

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 7TH MARCH, 2024**

**PRESENT:** Councillor H Bithell in the Chair

Councillors C Campbell, E Taylor,  
J Garvani, E Bromley, L Buckley,  
N Manaka, A Rontree, P Wray and  
A Carter

### **SITE VISITS**

Councillors Campbell, Taylor, Garvani, Bithell, Bromley, L Buckley and Rontree attended the site visit earlier in the day. Councillor Andrew Carter attended the site visit for 23/06663/FU – Former Hough Side High School Site, Hough Top, Swinnow, LS13.

#### **73 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

#### **74 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

#### **75 Late Items**

There were no formal late items.

#### **76 Declarations of Interests**

Councillor Andrew Carter raised an interest in relation to Agenda Item 12 – VG218 – Sunnybank Lane, Recreation Ground, Thornbury, Bradford, BD3 7DG, in that he has supported Sunnybank residents in putting the application forward. He therefore recused himself from consideration of this item and did not take part in discussions.

#### **77 Apologies for Absence**

Apologies for absence were received on behalf of Councillor T Smith. Councillor Andrew Carter attended the meeting as a substitute.

#### **78 Minutes of Previous Meeting - 11 January 2024**

**RESOLVED** – That the minutes of the previous meeting held Thursday, 11<sup>th</sup> January 2024, be approved as an accurate record.

Matters Arising - 23/05968/S106 - Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP. It was confirmed that members

Draft minutes to be approved at the meeting  
to be held on Thursday, 4th April, 2024

previously raised concern regarding variations that may be put forward after planning permission being granted, it was noted that such variations will be brought back to Panel for consideration by Panel Members.

**79      23/06049/FU - 28 Lingwell Avenue, Middleton, Leeds, LS10 3SU**

The report of the Chief Planning Officer presented an application for the permission of a change of use from single family dwellinghouse (Use Class C3) into a residential care home (Use Class C2) and the erection of a fence above the existing boundary wall at 28 Lingwell Avenue, Middleton, Leeds, LS10 3SU.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The applicant seeks permission for a change of use from a single family dwellinghouse (C3) to a Residential Care Home for children with special and learning disabilities between the ages of 8-17 years old (C2).
- The accommodation will provide support to 2 children who will be receiving care and will be a place of work for 3-4 members of staff, who will be providing care for children residing there.
- The applicant has proposed construction of a 1.8m close board timber fence behind the existing boundary wall and vegetation.
- Main issues arising from the comments in objection is the principle of the development, highway safety and amenity issues. Residents object on the grounds that the proposals negatively impact the established character of the locality, and the introduction of a care home is considered inappropriate.
- Officers believe that the care of 2 children is low intensity and the same as a traditional family of 4 living in a dwellinghouse, and it will not disrupt the residential character of the area.
- 2 bedrooms will be located to the front of the property, and there will be a sensory room and staff lounge to the rear.
- The existing fence is not compliant with design guidance. The proposed fence is not as visible in the street scene and set behind the vegetation, to minimise overshadowing issues.
- Objections relate to concerns over increased on-street parking and traffic congestion, as well as public and highway safety concerns. It is considered that the existing parking provisions onsite is acceptable and there is sufficient space to the side of the property, front and rear.

A local resident and local ward member attended the meeting as objectors to the application to present their case. The local resident provided the following information: -

- He has lived in the locality for 41 years, and his views are the views of most residents, and surrounding areas. He provided some background context of the locality, and how it is mainly a residential area with a mix of properties. He explained there is more than 100 properties directly affected by the proposals.

- Mr Stone explained that future sellers of their homes in the area, will have to notify sellers of the development of the nearby proposal and this may have an impact on their house sale.
- The applicant has not consulted with residents on the proposals.
- Concerns whether the children will contribute to anti-social behaviour issues.
- Clarity on the security arrangements at the site, particularly through the night, and plans in place for children escaping.
- Clarity on due diligence checks.

Further to a question for a Panel Member, the local resident explained the applicant is not local to the area and believes they are based in Cheshire.

The applicant and their representative attended the meeting, and provided the Panel with the following information:

- Information has been submitted regarding management and how the application accords with planning policies. The dwelling is in a sustainable location and Madiba is locally based, Gelderd Road in Leeds. They also have properties throughout Yorkshire.
- The children cared for by Madiba are typically special educational needs and disabilities and will not be leaving the property without a member of staff. The children will not be wandering around the community on their own because they are considered vulnerable.
- Most of the parking will be on the property and there are options to look at staff car sharing, and shifts will not be swapped through the day. Staff will be sleeping over at the property, so there will be no car changes throughout the night.
- Noise will be minimal, and it is believed to generate a similar amount of noise, to a family living in the house.
- Madiba looks after children with very complex disabilities. They are in a cohort where the children are not safe to be outside without an adult.
- Madiba will share contact details with the community and want to integrate and build on good relationships with neighbours.
- Madiba has an experienced back-office team and are an established provider of children's homes and working with local authorities throughout South and West Yorkshire.

