

SOUTH AND WEST PLANS PANEL

THURSDAY, 3RD OCTOBER, 2019

PRESENT: Councillor C Gruen in the Chair

Councillors B Anderson, K Brooks,
C Campbell, S Hamilton, J Heselwood,
J Shemilt, P Wray, R Finnigan and P Gruen

34 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

35 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor D Ragan.
Councillor P Gruen was in attendance as substitute.

36 Minutes - 5 September 2019

RESOLVED – That the minutes of the meeting held on 5 September 2019 be confirmed as a correct record.

37 Application - 17/06933/FU - Land at Sugar Hill Close, Oulton Drive, Wordsworth Drive, Oulton, Leeds, LS26 8EP

The report of the Chief Planning Officer presented an application for the demolition of existing dwellings and the construction of 70 dwellings and associated infrastructure on land at Sugar Hill Close, Oulton Drive, Wordsworth Drive, Oulton Leeds.

The application had been considered at the meeting of the South and West plans Panel held in May 2019 when it had been deferred for the following:

- More detail around design quality and layout.
- Assessment of some of the proposed garden sizes /depths
- More information on the impact on the existing community including from the developer on the mitigation they have considered e.g. timescales/phasing for redevelopment
- More consideration of the overall effect in sustainability terms e.g. energy costs/ savings involved in demolition and rebuild compared to refurbishment.
- Review of the actual housing mix need in the area (is there need for as many 4 bed houses here?)
- More information of the heritage value and significance of the existing houses

The Chair reported that Panel Members had received additional correspondence from objectors in the lead up to the meeting. This information had been submitted to officers and would be summarised as part of the presentation of the application.

The following was highlighted in relation to the application:

- Additional representations from objectors included the following:
 - There had been a further 46 objections, a paper petition with 882 signatures and an online petition with 2,513 signatures.
 - The existing properties could be renovated to achieve better energy ratings.
 - Refurbishment of the existing properties would be a more environmentally friendly option.
 - There was no solar energy provision.
 - New build would create more waste/
 - The equality impact assessment findings had not been shared with residents.
 - The proposed houses would be smaller than existing houses.
 - There had not been sufficient notice for this meeting.
 - There had been no response with regard to the impact on residents and information requested last time the application was considered had not been provided.
- The proposals would see the demolition of 71 existing properties with the development of 70 new properties and infrastructure.
- Changes to the proposals since the application was previously considered included repositioning of houses for improved views, additional hedge planting, significant changes to appearance including different materials and darker cladding and a mix of hipped and gable roofs.
- There would be wheelchair accessible properties and all properties met or exceeded space standards.
- Affordable housing would be 'pepper-potted' throughout the site.
- There had been changes to layout to prevent any irregular shaped gardens. 14% of gardens would be marginally smaller than guideline sizes but this was mitigated by extending the depth and width. These smaller garden sizes were not considered to be harmful to residential amenity.
- The revised landscape plan included additional tree planting.
- With regard to impact on community and whether Leeds City Council had discharged its duty under the public sector equality duty, it was reported that for those on regulated and assured tenancies there was a requirement on the landlord to provide a similar property in a similar location. Further the landlord had offered offer two year fixed tenancies to all assured shorthold tenants and phasing of the development so that those who were to be rehoused on site would not have to be decanted in the interim.
- The Council (Separate to the LPA) was considering a local lettings policy which would specifically support existing residents to be rehoused.

- The majority of the residents had lived there less than 5 years and the community was felt to be transitory in its nature. There were however a number of long standing residents and there was a good possibility for these to be re-housed in the proposed new properties.
- Members were shown pictures of the defects and disrepair in some of the properties. Should these be refurbished, due to the scale of the works, residents would have to move out while these were completed in any event.
- Refurbishment would improve the energy efficiency of the properties but these would still not be as efficient as new build properties. This had been weighed against the carbon cost and waste caused by demolition and rebuilding.
- Housing mix – there was previous concern regarding how many 4 bedroom houses. These had now been reduced and replaced by more 2/3 bedroom properties.
- Heritage – The estate had been assessed as having only local significance. There are examples of similar properties that permission for demolition had been granted upon appeal.
- There had been objections based on climate change and the impact that the development would have. Whilst there had been studies which had shown there could be a smaller carbon footprint via refurbishment this had not been carried out on Airey style properties.

