

## PLANS PANEL (WEST)

WEDNESDAY, 25TH MAY, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,  
M Coulson, J Hardy, J Harper, T Leadley,  
J Matthews, P Wadsworth and R Wood

### 141 **Declarations of Interest**

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Councillor T Leadley – Application 11/01400/EXT Kirkstall Forge – declared a personal interest as he stated that comments he had made regarding Leeds bid for NGT and its impact on the proposed railway station at Kirkstall Forge had been reported in the press (minute 150 refers)

Councillor N Taggart - Application 11/01400/EXT Kirkstall Forge – declared a personal interest as a member of both West Leeds Gateway Steering Group and a member of Kirkstall Valley Park (minute 150 refers)

Councillor N Taggart - Applications 10/03015/FU & 10/03014/CA Cragg Wood Nurseries and Applications 10/00848/FU & 10/01122/LI Throstle Nest Farm – declared personal interests in both matters as West Yorkshire Archaeological Society had commented on the proposals. The Society falls within the remit of West Yorkshire Joint Services Committee which is Chaired by Councillor Taggart although he stated he was not involved in the day to day decision making process. (minute 144 refers)

### 142 **Minutes**

**RESOLVED** – That the minutes of the last meeting held 28<sup>th</sup> April 2011 be agreed as a correct record

### 143 **Matters Arising**

Minute 139 Leeds Bradford International Airport Appeals outcomes – the Head of Planning Services reported two appeals against refusal of permission for car parking provision (Sentinel car park and Unit 1a Whitehouse Lane) had been allowed by the Inspector. The comments of the Inspector regarding loss of employment land, surface access strategy and pick-up/drop-off arrangements for passengers were noted. Members commented on the imposed condition regarding pick up/drop off given that the LBIA site was private land.

Monitoring – The Head of Planning Services reported that a response had been received from LBIA Operations Manager confirming actions being taken in response to a letter expressing the comments made by Members at the last Panel meeting. Members noted that a further report on the monitoring of flights would be presented to an appropriate Panel meeting when a further 6 months results were available.

**144 Application 10/03015/FU - One 6 Bedroom Detached House including conversion of Chapel to form Annexe and One 4 Bedroom Detached House both with detached double garages AND Application 10/03014/CA Conservation Application for demolition of outbuildings at Cragg Wood Nurseries, Cragg Wood Drive, Rawdon LS19**

The Panel considered both applications together as they related to proposals for a residential development on the same site. Plans and photographs of the site were displayed along with architects drawings of the proposals. Members had visited the site prior to the meeting. Officers reported a new total of 119 signatures to the petition objecting to the proposals

The Panel heard representation from a local resident over concerns of damage to the site and wildlife habitats. Photographs were tabled of the site and text of her verbal submission and stated there were no special circumstances to support approval of the application.

The Panel then heard representation from the agent for the applicant who highlighted the benefits of the scheme, the public consultation undertaken and that designation of a site as Conservation Area did not preclude development. Members went on to discuss

- Surface treatment. Members were concerned at the proposal to pave the pedestrian footpath and tarmac the access to the dwellings and felt a more sensitive approach to the hard standing elements of the scheme was required
- The current state of the site and dilapidated buildings
- The size of the domestic curtilage of each property
- The impact of the current permitted use should the horticultural nursery re-open in terms of vehicular movements, impact on the landscape

(Councillor J Harper withdrew from the meeting for a short while at this point)

Members noted the proposals would not usually be regarded as acceptable development within the Green Belt as this was not a sustainable site, however the unique nature of the site and very special circumstances such as the enhancements to the site, access improvements, reduction in traffic (from the previous nursery traffic) and benefits the development would bring in terms of land management and maintenance were felt to outweigh the harm arising from inappropriate development in the Green Belt.

**RESOLVED –**

**a) Application 10/03015/FU** - That the application be approved in principle and final approval be deferred and delegated to the Chief Planning Officer subject to the conditions specified in the report; plus an additional condition to restrict the domestic curtilage of each dwelling to that shown on the submitted plan and an amendment to Condition No 5 to read “notwithstanding the submitted details, samples of surfacing materials to be submitted *and agreed in writing by the LPA*” and subject to the completion of a Section 106 Agreement to cover

- i. improvements to the public footpath (Aireborough No.100), which adjoins the eastern site boundary in discussion with the Rights of Way Officer
- ii. the right for pedestrians to pass and re-pass along the section of the site access road between Woodlands Drive and the southern end of the public footpath.