Further to questions from Panel Members, the following was confirmed:

- The current applicant did not apply for a certificate of lawful use to pre-empt planning permission.
- Madiba is willing to engage with residents once planning permission is in place. There is a timescale implication in terms of securing properties and moving children into them.
- Madiba is in conversations with commissioning for children in Leeds. Madiba will not offer places to other local authorities unless Leeds do not have any children. Madiba is also part of the White Rose Framework Arrangement which is overseen by Leeds.
- Many of the children Madiba look after, are children subject to 'deprivation of liberty orders' and doors and gates must be locked, to

keep them safe. There is a requirement for a fire safety system, and young people cannot open doors. There are also alarms on children's doors throughout the night to alert members of staff if children are trying to get out of the room.

- Madiba is regulated by Ofsted and managers of the homes must be agreed by Ofsted before young people can live there. Madiba currently has 3 homes in Huddersfield, 1 in Bradford, 1 in Sheffield and 2 in Rotherham. No reported cases of children escaping through the night.
- There is a maximum number of 5 parking spaces onsite at any one time. There is also 2 access points to the property.

In responding to questions from Panel Members, officers confirmed the following information:

- A member raised concern regarding the lack of consultation carried out with residents prior to the application being submitted. Officers confirmed that the applicant has agreed to undertake consultation with residents, and it is not for Panel Members to dictate whether the applicant will undertake proper consultation.
- Further to a point of clarity regarding a condition on narrowing the use class of where the children are from (Leeds local authority area), the legal officer confirmed that is considered unlawful and narrowing such a use class would be challengeable.
- Ofsted are the statutory body on considering whether properties are suitable.

Panel Members commented:

- There is desperate need for this type of provision in the city and there are no planning grounds to prevent the property being used.
- It is considered that the property will be more of a secure facility, with more safeguards for vulnerable children than that of a family home. Members commented that if it were a private dwellinghouse, the local authority would not have any control over the number of cars parked at the property.
- The accommodation will clearly be used to deal with very specific issues in terms of young people who have extreme needs.
- Madiba has a track record, and they can effectively manage the facility.
- Whether there is a case for the Development Plan Panel to investigate a case for policy regarding these applications in the future.

Upon voting, the officer recommendation was moved and seconded. Therefore it was

**RESOLVED** – To grant planning permission as per the officer recommendation, as well as amending conditions relating to the Management Plan and Adherence to include a commitment to public consultation.

## **80      23/06050/FU - 178 Town Street, Middleton, Leeds, LS10 3TH**

The report of the Chief Planning Officer presented an application for the permission of a change of use from single family dwellinghouse (Use Class

C3) into a residential care home (Use Class C2) at 178 Town Street, Middleton, Leeds, LS10 3TH.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The applicant seeks permission for a change of use from a single family dwellinghouse (C3) to a Residential Care Home for children with special and learning disabilities between the ages of 8-17 years old (C2).
- The accommodation will provide support to 2 children who will be receiving care and will be a place of work for 3-4 members of staff, who will be providing care for children residing there.
- The applicant has proposed construction of a 1.8m close board timber fence behind the existing boundary wall and vegetation.
- Main issues arising from the comments in objection is the principle of the development, highway safety and amenity issues. Residents object on the grounds that the proposals negatively impact the established character of the locality, and the introduction of a care home is considered inappropriate.
- Officers believe that the care of 2 children is low intensity and the same as a traditional family of 4 living in a dwellinghouse, and it will not disrupt the residential character of the area.
- It is proposed that there will be a sensory room on ground floor level and 2 bedrooms to the rear on the 1<sup>st</sup> floor. There will be a central family bedroom and staff bedroom to the front of the property.
- The size of the internal floor area and the rear amenity is not likely to cause an impact.
- There is enough parking within the curtilage of the property. There is hard standing space to the front of the property.
- A saturation of care facilities in the area was referred to. Having two care facilities within proximity is not considered to cause harm to cohesion or balance in the area.