A local resident addressed the Panel with objections to the application. These included the following:

- The break up of a close knit community. This has had a profound effect and caused ill health due to the stress. Lots of residents were public sector workers on low incomes who could easily access employment from their homes.
- Leeds as a child friendly city – children were afraid that they would have to move away from their friends and schools.
- Heritage – Leeds Civic Trust had held heritage open days at the estate with visitors from far and wide. These properties were the last ones in Leeds which had connection to Airey.
- Declaration of Climate Emergency – rebuilding would have greater impact on the carbon footprint than rebuilding. To approve the application would be a betrayal of this declaration.
- If there had been even basic maintenance of the properties by the landlord they would have been far more energy efficient. There had been a managed neglect of the properties.
- Approving the application would add 60 families to an already overstretched housing list and also go against its claim to be a child friendly city and the declaration of climate emergency.
- Only basic repairs had been done to the properties over the past 18 years. There had been some fitted with partial double glazing but this work had stopped. It was difficult to get repairs done via the landlord.

The applicant's representatives addressed the Panel. The following was highlighted:

- There had been close working with officers to address Members concern regarding housing mix, layout and open space.
- There had been a reduction in the number of 4 bedroom properties to increase the number of 2 and 3 bedroom properties.
- There would be a mix of hipped and gabled roof forms to recreate existing characteristics of the site.
- There was a reduction in parking at the frontage of properties.
- Reconfiguration of the layout had removed awkward shaped gardens.
- Landscaping – as many trees as possible would be retained along with new hedging.
- There were changes to materials and features including cladding to replicate features of the Airey homes. This would create a high quality residential development.
- The proposed development exceeded accessibility requirements.
- Local significance of the housing was recognising and this would be mitigated with the provision of a historic archive.
- There would be contributions to carbon efficiency with more energy efficient homes that would provide more affordable energy for residents.
- In response to questions from Members, the following was discussed:
 - Approximately six areas of trees would be lost.
 - It had not been possible to find someone to provide detailed information on the carbon footprint difference between new build and refurbishment on this estate.
 - Policy EN1 and generation of 10% of energy from renewable sources. There would be a condition to show how this could be achieved. In response, it was felt more detailed information should have been available at this stage.
 - The applicant employed a local property management company to carry out repairs to the properties to ensure they remained habitable. Due to the defects occurring in some of the properties, repair was not a long term solution.
 - With regards to the Council's Climate Emergency declaration questions were asked to how the development could address issues such as fuel poverty and a reduction in the carbon footprint of the development. It was reported that the applicant had worked with officers to ensure that all statutory conditions would be met. Details would need to be submitted prior to building works commencing.
 - Due to the defects in the building there were ongoing reviews by structural engineers and all were currently safe. There was not a finite timescale on the lifetime of the properties but they would eventually become uninhabitable. Due to the severity of the defects, should these become any worse, repair work would require tenants to move out while works were done.

In response to Panel Members questions and comments, the following was discussed:

- For the Council to take ownership of the existing properties there would need to be a full options appraisal to study the condition of the properties and the costs of repair before considering whether they were viable.
- With regards to the Councils declaration of climate emergency, any decision taken by the Panel today would have to be compliant with current policy. A further report was due to Executive Board before the end of the year regarding Climate Emergency and would have a wider action plan in respect to planning aspects.
- Waiting list times to re-house tenants would vary but would likely be two to three years for a 2/3 bedroom property in Rothwell.
- There was limited expertise within Planning Services with regard to assessing whether a development meets policy requirements EN1 and EN2. A condition could be added to any permission for further evidence to be provided via a verification statement for which external advice could be sought.
- Concern that there had not been enough done to support this community.
- Would refurbishment damage the heritage of the properties?
- Climate emergency – concern that officers had provided information and not the applicant and that there was a higher carbon footprint to demolish and rebuild.
- The proposals did not fit with the Council's ambitions following the Climate Emergency declaration.
- Concern regarding the loss of affordable housing and the potential impact on provision of Council housing.
- Concern regarding the length of time to re-house existing tenants.
- Concern that policies EN1 and EN2 would not be satisfied.
- Concern regarding the timescales involved to re-house existing residents and this was wholly disproportionate.
- Weight should be given to the impact on community and the loss of affordable rented housing of which there was already a shortage across the city.
- The need for reasons for refusal of the application to be based on planning reasons.
- Refurbishment would be beneficial for the community and environment.
- Some garden sizes were too small and therefore not policy compliant.

Views of the Panel led to a motion being moved, seconded and carried to refuse the application for the following reasons:

- That the proposals did not reflect Paragraph 89(b), 9 and 91(a) of the National Planning Policy Framework (promoting, healthy and safe communities)
- That there would be a disproportionate impact on the community having regard to Public Sector Equality Duty.

- Not all garden sizes met guideline requirements.

Members were given a summary of the reasons for refusal.

RESOLVED – Application refused for the following reasons. Detailed wording deferred to officers to draft.