In the circumstances where the Section 106 Agreement has not been completed within 3 months of the resolution to grant planning permission, the final determination of the planning application shall also be delegated to the Chief Planning Officer

**b) Application 10/03014/CA** - That the application be approved in principle and the final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report

Councillor J Harper required it to be recorded that she abstained from voting on both matters under the provisions of Council Procedure Rule 16:5

(Councillor Leadley withdrew from the meeting for a short while at this point)

**145 Application 11/00811/FU - Construction of 12 Flats, 8 Houses, Detached Common House with car parking, public open space and communal gardens at former Wyther Park Primary School, Victoria Park Avenue, Bramley, LS13**

Plans and photographs of the site were displayed at the meeting. The Panel had previously received a pre-application presentation on the proposals in February 2011. Officers highlighted the key issues as being

- The ethos of the design of the scheme within a stand alone site
- Members previously indicated that no affordable housing provision in the scheme would be acceptable due to the not for profit nature of the community build
- The small garden size was acceptable due to the large amount of communal amenity space within the site

Members commended the scheme and commented that this could be a signature scheme and bench mark for other community developers

**RESOLVED** – that the application be granted subject to the specified conditions contained within the report

(Councillor Harper withdrew from the meeting at this point)

**146 Applications 10/00848/FU & 10/01122/LI - Change of Use and Listed Building applications involving part demolition of and alterations to former Agricultural Buildings to form One 2 Bedroom, One 3 Bedroom and One 4 Bedroom Terraces Houses with associated car parking and amenity space at Throstle Nest Farm, Weston Lane, Otley LS21**

(Councillor J Harper resumed her seat in the meeting)(Councillor Hardy withdrew from the meeting for a short while at this point)

Plans, slides showing side elevations and aerial photographs of the site were displayed at the meeting. Members had undertaken a site visit prior to the

meeting. The content of two further letters of representation received from a neighbour and from local ward Councillor Campbell was reported. Officers highlighted the key issues to consider as being design, amenity and impact on wildlife. As a result; one further condition was requested to require submission of a method statement and timing of the works to ensure the swallows nesting in the buildings were not affected by the development.

Members noted the buildings were Grade II listed, and commented that roof and guttering materials should be appropriate and preferably match those to be retained. Officers responded that materials would be discussed with the Conservation Officer.

**RESOLVED** – That the applications be granted subject to the specified conditions contained within the report and further conditions to ensure the use of plastic guttering is reviewed and to require submission of a method statement for the timing of the works to ensure the swallows nesting in the buildings are not affected by the development

- 147 Applications 09/04287/RM & 10/03695/FU - Applications for laying out of access roads and erection of 138 Dwellings, 21 Flats, 41 Retirement Apartments, 2 Storey Office Block and alterations and extensions to Mill Building to form 36 Flats and 1 Office Unit and Change of Use of building to Bar/Restaurant and 20 space car park, greenspace and landscaping on land at Gallows Hill, adjacent to Cemetery, Pool Road, Otley LS21**

It was reported that the applicant had requested the withdrawal of this item from the agenda

**RESOLVED** – To withdraw this application from the agenda

- 148 Application 11/00704/FU - Removal of Condition 01 from planning permission reference P/07/05389/FU in order to allow the permanent retention of the existing animal stables and the continued use of this building for ancillary care purposes at Hickory Thicket, West Chevin Road, Otley LS21**

Plans of the site were displayed at the meeting. Officers reported the contents of one further letter of representation which expressed concerns over the lawful use of the building, publicity and reference to residents' letters.

Officers clarified that at the time the existing temporary permission was granted, the Panel had considered the special circumstances of the case and had taken the view that although not strictly an agricultural use, the building was of agricultural style and its use for keeping animals would be ancillary to the residential care use of the main building on the site. Officers confirmed this would still be the case, although the nature of the ancillary use had changed in response to the residents need.

The Panel noted that the building currently provided space for activities the residents could not follow within their own flats however there was no intention to alter the size or appearance of the unit. Members commented that a permanent permission would not be appropriate. The Chair therefore varied usual procedure to allow the applicants' representative to address the Panel

on behalf of the applicant who emphasised the carefully managed nature of the site and stated the applicant would accept a 5 year temporary permission in the circumstances.