A local elected member attended the meeting as an objector, and provided the Panel with the following information:

- There are concerns with residents on how the proposals will impact on property sale values.
- There are a lot of care facilities in the area already, and not as many in the rest of the ward.
- There has been a lack of communication with residents, and consultation could have potentially reduced the number of objections received.
- It only takes 1 child to cause issues.
- Madiba's website explains that they work with children with mental health conditions and substance misuse. There are concerns with residents on the type of children living in the properties.
- Middleton Park has recently introduced parking charges, and people will park on Town Street. It is believed that the property does not have space for parking for 5 vehicles and they will park on the street.

- The road is bad for speeding, and there are already speed calming measures that are ignored.

Further to questions from Panel Members, Cllr Dixon confirmed the following:

- Concerns that anti-social behaviour may occur.
- Concern on the noise of the alarms going off through the night, and the impact this may have on residents.
- Madiba has not consulted with residents.
- It is believed that the provision of such care facilities should be spread out across all wards and not concentrated in one area.

Panel Members commented on the following:

- It is acknowledged that consultation and conversations with residents would have alleviated some concerns and the applicant was urged to undertake this for any future applications.
- Whether there is scope for Development Plan Panel to investigate the need for a policy on this time of application, and more specifically, the density of such care facilities. It was recommended that the Chair pass on this request to officers.
- This type of provision is needed in Leeds and the proposals provide a facility for a couple of very disadvantaged young people.

Upon voting, the officer recommendation was moved and seconded. Therefore it was.

**RESOLVED** – To grant planning permission as per the officer recommendation, as well as amending conditions relating to the Management Plan and Adherence to include a commitment to public consultation.

## **81     23/03322/FU - site of the former White Bear, Dewsbury Road, Tingley WF3 1JY**

The report of the Chief Planning Officer presented an application for electric vehicle charging facility (Sui Generis) and retail unit (Use Class E) with associated access, parking, servicing, and landscaping areas at the site of the Former White Bear, Dewsbury Road, Tingley, WF3 1JY.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The proposal includes 18 standard sized ultra-rapid charging points to be located on the eastern side of the site. A small retail unit with toilets to be located to the west, within the footprint of the previously demolished White Bear Public House. There will also be 1 extended charging point bay for larger vehicles, 19 charging points in total.
- The former White Bear Public House was demolished in 2017 and the site is now cleared and a brownfield site. The vast proportion of the site is hard surfaced.
- The site is hard surfaced and lies immediately adjacent Tingley Common Roundabout, Bradford Road and Tingley Road.
- The site is subject to two Tree Preservation Orders (TPOs).

The site access is currently blocked off for vehicular use to Dewsbury Road and the A650.

- A Public Right of Way, non-definitive Footpath/Morley and the proposed site plan indicates pedestrian access through the site would be retained.
- Numerous applications were made for a drive thru restaurant, and all were refused planning permission. One of which went to an appeal.
- The proposal includes amendments to the two existing access points to provide an entry and exit at A650 Bradford Road and A653 Dewsbury Road, respectively. The highway works will require a S278 Agreement (likely to be under minor S278 procedure) with the works to be fully funded by the developer. It is considered that a one-way system is acceptable.
- The facilities are available for use 24/7, every day of the week.
- There are a number of trees to be removed as part of the proposals. Separate to that, a traffic improvement scheme is to be implemented on the Tingley roundabout as part of the Capitol Park employment scheme (20/08521/OT) where the Dewsbury Road arm will gain an additional lane and thus widened westwards to accommodate this plus a new pedestrian / cycle lane. This would have major implications for existing trees in that the embankment will be removed by the proposal. The applicant is compensating trees on a 3:1 basis and offering a sum for the tree loss. 72 trees will be planted elsewhere and secured through a S106 Agreement, the sum is yet TBC.
- The proposed retail unit is modest and there will be canopies above the electric vehicle charging points.
- The application site was occupied by a public house and has extensive hard surfacing remaining. The proposals are positive in relation to green infrastructure and lowers carbon emissions in general. The retail unit is an ancillary function rather than a 'destination'. This is intended for when people are charging their cars and want to get a coffee or go to the toilet.
- The design and scale are considered proportionate. The retail unit is to be constructed of brick and glazing with a green roof. The unit is also screened from residential properties and has acoustic fencing and screens.
- No protected species have been found on-site.
- The vacuum, air and water facilities will be limited in terms of its use.
- Include noise management plan, ecology conditions, landscape and ecology management, no trees removed during bird nesting season, details of bat boxes to be provided.
- The applicant has carried out pre application and community consultation, as well as leaflet drops and provided information on their website. Feedback has been considered from residents.
- Overall, it is considered that the proposals are a sustainable form of development, provide a green infrastructure transport network and lead to low carbon emissions.