1. Given the particular circumstances of this application, and having specific regard to the Public Sector Equality Duty, it is considered that the adverse impacts of granting permission, namely the potential and disproportionate harm that would result to the existing local community, particularly to those with protected characteristics relating to age and disability, through the loss of their existing homes and the dissipation of the community, would significantly and demonstrably outweigh the benefits associated with the development contrary to the General Policy of the Core Strategy (as amended by the Core Strategy Selective Review 2019) and paragraphs 8(b), 9 and 91(a) of the National Planning Policy Framework (February 2019) which are material considerations that outweigh the Local Plan.
2. The Local Planning Authority considers that the proposed layout and quantum of development has resulted in a number of gardens that are considered to be deficient in size and/or depth which will lead to poor amenity space provision when taking into account other factors such as orientation and tree cover. This will result in harm to residential amenity by failing to provide adequate private external space for families to use. This is contrary to policies GP5 and BD5 of the UDP, and to guidance contained within SPG 13 Neighbourhoods for Living.

38 Application - 19/01267/FU - Priesthorpe School, Rockwood Road, Pudsey

The report of the Chief Planning Officer presented an application for the variation of condition 9 (Rockwood Road ginnel) of approval 08/04771/RM to open the gate 30 minutes prior to the start of the school day and close 15 minutes after the start of school day; open 15 minutes prior to end of school day and close 75 minutes after end of school day.

Following deferral of the application at the previous Panel meeting, there had been a visit to the site to see the traffic situation at the end of the school day.

Site plans and photographs were displayed and referred to throughout the discussion of this application:

The following was highlighted in relation to the application:

- The ginnel gave a pedestrian link from the school to Rockwood Road and existing arrangements allowed the gate to the ginnel to be open 30 minutes prior to start and finish times and 30 minutes after. The gate was to remain locked at all other times.

- The proposed amended times sought were for gates at the ginnel to be opened from 8:00 to 8:45 on a morning which was 15 minutes shorter than currently allowed.
- On Monday, Wednesday and Friday, the school finished at 15:00 with extra activities taking place until 16:00. It was proposed that the gate be opened from 14:45 to 16:15.
- On Tuesday and Thursday, the school finished at 14:30 with extra activities taking place until 15:30. It was proposed that the gate be opened from 14:15 until 16:15.
- The gate was currently being used for these extended periods which had led to an increase in local concerns and complaints relating to highways safety and nuisance.
- The numbers using the gates after the peak period would be minimal. Refusal of the application and compliance with the original permission would not reduce the problems encountered at peak periods.
- Planning officers had visited the site at peak times and the situation was described as chaotic. Cars parked close to the ginnel, blocked driveways and made dangerous manoeuvres often mounting pavements.
- The area surrounding the ginnel was residential in nature.
- The main vehicular entrance to the school was directly off the ring road where there was high amounts of traffic.
- A substantial amount of pupils attending the school came from outside the area and this access was more convenient and attracted a large amount of traffic.
- Emergency traffic regulation orders to help alleviate the problems and had been partly successful with 155 tickets issued since September 2017.
- The entrance on Rockwood Road prevented traffic from using the ring road. Use of the ring road entrance caused a 3.85 mile diversion. This was exacerbated as traffic could only turn in one direction on exiting. There was concern that drivers may carry out an illegal turn out on to the ring road if forced to use this entrance.
- The school had provided further information with regard to the difficulties of using the ring road, and that the peak period of problems on Rockwood Road only lasted for twenty minutes. The additional time requested was for only a small amount of students.
- It was felt that extended opening would not prevent any considerable harm to residents amenity as this was only happening during the peak periods already allowed.
- The application was recommended for approval.

A local resident addressed the panel with objections against the recommendation. The following was highlighted:

- When the original permission had been granted, residents had been led to believe that the permission would remain if residents did not object to an expansion of the school. The existing permission had

been breached ever since and the school had been advised to make a retrospective application.

- The residential area was not suitable for the large volumes of traffic.
- Residents had been subjected to threatening and abusive behaviour from parents using the area.
- The ginnel was designed for pedestrian usage and not for extra traffic to use the area.
- Concerns regarding the effect of pollution. Cars waited with engines idling.
- Access for disabled residents was prevented and emergency vehicles would not be able to gain access.
- There had been an accident which involved a local child.
- A large number of residents had objected including 84 people who had signed a letter of objection.
- In response to questions it was reported that problems were caused by parents trying to park as close to the ginnel as possible and arrive earlier to do this. There had also been concerns raised by West Yorkshire Police regarding safety of pupils and residents due to the amount of traffic.

Representatives of the school addressed the Panel. The following was highlighted:

- The complaints of residents were acknowledged. There was a number of parents and taxi drivers who constantly parked inconsiderately.
- The current management of the school were unaware of the condition regarding opening times for the ginnel and that they were in breach of this.
- Following advice from Planning this retrospective application was submitted.
- There had been a positive impact since parking restrictions had been implemented.
- School staff were on duty at the entrance during peak periods.
- The school had issued information to parents via letter and social media with regard to the problems encountered by residents.
- In response to questions the following was highlighted:
 - The problem drivers should be penalised and not the students.
 - Details of offender's vehicles had been taken and passed on to enforcement officers.
 - Increased use of the main entrance could lead to dangers and there had been instances of vehicles making illegal turns on exiting.
 - The drop off point at the main entrance only had space for 8 cars and this led to traffic backing up on to the ring road. It was not felt possible to extend pick up/drop off arrangements within the main entrance area.

