018 at 1:30pm.