A speaker attended the meeting opposing the application, and explained he is a local resident of 32 years and formerly a Chief Engineer of Leeds City Council. The objector advised Morley Town Council on all the previous planning applications relating to a drive thru restaurant and objected to petrol filling on-site. He acknowledges the application is sustainably different to the original application. However, his main concern related to the egress points and visibility display. He explained that in relation to the previous appeal, the Inspectors decision on the proposed access arrangements were accepted, including adequate visibility displays and anti-skid on surfacing. The transport assessment included achievable display provided at the egress point. The applicant proposes a smaller visibility display, based on a speed survey 50m to the south of the proposed egress. Typically, on a 40mph road, the speed readings are measured 120m from the egress point and not 50m. It is believed that the provision and maintenance of the proposed visibility display does not achieve maximum safety.

Further to a question from a Panel Member regarding similarities of the proposals compared to previous planning applications, the objector explained it is similar in that it has the same access arrangements. However, differs from previous schemes and is more low-key compared to a drive-thru restaurant. The objector was not sure whether the proposals can be justified against the former public house use.

Representatives in support attended the meeting, and provided the Panel with the following information:

- New electric vehicle charging infrastructure is needed nationally. In the North of England alone, it is estimated that up to 26,000 rapid charging points are needed by 2025. There is an emphasis on providing locations next to strategic road networks. The proposals provide a small contribution in meeting that target.
- 19 ultra-fast charging points will charge electric vehicles in under 30 minutes.
- The proposed small retail unit will provide refreshments for those charging their car.
- The location is highly accessible and will serve the local community. It is within easy access of the M62.
- The proposals have received general support of a re-development of a brownfield site and 75% of respondents to an online survey provide support of the proposals.
- There has been an attempt to retain as many trees as possible, but some do need to be removed. The applicant is proposing replacement trees on-site and there is a need for off-site tree planting, and this is proposed on a 3:1 ratio. The applicant will liaise with Morley Town Council on any upcoming local projects.
- There are no adverse impacts on nearby residents.
- No jet wash is proposed, only vac, air, and water.
- The applicant has worked collaboratively with LCCs Highways Team, and all elements of the scheme comply with current guidance.
- The proposals meet local and national planning policies.



Responding to questions from Panel Members, the representatives confirmed the following:

- In terms of background noise and the cumulative impact on the surrounding environment, it was confirmed that the noise is 6 decibels below background noise of the current situation. Also, all deliveries will be happening at the same time.
- Further to concerns regarding highway safety on access and egress arrangements, it was confirmed that they are the same to the previous drive-thru restaurant scheme that went to an appeal and ultimately there were no objections in relation to the arrangements. The Inspector considered it acceptable subject to mitigation work.
- Standard parking spaces are also proposed on-site for people who do not visit and do not have an electric car, and for people waiting for a space. Further to this, a suggestion was put forward that the applicant consider a digital board advising where charging spaces are available. Further to this, officers confirmed Condition 16 can be amended to include that suggestion.
- Details of the trees to be planted, will be confirmed following negotiations. The trees on-site are automatically protected by a TPO and the maintenance of trees off-site is covered in the contributions of the S106 Agreements. Monies factor in allowances for replacement tree planting, as well as maintenance and watering.

Further to questions to officers, the following was confirmed:

- Clarity on the weight applied to the previous appeal decision. It was confirmed that officers have looked at the scheme and aware of the limitations on-site; in accordance with the speed survey undertaken, the visibility display is considered acceptable. The weight applied to the Inspectors decision is material, but Panel Members are not bound to it, and it is up to Members to conclude their own weight on their decision.
- The opening hours of the retail unit is a commercial decision taken by the applicant. It takes a period of 20-30 minutes to charge your car, and the retail unit provides some convenience and attractiveness for customers to do something or go to the toilet. It is considered that the retail unit will have low level of usage through the night.
- Further to additional concerns regarding the visibility display, officers confirmed that vehicles coming around the roundabout will have sufficient time to stop if they must and there is likely to be standing traffic there on occasions. There is sufficient forward visibility provided and there is enough time to react to changes in-front of drivers.
- Further to concerns regarding maximising the use of the retail unit, officers confirmed that a condition can be included for net retail floor space and the applicant would have to apply for planning permission if they wanted to change that.

**RESOLVED** – To grant planning permission as per the officer recommendation, including:

- To amend condition 16 to include means/signage to ensure that traffic flows within site cannot be reversed.

- To include an additional condition to ensure the area of retail space cannot be enlarged without a further application.

**82      23/06663/FU - Former Hough Side High School Site, Hough Top, Swinnow, LS13**

The report of the Chief Planning Officer presented an application for the erection of 82 affordable dwellings and associated open space and infrastructure at Former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.

