

SOUTH AND WEST PLANS PANEL

THURSDAY, 28TH SEPTEMBER, 2023

PRESENT: Councillor H Bithell in the Chair

Councillors R Finnigan, T Smith, J Garvani,
E Bromley, L Buckley, N Manaka,
A Rontree and P Wray

SITE VISITS

Councillors Smith, Garvani, Bithell, Bromley, L Buckley, Manaka, Rontree and Wray all attended site visits earlier in the day.

26 Appeals Against Refusal of Inspection of Documents

There were no appeals.

27 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

28 Late Items

There were no formal late items.

29 Declarations of Interests

Members did not raise any interests. However, Councillor H Bithell made the Panel aware that she knew the applicant of Agenda Item 7 – 23/03811/FU – Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD, in a professional capacity and confirmed she will consider the application with an open mind.

30 Apologies for Absence

Apologies were received on behalf of Councillor C Campbell and E Taylor.

31 Minutes - 3rd August 2023

RESOLVED – That the minutes of the previous meeting held Thursday, 3rd August 2023 be approved as an accurate record.

32 Reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.

Officers suggested that this application be deferred until a later date, further to new information that has been received following the publication of the agenda, that requires a further equality impact assessment to be carried out.

A motion was put forward to defer the application. This motion was moved and seconded, and the Panel unanimously voted in favour.

RESOLVED – That the application be moved to a future South and West Plans Panel meeting for consideration, subject to the relevant information being received.

33 Application 23/03811/FU: Change of use from Dwelling (C3) to Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD

The report of the Chief Planning Officer presented a change of use application from Dwelling (C3) to Children’s Care Home (C2) at No.8 Chatsworth Crescent, Pudsey, LS28 8LD.

Members of the Panel attended a site visit earlier in the day.

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

- The proposal is for the change of use of a dwelling house within the Use Class C3 to a residential home within Use Class C2.
- The use class is intended to provide safe accommodation for children who have a bad start in life and are put into the care system.
- The site is located in Pudsey, and the wider character of the area is residential with detached and semi-detached dwellings of single and two storey heights.
- The current set up of the property comprises a detached 5-bedroom semi-detached dwelling, with a driveway down the side of the property and a garage to the rear.
- The proposals will accommodate up to 3 children, typically aged between 10 – 16. Although there may be children aged between 8 – 17. There will be a 24 hour staffing system, with 48 hours on working time and 48 hours off; 1 of them residing in one of the bedrooms.
- There is a condition proposed to control the number of children at any one time, 3 being the maximum.
- The proposal is no different to the current layout and instead of 5 bedrooms being occupied, the proposal is for 3 of the bedrooms to be used by the children and 1 of them for the staff onsite at that particular time. The other bedroom is intended to be used as a staff office.
- There is parking for up to 3-4 vehicles.
- No physical or internal changes to the appearance are proposed.
- The representations received raise concerns regarding noise and disturbance. Appeal decisions in the past relating to similar change of use applications have concluded that they do not have an impact on neighbours in terms of anti-social behaviour and disturbance.
- The applicant must submit a range of documents to OFSTED for the regulation of a children’s home.
- Officers do not believe that the scale of the application will be harmful to its surroundings and there are conditions in place to limit the number of children and staff.

Councillor Amanda Carter attended the meeting and set out her objections as follows:

- The children's home will be a commercial venture for the applicant and is a loss of a residential unit.
- The emotional difficulties of a child can contribute to anti-social behaviour and disturbance as children with such difficulties find it hard to articulate themselves.
- Concerns regarding not delivering a secure environment these children need.
- The property is situated on a bend and there are concerns regarding accidents in that location. Chatsworth Crescent is a well-known rat run.
- Councillor Carter suggested that the application be deferred until further evidence is looked at in terms of the impact of the proposals in this location, against statistics and other associated information.

