

MICKLEFIELD PARISH COUNCIL

The Case Officer
Planning Services
Leeds City Council

Ms Joanne Hebden
Clerk & RFO to the Council
Micklefield Parish Council

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Date : 17th February 2020

PLANNING APPLICATION : 19 / 07640 / FU / E

Applicant : Mr Darren Hirst of 'Willowdene', Ninelands Lane, Garforth, Leeds, LS25 1NT.
Planning Agent : Rose Consulting (Adrian Rose), 16 Rhodesia Avenue,
Halifax, HX3 0PB.

Location : Former School Site, Great North Road, Micklefield near Leeds, LS25 4AF.

Description : Full Planning for Residential Development of 33 Apartments in 2 Three Storey Blocks with Vehicular Access direct from the Great North Road.

Dear Sir,

At the Extraordinary meeting of Micklefield Parish Council held on Monday 17th February 2020, it was resolved that the Parish Council:

- (A) Acknowledges the legitimate basis for the submission of a Full Planning Application for residential development on this site, which already has Outline Planning Approval for housing, *in principle*, but **OBJECTS** outright to the development that is now proposed in this Full Planning Application.
- (B) Recommends that this Full Planning Application be refused, as the level of revision that would be needed to make the proposed development acceptable would alter the plan to such an extent that a new planning application would surely need to be submitted.
- (C) Requests that if officers are minded to approve this Full Planning application, that the application (even if it is revised) is not approved by officers under delegated powers and is instead brought to a meeting of the North & East Plans Panel and determined by Panel Members.

In reaching this view, the Parish Council has considered the following issues:

1.0 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

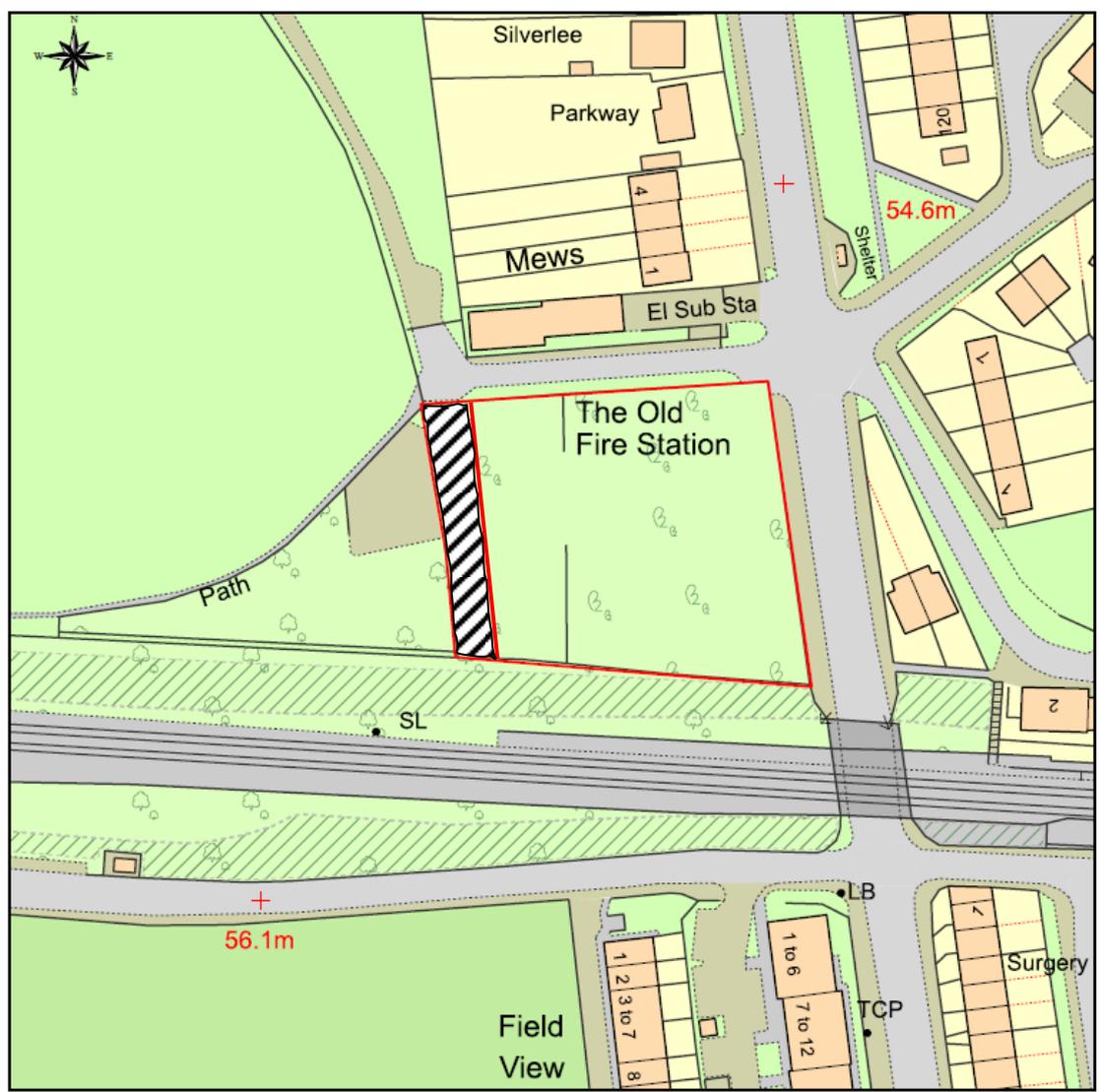
- 1.1 It is accepted that *the substantive part* of the application site is a vacant brownfield site, following clearance of the remaining school buildings in the late 1980s and early 1990s. Although unallocated in the adopted Leeds Site Allocations Plan 2019, *the substantive part* of the application site does benefit from Outline Planning Permission for 5 detached houses (16/01078/OT/E), which was granted on 28th April 2017.
- 1.2 The Parish Council also appreciates that a previous Outline Approval for 9 Flats on *the substantive part* of this application site (33/10/94/OT) had been granted on 24th February 1995, renewed on 29th April 2002 (33/320/99/RE) and renewed yet again on 11th March 2005 (33/029/05/RE), but then lapsed on 11th March 2008.