The planning officer explained that the application is brought as a position statement and officers are not making a recommendation but presenting key issues to Panel Members. Since publication of the submitted report, there have been significant revisions in terms of biodiversity and drainage, these are no longer key issues for members.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The site comprises a 2.5 Ha area of land to the north of Hough Top Road. The site was formerly occupied by a school until 1992, and then used as Council offices. The building was demolished in 2021/2022.
- The site is surrounded by residential properties to the north, east and south. Properties are red brick houses to the north, stone houses to the south and 3 storey white rendered/red brick flats and houses to the east.
- The application site is an allocated housing site in the Local Development Framework Site Allocation Plan (HG2-207) and the Site Requirements indicate that the site is affected by a gas main along the south of the site.
- There has been a statutory consultation response from Sport England and although housing will not result in loss of the playing field, some of the plots are at risk of footballs being thrown into gardens. The applicant is carrying out further assessment on this issue.
- The suggested site capacity is 76 units, and the applicant proposes 82 units.
- The proposed development consists of 28 two-bed four person houses, 23 three-bed five person houses, 4 four-bed 7 person houses, 17 one-bed 2 person apartments and 10 two-bed 3 person apartments.
- The access is proposed to be retained as a pedestrian and cycling route. No through route for vehicles. There will be two access points, and the existing access point in Hough Top to be removed.
- The eastern and southeastern part of the site has established mature trees and security fencing. There is an informal cut through woodland area in the southeastern part of the site; It is proposed to retain this area.
- There is a nearby shopping parade to the north of the site.
- The proposed apartment block is sited at an angle to the centre of the site, and it has its own private amenity garden area.

- There was previously a larger children's play area proposed, but this has been scaled back to avoid potential anti-social behaviour related issues. A smaller trim trail is now proposed.
- The design and character remain a consideration for members. There has been an objection from LCC Design Team on the proposed boundary treatments and design of houses. It is considered that the blank gables are prominent, and some house types appear 'harsh'. The applicant has added blind windows, but this has not addressed the outstanding objection.
- LCCs Design Team are also not supportive of the design and appearance of the apartment block. Comments relayed believe the design appears 'institutionally', with small windows. Further work is required before it can be supported.
- Objection comments also relate to the boundary treatments, to the western rear boundary adjacent to the playing field. This will be sited behind the existing metal palisade fencing at this boundary adjacent to open space. It is standard good practice to provide a robust, attractive, and contextual boundary. The proposed western boundary treatment would conflict with saved policy N25. However, cross sections have been provided to show that the land slopes up higher on the open space side which will obscure much of this boundary from public view. The applicant has also submitted a viability statement, and construction of a masonry wall will make the site unviable as it is a not-for-profit scheme. LCC Landscape Team have asked for more attractive treatment.
- Since publication of the submitted report, and in terms of biodiversity, an overall Net Gain has been demonstrated. There has been a change in legislation and for this application, a Net Gain of anything above 0% must be demonstrated. The design of the scheme has been revised and achieves a slightly better biodiversity score. The applicant will purchase 5 off-site biodiversity units to offset the loss on-site. LCC Nature Team are satisfied with the additional biodiversity statement. The Biodiversity Net Gain uplift is now considered acceptable.
- There have been several objections on the detrimental impact to road safety. There are school drop offs east of the site, and football sessions blocking pavements on weekends. LCCs Highways Department have raised no objection to the proposed layout and acknowledge on-street parking constraints associated with football parking. 10,000 is proposed towards traffic management around the junctions. A transport assessment addendum has been received and currently under review by Highways.
- There has been an objection from Yorkshire Water to connect with their existing drains and it is recommended that the applicant connect with existing local drainage. However, there is limited drainage nearby. Yorkshire Water will be asked to connect a new drain to the site.

A local resident and local ward member attended the meeting as objectors, and raised their concerns as follows:

- Residents support affordable housing on this site but object to the substandard design and layout. 29 existing homes face on to the site,

most of which those houses are stone. 82 houses in red brick are not acceptable.

- The red brick apartment block also overlooks the local stone houses.
- The proposal will double traffic on existing streets.
- Residents have put forward alternative solutions, and 43 public objections have been submitted on the design element of the scheme, size of the apartments and traffic issues.
- The applicant has not consulted with residents.
- There are drainage issues associated with the site.
- It is believed that access should be from Harley Drive and not Hough Top. Traffic will be pushed towards the primary school.

Further to questions from Panel Members, objectors confirmed the following:

- Residents and local ward members feel ignored in terms of consultation and none of the suggestions put forward by residents have come forth. The applicant explained they did a leaflet drop, but residents were unaware of the proposals.
- Comments reflected on a transitional design of red brick and stone throughout the proposed development, and this is considered more acceptable and sympathetic to the local area.
- Residents are not objecting to a housing development and want the best development and design possible.