Further to questions from Panel Members, Councillor Carter explained:

- Her concerns related to the most vulnerable children in our society, and it will be children who have been taken away from their families that may cause disturbance to the next door bungalow, which is the home of a disabled elderly lady.
- Councillor Carter explained that the street is known for speeding and residents have been asking for speed mitigation measures on Chatsworth Crescent.
- Further to concerns raised regarding private sector vs public sector providing child care, the Chair reiterated that the identity of the applicant is not a material consideration in planning law.
- There is not a lot recreation wise for the current children living in the area to do. It was also mentioned that there is a lot of anti-social behaviour related issues in Pudsey with children. There are also extremely difficult cases with vulnerable children being brought into crime that West Yorkshire Police are currently dealing with.

Officers were not aware of the existing transport routes and frequency of public services but confirmed that the site is in a sustainable location and people will utilise bus services in the area. Councillor Finnigan commented that the application should be deferred until further details are put forward in relation to local provision of services and exploration of comments received by Councillor Amanda Carter. A motion was put forward that the application be deferred. This motion was moved and seconded. This motion failed and therefore the debate proceeded.

Further to questions to officers, the following was confirmed:

- If the applicant or neighbours have any concerns, they have the ability to erect a fence. Care providers may also stipulate that boundary treatment up to 2m in height may be required. Further to a suggestion that a condition be incorporated to include the erection of a fence, officers suggested that this is not imposed, as the neighbour may not want this.
- The transport situation is no different to its current use and the property can currently house up to 3 or 4 children. The proposal includes a condition to minimise the number of children at any one time.

Further to comments from Panel Members, it was commented that the proposals regulate the number of children in the property, and it is believed that its current use is no different to what is proposed or add to any disturbance that may be created by its existing use. It was also noted that there is a great need for children's care services. Contrary to this, some Panel Members suggested that further information is required regarding issues on the impact of amenity and there is also currently no clarity regarding transport routes. Concerns were also raised regarding the number of cars parked onsite and whether this would limit room for children to play.

A motion was put forward to grant planning permission as per the officer recommendation. This motion was moved and seconded, and the vote was carried. Therefore it was

RESOLVED – To grant planning permission.

34 21/04988/RM – Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout appearance and landscaping pursuant to Outline Application 17/02068/OT at Land South of Pool Road, Pool in Wharfedale

The report of the Chief Planning Officer presented a Reserved Matters application for 57 dwellings including provision of Public Open Space and associated infrastructure, relating to scale, layout, appearance and landscaping pursuant to Outline Application 17/02068/OT at Land South of Pool Road, Pool in Wharfedale.

Members of the Panel attended a site visit earlier in the day.

The officer explained that additional representations have been received from Councillors Barry and Caroline Anderson in terms of the building materials, relationship to the gas pipeline, drainage, and lack of consultation with residents. Late representations have also been received from residents regarding the width of the mounds and additional documentation being added online without consultation. It was noted that this information related to the house types and 3D representation of the plans and did not require consultation.

It was also noted that since publication of the submitted report, there is a proposal to increase the number of stone properties which is intended to create a more meaningful cluster at the front of the site, as well as amending boundary changes. In light of the changes, the officer suggested that the recommendation be altered to defer and delegate approval to the Chief Planning Officer, with amendments ultimately being approved by the Chair.

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

- The proposal is for a residential development which lies to the South of Pool Road (A659) and is a greenfield site. The site is situation on the

edge of the village of Pool-in-Wharfedale. The site is bordered by existing residential properties to the east.