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

- The existing condition did not specify the start times.
- Concern regarding threatening behaviour.
- What additional enforcement action could be taken not just with regard to parking but also idling engines. Traffic regulation orders had been introduced and actively enforced by traffic officers.
- Concern that the main problems were encountered during periods that the current permission allows for the ginnel to be open. Not allowing the application would increase traffic on the ring road.
- The need for increased enforcement measures.
- It was suggested that further monitoring for an extended period to gauge the problems be carried out. It was reported that this could be done should Members be minded to defer the application.
- Concern that this was a highways matter more than a planning matter and that there should be also be enforcement action taken against taxi drivers by licensing officers.

A proposal was made and subsequently seconded to approve the application. This was voted against. Following this, drafting of full wording for reasons for refusal to be delegated to officers.

RESOLVED – That the application be refused for the following reasons. Detailed wording deferred to officers to draft.

1. Detrimental impact of vehicle movements and parking on residential amenity in the extended 45 minute opening period.

Members also tasked highways officer to consider feasibility of creating a car park accessed off either Meadow Park Drive and on land to the East of the site between the school and the Ring Road accessed off the existing main access. It was also suggested that Taxi Services should be involved to in some way dissuade parents whom are Taxi Drivers using Rockwood Road for pick up and drop off of their children. However, as most of these vehicles are likely to be registered in Bradford this may achieve little.

39 Application 18/05373/RM - South Park Mills, Hare Lane, Pudsey

The report of the Chief Planning Officer presented a reserved matters application for a residential development of 21 dwellings at South Park Mills, Hare Lane, Pudsey.

Members of the Panel had visited the site prior to the meeting and site plans and photographs were displayed and referred to throughout the discussion of the application.

The following was highlighted in relation to the application:

- Prior to the meeting there had been a suggestion that there were inaccuracies with regard to distances specified in the report. These

had since been checked and shown to be correct. There was also a query regarding the removal of trees – there would be 5 removed in total, 4 for arboriculture reasons and 1 for development purposes. There would be an updated arboriculture report.

- The application was brought to Panel regarding concerns on residential amenity and highway safety.
- The outline approval had been for up to 21 units and included imps to Hare lane, landscape improvements and provision of affordable housing
- The site was currently occupied by industrial buildings and hard standings.
- Access to the site was shown – Hare Lane was a narrow non-adopted road.
- There would be greenbelt buffers to three sides of the site.
- The proposed layout was shown. There would be a mix of 2 storey and 2.5 storey detached houses.
- The site was allocated for housing in the site allocation plan.
- The existing terrace of houses was 11.5 metres away at the nearest point and there was no direct view to the side elevations.
- There would be a public open space to the south of the site.
- There had been concerns of noise due to traffic movements. It was considered that this would be less than the current industrial uses.
- Concerns regarding the use of Hare Lane. Highways were satisfied that this was safe and usage would be lower than the existing industrial use.
- Section 106 agreement included a condition survey of the highways.
- There would be 2 parking spaces for each property including electric vehicle charging for each dwelling.
- There would be an additional condition for 10% renewable energy and verifications statement for this upon completion.
- The application was recommended for approval.

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

- Concern that policies EN1 and EN2 would not be satisfied.
- Concern regarding the narrowness and steepness of Hare Lane and its condition following on site construction. It was reported that this would be surveyed prior to construction and at least returned to its previous condition following construction under the Section 106 agreement but this would not include any improvement.
- The applicant's representative confirmed that Hare Lane would be surveyed prior to demolition should the application be approved.
- Concern that the site was not sustainable and had poor access. It was suggested that it would be in the interests of the developer to resurface the road. It was reported that this would take the agreement of all landowners.

- Concern that the design was uninspired with standard style houses and that with such a unique location it could have a village green style appearance.
- Maintenance of the road had been established at the principal stage of planning and enhancements could not be requested at this stage.
- Concern that the housing mix did not comply with policy and that on reflection the developer could consider making some revisions.
- There had been challenges with the design and layout due to the changing levels in the site and the existing proposals had been developed in consultation with officers.
- Concern that all the house types looked the same.
- It was suggested that the application be deferred for further consideration of house design, layout and road layout within the development.

RESOLVED – That the application be deferred for further negotiations with the applicant to introduce more variety in the house designs and pallet of materials, in particular reducing the amount of natural stone. Further information was required regarding the maintenance of the private access.

40 Date and Time of Next Meeting

Thursday, 7 November 2019 at 1.30 p.m.