Representatives in support of the application attended the meeting, and provided the following information:

- The applicant has completed over 250 new homes since March 2023, all of which are policy compliant schemes committed to zero carbon communities.
- Consultation was undertaken in July and August 2023.
- High quality 100% affordable homes will be provided, and the applicant has invested in low carbon alternatives for those most at risk of fuel poverty.
- The applicant wants to retain as much woodland as possible and the public open space exceeds 1700m, including an enhanced woodland walk and will be planting trees on-site.
- There is a green buffer proposed on Hough Top Road, to mitigate the visual impact on that part of the site.
- Existing pedestrian and cycling facilities will be enhanced.
- The proposed access points are the only viable means of the adopted road network.
- The applicant has sought to enhance the visual appearance of the design features and boundary treatments.
- The existing gas pipe will be replaced and upgraded.
- The applicant will work with relevant authorities to resolve drainage issues and will work with Yorkshire Water on a suitable solution.
- The demand for 82 homes will be high.
- The applicant recognises a new housing development raises concern and it is believed that a scheme can come forward that everyone can be proud of.

Further to questions from Panel Members, the representatives confirmed the following:

- Every scheme over 50 properties produces a travel plan, and a whole range of solutions and initiatives will be generated to promote sustainable travel for residents.
- Newsletters were issued to residents.
- The 76-unit number is indicative of the SAP allocation. The density of the proposed development is slightly below what the applicant would like to achieve.
- There will be extensive costs because of new drainage, and ground conditions, as well as including an adoptable road throughout the site. Low alternative energy solutions will also be provided, and the site will be a no gas development. Bringing brownfield sites back into use are challenging and incur high costs.
- During pre-application advice, there were several reasons why access from Harley Drive is not acceptable. The width between the 2 houses at this access point is too small to become an adopted road, and there are ownership issues building up to the boundary. This solution would not be supported by LCCs Highways Department.

Further to questions to officers, the following was confirmed:

- A one-way entry has not been considered as an alternative solution. The issue with Harley Drive is the width between the houses. Additionally, there would be an issue with creating a crossroad, this is considered the most dangerous type of junction.
- The applicant is looking at connecting a new drain along the Hough Top site that can be connected into, and it is believed that this will provide a wider improvement to the area overall and not just to the site.
- The site is a relatively quiet estate where cyclists will be safe to use the carriageway. It is not considered necessary to provide a cycling route through the development.
- Driveways will be designed to the front of houses, and this will discourage others from parking in-front of their driveways.
- LCCs Design Team do not support the design proposals as they stand, and substantial changes are required before support can be considered / given.

Members comments were relayed as follows:

- Materials should transition across the site from stone fronting Hough Top to brick on Harley Drive to reflect the context of the immediate area.
- Applicant to consider running a consultation event to engage with the community.
- Measures to be considered to ensure overspill parking from persons associated with nearby playing fields did not take place within the new estate roads.

- Boundary treatment to west of site onto playing fields needs to be better quality than a close boarded fence. Stone is favourable but alternatives must be considered.
- Explore more detailing to all the properties proposed as in the main were considered to be visually bland. With reference to adding windows/articulation of gables of corner properties. Also, possible use of a variety of roof styles and concern raised re block like design of flats which needs further consideration although height at 3 storeys in view of location in site was not a concern to members. Members want better quality external design and for Design Officers to be comfortable with the design of buildings.
- Drainage conversation to be continued with Yorkshire Water.
- A more integrated solution is required for cycle access possibly including a segregated cycle way through the development.

Members comments in relation to the officer questions in the submitted report were relayed as follows:

**Do Members consider the design and appearance of the development to be acceptable?** As per the comments above, Panel Members did not consider the design and appearance of the development to be acceptable. Specifically in relation to considering material changes coming from Hough Top with a transitional change throughout the development to make this more of a sympathetic design to the immediate locality. Members also wanted to see further detailing/accenting to the properties in general, to the corner plots and detailing to look at articulation on the flats and hipped roofs to lower properties. Additionally, Members requested that substantial changes be made so that LCCs Design Team are supportive of the proposals.

**Do Members consider the proposed highways layout acceptable and/or do members require any additional information?** Members acknowledged that the access point on Harley Drive will not be considered acceptable by LCCs Highways Department. They suggested that a more integrated solution is required for cycle access and the possibility to include a segregated cycle way through the development.