- The eastern side of the site lies within a Conservation Area.
- Access to the site will be from Pool Road with a main spine road proposed along the western edge of the site and has been agreed through the outline planning consent.
- The proposal will provide 20 affordable houses in a mix of 12 two-bedroom houses, 6 three-bedroom houses and 2 four-bedroom houses.
- A landscape and biodiversity buffer zone are proposed to run outside the site along its western edge. This buffer zone is also proposed to accommodate a cycle and pedestrian pathway which will form part of the future Wharfedale Greenway route. Part of this buffer zone falls within an area of land accommodating an underground high pressure gas pipeline. The gas pipeline runs to the western part of the site. Northern Gas have objected to the application and the applicant will need to evidence compliance with the Northern Gas Networks' publication Safe working in the vicinity of Northern Gas Networks high pressure gas pipelines and associated installations in relation to the East Bierley – Pannel High Pressure Pipeline. Separate consent will be required from Northern Gas before works are carried out near the gas pipeline.
- There are 3 main greenspaces to the northern and southern parts of the site with a central public green space. This is the same as what was proposed previously, and the inspector did not object to this.
- The existing trees onsite will be retained and there will be a lot of enhancement of new trees. Some of the northern developments will include a condition to disable species growing too tall and blocking light for neighbouring properties.
- Further details of the mounds will be requested through a condition.
- The layout of the scheme is similar to the previous application that went to an appeal. The inspectors reasons for refusal related to design and appearance.
- The proposals to the house types have been changed, and it is proposed that there will be more stone properties, ordered facades, better materials, as well as chimneys. The proposed boundary treatments also reflect this palette of materials in prominent locations, alongside hedging and estate railings. Officers consider the new house types and design to be acceptable in terms of the Conservation Area and compared to the previous appeal decision, there has been an up-lift in the materials that are now proposed.
- The site is visible from some long-range views to the south, in particular from Leeds Road. The proposed use of a low-profile grey roofing material and chimneys will help the development assimilate into the adjacent settlement, along the proposed landscaping which will mitigate any harm further.

Local residents and a local ward councillor attended the meeting opposing the application. The informed the Panel of the following information:

- The development is visible from Pool Bank and Pool Road, and this poses a harmful impact on the Conservation Area.
- It is felt that the proposals are 'generic', and houses of this type can be placed anywhere. Additionally, it was commented that additional stone properties are needed to preserve the Conservation Area.
- The proposed buffer zone is not acceptable near the main gas pipeline and the proposed tarmac surface will interfere with access for maintenance works carried out by Northern Gas. It is believed that the tarmac surface over the top of the pipeline could be catastrophic.
- It is believed that Leeds City Council have not adequately consulted with Northern Gas regarding the issues associated with the pipeline and whilst there have not been any accidents in the UK, gas pipelines have exploded in other countries.

Further to questions from Panel Members, the objectors in attendance added:

- The gas pipeline is approximately 4ft underground and is a major gas line. Whilst it was confirmed that roads run over gas pipelines elsewhere, it is believed that this is not the same as proposing a housing development over the top of it and Northern Gas require access to carry out maintenance works.
- There is a mixture of proposed render properties in a block, and it is felt this is not in keeping with the surroundings. The objectors felt that additional stone properties are required to ensure a quality development in the local area. Additionally, it was commented that the houses that can be seen looking down from the A660 should be built in stone to preserve the character of the area visually.
- The objectors in attendance were mixed in opinion on the number of stone properties they believe should be proposed. Some commented that all of the properties should be built in stone, whereas some explained they would at least like to see at least half of the units in stone that can be visually seen from long distances and nearby properties.

The applicants representatives attended the meeting and provided the following information:

- The previous appeal decision outlined that the house types were not readily found in the nearby settlement and that has been the main focus in the proposed application. The applicant has focused on the character areas and how this is implemented across the development. The applicant has carried out a detailed analysis of the surrounding areas and incorporated features such as arc features in chimneys, doors, and windows. There has been a significant change to the materials proposed.
- Stone built properties and half stone and render properties can be found in the locality and are considered not out of character of those on Church Close.
- There is a reduction of units proposed and the removal of dormer windows.

- The house types are bespoke to Poole in Wharfedale and will not be found elsewhere.
- The viewpoint will not significantly change and will be improved with a landscape buffer along the northern boundary.
- The applicant is over delivering on Public Open Space in relation to policy requirement and there is extensive landscape buffering proposed. Trees onsite will also be retained.
- Separation distances have carefully been considered.
- The applicant has included a generous benefits package in terms of S106 monies and monies for offsite highways contributions.