**RESOLVED** –That permission be granted for a period of 5 years subject to the specified conditions contained within the report

(Councillors Akhtar and Matthews withdrew from the meeting at this point)

**149 Application 11/00414/FU - Change of Use of storage barn to offices/toilets and extensions to abattoir at Low Green Farm, 40 Leeds Road, Rawdon LS19**

Plans and photographs of the site and slides showing proposed elevations were displayed at the meeting. Members had undertaken a site visit prior to the meeting. Officers referred to the site history of the abattoir and were mindful that this was a commercial use that had arisen from the historical agricultural use and had been allowed to expand over time. Plus, although the site currently lay within the Conservation Area the part where the extensions were planned was due to be excluded from the Conservation Area shortly although it would still abut the boundary. Officers also had regard to PPS4 and recent advice from Central Government encouraging support for developments in the current economic climate.

(Councillor Akhtar resumed his seat in the meeting. Councillor J Harper withdrew from the meeting)

The very special circumstances of the case, the limited impact on the Green Belt and the residents concerns about hours of use were highlighted. It was noted that further investigation was required of the appropriateness of restricting the hours of use; therefore officers requested the application be deferred and delegated should Members be minded to approve the application.

The Head of Planning Services read out the contents of late correspondence received from local ward Councillors Townsley and Cleasby.

(Councillor J Harper resumed her seat in the meeting)

The Panel discussed the following matters:

- Increased capacity of the abattoir and impact of vehicle movements on residents to the north of the site
- Location of the site on a busy road
- The impact any restrictions on delivery hours could have on the requirement to deal with livestock humanely
- Views across the building and whether a stone or green façade treatment to the elevations would minimise impact
- Boundary treatment to the north west of the site

The Chair permitted the agent on behalf of the applicant to answer a direct query with regards to traffic, hours and agricultural smells. The agent stated

that a traffic assessment found that an additional 4 vehicles per hour could be generated.

**RESOLVED** – That the application be deferred and final approval be delegated to the Chief Planning Officer subject to the specified conditions contained within the report plus an additional condition to restrict the hours of delivery in order to protect residential amenity (outside of normal working hours)

(Councillor Chastney withdrew from the meeting at this point)

**150 Application 11/01400/EXT - Extension of time for 25/96/OT for Mixed Development, site remediation, bridge works, river works, car parking and landscaping at Kirkstall Forge, Abbey Road, Kirkstall LS5**

Site plans, an indicative layout plan, and schedule Section 106 contributions were displayed at the meeting in support of the presentation which was a position statement on the application seeking an extension of time for the permissions necessary for the Kirkstall Forge development.

Officers reported government funding for the new railway stations would only be secured if local funding was increased by 40%. METRO had pledged £1.3m which necessitated the applicant seeking to revise the conditions (section 106 obligations) in order to divert £1.3 from the Affordable Housing provision and Horsforth roundabout works to the provision of the railway. Key issues to consider were whether the following were acceptable:

- viability statement and re-apportionment of the S106 funding
- request for 15 years for reserved matters submissions
- the proposal to construct the western access first

Discussion ensued on the following:

- Members felt the 15 year request was overlong
- impact of the revised funding arrangements delayed construction of the rail station until 2015. Members noted the development of the station had the support of all Leeds MPs, and the delivery of the station remained critical to the development
- construction of the western access first would allow access to the station and the commercial area surrounding it, which would bring viability to the scheme and provide the support and impetus for the later residential development
- the change to the quantum of development within the site to reduce number of flats and increase commercial uses

(Councillor J Harper left the meeting at this point)

The Chair noted Members concerns regarding the length of time of the permission and with the agreement of Panel varied usual procedure to allow the applicant's representative to address the comments already made. He clarified the need for the 15 year timeframe as works to deliver the station were not due commence until 2015 by Network rail. Once those works commenced, the applicant would have 10 years to build the

remainder of the site, including applying for the reserved matters for each phase, hence the request for 15 years.

The Panel additionally noted the station would be situated on the Airedale Line and commented that consideration should be given to the residential/commercial elements to ensure the station is well lit and overlooked. This approach to the site design would ensure the station is well used, and have regard to night time use in particular.

The Panel reconfirmed its support for the principle of the development on the site and the Chair concluded there was general support for the

- submission of reserved matters within 15 years
- revisions to the S106 to provide additional funding for the trains station if required by the re-apportionment of existing contributions
- amendments to the highways related conditions 11 and 14 in relation to the timing of the construction of the accesses and the bus service trigger to enable flexibility in the timing of the commercial development
- the need to assess potential recession proof clauses in a revised Section 106 given the lengthening timescales

**RESOLVED** – That the contents of the progress report and the comments of the Panel be noted

**151 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 23<sup>rd</sup> June 2011 at 1.30 pm