**RESOLVED** – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report and progression of the application.

### **83 PREAPP/23/00376 - land at Evolution House, 34 - 36 Springwell Road, Holbeck, LS12 1AW**

The report of the Chief Planning Officer presented a pre-application of proposed development comprising demolition of existing buildings; and erection of multi-storey (up to 27 storeys) residential development with multi-purpose internal and external amenity spaces, associated car parking, public open space, and landscaping at land at Evolution House, 34-36 Springwell Road, Holbeck, LS12 1AW.

The planning officer confirmed that she has been working closely with the applicant since November 2023, and a scheme has been developed broadly supported by officers. There are outstanding concerns regarding on-site greenspace deficiency and the level of parking is low. Additional details of delivery arrangements are yet to be confirmed and there is a strong view that affordable units can be provided on-site.

Photographs and slides were shown throughout the representatives' presentation, and the following information was provided:

- The company is an investment business that operates nationally with a build to rent focus. There is an appetite for this type of development.
- The site is considered to be in a sustainable location, with a nearby train station and other public transport options.
- The applicant has recent developments that are successful commercial schemes such as Springwell Gardens 1 and a pending consent for Springwell Gardens 2, which were brownfield sites that were underutilised and of older building stock.
- A low-level street scene was referred to, in the context of the proposal in line with other tall buildings.
- The proposals have been amended multiple times by reducing the massing of the building, increasing the amenity space, and adding a lighter weight linier element to the building.
- There has been attempts to break up the two buildings by splitting the materials, with one of the buildings having a linier glass look.
- An overview of the 'crowning' element that has included in the proposals.
- Within the building there is proposed 11%3-bed units, 39%2-bed units, and 50%%1-bed units. This meets accessibility standards and space standards.
- There will be a cycle storage and cycle maintenance area. Options are being looked at to include a cycle pool scheme.
- To include a residents well-being space in the proposals, 1200sqm of accessible amenity space that can be used by the wider community and possibly offered as a space for community events. There is also an external roof terrace only for residents, offering 550sqm, including photo voltaic (PV) provision on the lower tower block.
- Committed to 200ml reveal windows. Predominantly brickwork scheme and going for red brick solution to fit in with the 'Leeds look'. Also, a lighter element to the linier block with lighter metallic cladding.
- There are 387 apartments proposed overall.

In responding to questions from Panel Members, the following information was confirmed:

- Samples of materials can be provided at the Panel meeting where the full application will be considered. Wind consultants have been involved in the process from the start, and they have also worked on the Springwell 1 and 2 projects.
- The applicant has met with officers in the regeneration team to discuss off-site greenspace ideas. The applicant has already undertaken

discussions with local ward members and efforts have been made to try and identify the ability to put as much greenspace as possible on-site.

- It is considered that the applicant is a few years away from delivery and occupancy.
- The applicant will undertake a transport assessment, but it is confirmed that the number of car parking spaces proposed is consistent with other developments locally. The applicant will look at nearby car clubs and cycle schemes, to reduce the need of a car. Nearby streets are yellow lined, and it is believed that residents are unlikely to park a considerable distance away.
- Solar studies will be undertaken in relation to the need of wind mitigation measures. Innovative designs in terms of mitigation solutions will be looked at, with the possibility of incorporating play facilities for children.
- There will be a space for adults, with a fitness and relaxation spaces as well as a hobby space. There will be potential covered play spaces and outdoor gym facilities.
- In terms of the crowning approach, there is a top middle bottom approach in Leeds. Further discussions to be held with the Council's design team.

Comments from Panel Members included:

- To include a children's 'scooter track' on the central circular area, and benches for parents..
- A suggestion was made that any glazing to gym should be obscured to lower sections to prevent clear views in. It was confirmed this is something the applicant will take on board.
- Members requested further detail on the 'Halo' design of the proposals and to understand impacts of the 'Glint and Glare' of the materials used.
- Members suggested that the pool bike suggestion needed to link into the City Council 'Beryl Bike' scheme.
- Members welcomed internal play space, but wanted details of this, and hoped it could be designed to spread outside as in the adjacent Springwell Garden development.
- 'Crowning' of the tower block looked top heavy.
- PV provision on the lower block looks tokenistic. Members suggested that this be traded for more open space, or whether PV can be incorporated into elevations of the building.
- Members requested further detail on where off-site greenspace will be secured and requested that ward members be included in such discussions.

Members comments in relation to the officer questions in the submitted report were relayed as follows:

- **Do Members support the principle of the development?** Yes, Members support the principle.