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

- The applicant has taken steps to ensure they have observed the local surroundings and has taken this into consideration to preserve the Conservation Area. The applicant has looked at materials used in neighbouring properties and looked at the proportions of windows and chimneys.
- The proposed greenery has increased and included onsite.
- The applicant has engaged with Northern Gas and detailed responses have been sent regarding construction methods. The applicant is aware that a risk assessment has been requested and further information is required as per one of the conditions in the planning consent.
- The applicant is also working on a development in Harrogate where works are similar in terms of the gas pipeline and the same level of objection has not been received. The applicant has experience and will undertake a refreshed risk assessment that will be submitted to Leeds City Council and Northern Gas.
- There is an element of solar panels proposed on all properties.
- There is a nearby play area offsite and the applicant is not proposing equipped play onsite. There are 3 areas of Public Open Space proposed for sitting, reading and informal play.

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

- Northern Gas will have to provide their specialist response in terms of whether they are satisfied with the information provided in terms of the gas pipeline. It is then within the power of the Local Authority to determine whether that specific condition can be discharged. If the applicant cannot come to an agreement with Northern Gas, they may have to propose an alternative layout to the scheme.
- The Conservation Officer initially raised concern regarding the materials used for the house types. However, an additional 3 houses are proposed in stone and focused on the area most visible to the gateway therefore it is considered that this is enough to enhance views to the proposed development.
- The green boundary provides a buffer to long distance views, and it is not reasonable for officers to request that all properties should be in stone.

- It is intended that existing access road running from east to west will be, in part, diverted as part of the proposed layout and will be pedestrianised to improve access for existing residents.
- The only Permitted Development (PD) right that has been removed is the ability to put dormers to the rear of properties. This does not affect occupiers to add green improvements.
- As part of the previous appeal decision, the inspector did not request any type of equipped play in the Public Open Spaces. Officers added that the Public Open Spaces are relatively small and may not maintain standoff areas to be able to utilise spaces with such equipment.

Members were generally supportive of the proposals but were keen to see additional houses built in stone and were not completely satisfied with the materials as proposed. Further to this, the applicant confirmed that they are satisfied to include further houses in stone as part of the proposals.

Additionally, Members raised concern that equipment in the Public Open Spaces has not been provided for children. A suggestion was made that the applicant consider logs or alternative informal play equipment.

A motion was made to defer and delegate approval of the application to the Chief Planning Officer, subject to the submission of the revised plans increasing the number of properties to be constructed in stone (33), natural stone walling and the conditions as set out in the submitted report as well as the following conditions:

- Details of the quins (material and cross-section)
- Revised landscaping proposals to deliver a low-level planting area to the north of plot 4 (currently shown as small copse mix (x2) on landscaping plans)
- Addition of landscape implementation details to condition 8.

RESOLVED – To defer and delegate approval to the Chief Planning Officer as set out above.

Councillor Wray left at this point in the meeting.

35 22/07648/FU Application for the erection of a 120 capacity Wedding Venue, 40 Holiday Lodges, and a Cafe/Community Hub building at Fleet Lane Oulton Leeds LS26

The report of the Chief Planning Officer presented a position statement on an application for the erection of a 120 capacity wedding venue, 40 holiday lodges and a café/community hub building at Fleet Lane, Oulton, Leeds, LS26.

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

- The site is a fuel depot, currently unused for that purpose, situated within the Green Belt between Woodlesford and Allerton Bywater. The site is situated on a portion of land surrounded by the River Aire and the Aire and Calder Navigation.