- **Do Members support the proposed scale and form of the development (subject to the outcome of wind testing at application stage)?** Yes, subject to the wind mitigation measures. The architect commented that the current design minimised the need for wind baffles.
- **Do Members support the proposed approach to provision of Public Open space within the development?** To reflect on the suggestions as per the comments above.
- **Do Members consider the approach to car parking acceptable?** Parking suggested is considered inadequate despite the location edge of centre and dedicated spaces for disabled/older drivers and deliveries required. Members also wanted assurances that any overflow on street from the development would not displace parking for existing businesses.

**RESOLVED** – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report and progression of the application.

#### **84 APPLICATION TO REGISTER LAND AT SUNNYBANK LANE RECREATION ROUND, SUNNYBANK LANE, THORNBURY, BRADFORD, BD3 7DG AS A TOWN OR VILLAGE GREEN UNDER THE PROVISIONS OF SECTION 15(1) OF THE COMMONS ACT 2006**

The report of the Chief Planning Officer and Head of Legal Service presented an application to register land at Sunnybank Lane Recreation Ground, Sunnybank Lane, Thornbury, Bradford, BD3 7DG as a town or village green under the provisions of Section 51(1) of the Commons Act 2006.

Photographs and slides were shown throughout the presentation, and the Head of Legal Services provided the following information:

- The Council as Commons Registration Authority (CRA) is legally obliged to consider such applications. In this case, the Head of Legal Service is presenting the application on behalf of the CRA and a separate Legal Officer advising the Panel.
- The Application has been submitted to the Council by Mr Kalvinder Malik for the registration of land identified by the Applicant to be Sunnybank Lane Recreation Ground, Sunnybank Lane, Thornbury, Bradford, BD3 7DG as a Town or Village Green under provisions of Section 15(1) and 15(2) of the Commons Act 2006.
- Background context on Village Greens were provided.
- It was noted that any person can register land as long as they meet the tests of the Commons Act 2006.
- Despite the Bradford postal address given for the Application Land, it lies within the Metropolitan District of Leeds, and therefore the administrative area of the Council. Bradford Metropolitan District Council are the landowner.

- The Applicant has submitted photographic evidence and questionnaires to support the use of land as being in accordance with the necessary legal tests which must be met for registration.
- The Application must satisfy each element of the statutory test provided for under Section 15(2) of the Commons Act 2006. The test is whether a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and b) they continue to do so at the time of the Application.
- The site is well maintained and overgrown in some areas, but it is very much an open space.
- Bradford Metropolitan District Council have objected to the Application. There are two main plans to their objection. Firstly, they believe that the Application is flawed, and the statutory tests are not met. In addition, Bradford Metropolitan District Council believes that the Application is defeated by the doctrine of statutory incompatibility.
- The Council is now legally obliged to determine the Application and go through the relevant procedure. It is for the purposes of determining the procedure that should be followed that the matter is brought to the meeting of the Plans Panel.
- The recommendations as set out in the submitted report were outlined. Officers are seeking approval on the procedural steps to be followed in order to determine the Application.

A question was raised regarding whether this approach was similar to other Village Green applications previously received and determined by the Council. In response, it was confirmed that an independent Inspector has been appointed before to independently consider the evidence and determine applications. Where this Application differs, is in the question of whether or not this should be determined on the papers or at a Public Inquiry. Here there may be a possibility to submit and determine on the basis of written representations due to a lot of the evidence being document based. It is considered appropriate to appoint an Independent Inspector to consider whether a Public Inquiry or non-statutory Written Procedure should be initiated.

It was further confirmed that it is a legal right for anybody in the country to apply for registration of land as a Town or Village Green. These have to be administered and considered by the Council as CRA as part of its statutory functions. Costs cannot be recovered. Costs may be escalated if there is a Public Inquiry and /or legal challenge, therefore, it is important to get the procedural steps right.

Upon voting, a motion was put forward to move the officer recommendations. This was moved and seconded, and therefore it was

**RESOLVED – To:**

- a) Consider relevant issues outlined in the report and agree the appointment of an Independent Inspector by the City Solicitor to undertake a review of the evidence and confirm whether a Public

Inquiry or non-statutory Written Representation procedure should be initiated to progress the Application further.

- b) Delegate authority to the Chief Planning Officer to proceed with the recommendations of the Inspector on whether a non-statutory Public Inquiry or Written Representation is adopted for the Application.
- c) Note and agree that subject to the Application proceeding by way of Public Inquiry or Written Representation, for the Independent Inspector to undertake an examination of the evidence submitted by the parties concerned and prepare a report in relation to his/her findings for consideration at a future meeting of this Plans Panel.

## **85 Date and time of the next meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday, 4<sup>th</sup> April 2024 at 1.30pm.

The meeting concluded at 18:10.