- The site is allocated in the Natural Resources and Waste DPD as a protected wharf under policy Minerals 13. There are only 3 protected wharfs in Leeds, with only 1 in use.
- The wedding venue is proposed to sit in the centre of the site with the holiday lodges spread across the site with a network of various paths.
- There will be car parking spaces for each of the lodges.
- It is proposed that there will be 40 holiday lodges, ranging from 1-bed, 2-bed and 4-bed as well as a honeymoon suite.
- To the north of the site is where the community hub / café is proposed. This will be for customers to the wedding venue or lodges and will have a green roof and solar panels.
- There will be increased biodiversity onsite with 196 trees proposed to be planted.
- The site is proposed to be raised 3-4m above ground levels.
- The proposals are intended to be contemporary in design with large, glazed windows.
- There is a proposed roof terrace and bar, with lift access.
- There are several objections from Commercial Boat Operators Association, West Riding Branch of Inland Waterways Association and residents. As well as several comments of support from residents, Swillington Ings Bird Group, Leeds Civic Trust, and Oulton and Woodlesford Neighbourhood Forum.
- Matters that remain outstanding for consideration relate to the loss of a protected wharf site, the impact on the Greenbelt, flooding of the site, access of the site, scheme raised above ground level and will be spread across the site, the main access to the site is narrow and has poor foot links and transport.

Councillor Golton, a supporter of the application attended the meeting and provided the following information:

- The proposals have the endorsement of local ward councillors and the wider community.
- The application is unfairly weighted towards an officer refusal recommendation.
- The fully Adopted Local Plan has not been used when considering the proposals. The Plan shows how the proposals will fit in with the geography and policies referred to are outdated.
- The proposals will increase leisure usage of the area and an enhanced leisure destination.
- Officers object to parking in the Greenbelt, but the proposals formalise what is already onsite.
- The Canals and Rivers Trust provides no parking or little bin facilities.
- The adjacent RSPB St Aidan's is a major attraction, with only 1 official car park located 2.3m away.
- Comments as written by the officers in the application do not seek to deliver optimal outcomes for the locality.

Further to questions to officers, the following was confirmed:

- There is a current demand for freight to be carried in this area and Stourton is over capacity. Any additional information regarding statistics can be provided at a later date should a full planning application be presented.
- The Adopted Local Plan will be fully included in any full application that may be presented.
- The flood risk test has not been adequately addressed and the flood risk team have raised an objection. The applicant has confirmed that there will be offsite flooding as a result of raising the land.
- Each of the lodges have an allocated parking space and there is also an offsite car park.
- Officers raise concerns in relation to noise and light pollution on St Aidan's Local Wildlife Site and Lemonroyd Marina. Raised levels of the site will also impact on noise travelling.
- Officers confirmed that the applicant is hesitant to undertake further work regarding the application if the direction of travel from officers cannot fully resolve issues. If members take a different view, the applicant may be willing to submit further information and proceed with the application.
- The green credentials of the holiday lodges are not yet known and a dependent outcome on this is awaited.
- Any land contamination will be dealt with by specific conditions. It is presumed that the storage containers are onsite are empty.

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

Question 1: Do Members agree that Green Belt policy is not satisfied? Yes. Members requested that further information is required from the applicant to accept that the development of this site is acceptable in the Greenbelt.

Question 2: Do members agree that the issue of flood risk has not been resolved? Yes. Members requested that further information is required from the applicant to accept that the development of this site does not present a flood risk.

Question 3: Do members consider loss of a protected wharf site is justified? Not currently as further information is required to understand the need/demand for the use of this wharf.

Question 4: Do members consider the loss of an employment site is justified? Members requested further information to be persuaded. However, they were clear that it was not necessarily a loss of employment as jobs in hospitality is employment. Members also noted that there is currently minimal opportunities for jobs onsite and the proposals seek to add additional employment in the area.

Question 5: Do members consider the location is acceptable according to the locational policies of the plan? Members concerns were raised about its location in sustainability and accessibility terms but did not wish the site to

remain derelict for a prolonged period waiting for a form of employment that would fit within the Policy description of 'Employment' that may never happen. Members do not object to the development, but commented that highway boundaries and works need to be considered.

Question 6: Are there any other matters, that relate to the scope of consideration of this application, that Members wish to raise? the Panel broadly supported the application and understood the policy context but considered that the proposal would be good for the area if it could be made to work in a sustainable manner.

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 to aid the progression of the application.

36 Date and time of next meeting

To note the date and time of the next meeting as Thursday, 26th October 2023 at 1.30 p.m.

The meeting concluded at 17.10.