1.2 Therefore , a residential development of the *substantive part* of this application site with houses or flats , has been considered appropriate and approved by the Local Planning Authority on various occasions over the last 25 years . The principle of the existing Outline Approval cannot be undone and there is no mechanism for the LPA , Micklefield Parish Council or anybody else prescribing a different class of development for this site .

1.3 It is a great pity that this is the case , as significant expansion of Micklefield has been in the pipeline for nearly thirty years , with the resulting housing allocations now being built out , and there is a need for a mid-range grocery/convenience store / Post Office in the village . Given its particular location , the frontage of the Old School Site would have been ideal for such a provision , but it is quite clear that the Town & Country Planning Act 1990 destroyed the concept of holistic forward planning at the micro level .

2.0 LAND WITHIN THE SUBMITTED RED LINE LOCATION PLAN WHICH THE APPLICANT CERTAINLY DOES NOT OWN AND WHICH WAS CORRECTLY EXCLUDED FROM THE REVISED PLANS GRANTED OUTLINE PLANNING APPROVAL AS 16/01078/OT/E

2.1 The western part of this application site , shown as black hatching below , is not owned by the applicant . It forms the south eastern portion of Micklefield Recreation Ground , a Charity (523780) , and the Title to which is vested with Micklefield Parish Council as Sole Trustee .



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production.

- 2.2 The land shown in black hatching is therefore part of the land described in a Conveyance of 9th February 1924 between John Davison Bland of Kippax Park , *Esq.* (of the one part) and James George Linneker of Micklefield , *Colliery Manager* , and others (of the second part) of a plot of land at Micklefield , in Trust , for its appropriation as a Recreation and Sports Ground , for the sum of £480 . This Conveyance was registered at the West Riding Registry of Deeds on 23rd February 1924 .
- 2.3 By Sealed Order dated 11th October 1968 , the land shown in black hatching , along with the rest of the Recreation Ground , was vested in the Official Custodian for Charities . Finally , by virtue of a Sealed Order dated 3rd March 2005 , the title to the land shown in black hatching , along with the rest of the Recreation Ground , was transferred to Micklefield Parish Council , in trust , as Sole Trustee for the Charity .
- 2.4 Meanwhile , on 2nd September 1960 , the Trustees of the Will of John Davison Bland Esq. conveyed the *substantive part* of this application site to Ashdale Land & Property Co. Ltd. , as part of a much larger sale of the estate of John Davison Bland , deceased . Hence , Ashdale Land & Property Co. Ltd. was the successor in title to the majority of this application site and is *de facto* the successor in title to John Davison Bland in all respects (including as the original vendor of the land which now forms Micklefield Recreation Ground) .
- 2.5 Ashdale Land & Property Co. Ltd. made a First Registration of Title to its landholding at the Old School Site in Micklefield with the Land Registry on 4th April 2005 and , unbeknown to the Parish Council , included in that First Registration the land shown in black hatching above . Whilst it is strange that this was but one month after the transfer of Micklefield Recreation Ground , including the land shown in black hatching , from the Official Custodian for Charities to the Parish Council , this is no doubt merely a coincidence .
- 2.6 Ashdale Land & Property Co. Ltd. seemed to have not correctly identified its landholding in this location and had simply First Registered the land shown in black hatching in error . However, it will be interesting to see what the title plan attached to Ashdale's own certified copy of the conveyance of 2nd September 1960 actually shows , as to whether the error is Ashdale's alone or if the Trustees of the Will of John Davison Bland , Esq. sold land to Ashdale that Mr. Bland had himself sold to the then Trustees of Micklefield Recreation Ground 36 years previously .
- 2.7 With regard to Micklefield Recreation Ground itself , certified copies of the original Conveyance of 9th February 1924 are held by the Charity Commissioners for England & Wales and also by the Coal Industry Social Welfare Organisation (CISWO) . It should also be noted that CISWO has a Remainder on the *full* proceeds of any sale , disposal or the appropriation by any third party of *any* part of Micklefield Recreation Ground .
- 2.8 When Outline Planning application 16 / 01078 / OT / E was being considered , this issue was raised by the Parish Council and the plans were revised to exclude the land shown in black hatching , above . It is important to note , therefore , that the approval of 16 / 01078 / OT / E did *not* include the land shown in black hatching , which means that it does not currently have an extant Outline Planning Permission for residential development .
- 2.9 When Ashdale Land & Property Co. Ltd. submitted Outline Application 33 / 10 / 94 / OT , it also submitted in parallel Outline Application 33 / 9 / 94 / OT , which *did* include the land shown in black hatching . That Outline Application was also approved on 24th February 1995 and an application to extend the time period for submission of a Reserved Matters application for that Outline Application was also submitted by Ashdale as 33 / 319 / 99 / RE .
- 2.10 It is the Parish Council's understanding that a problem with the ownership of this land was brought to Ashdale's attention in 2000 by the then Trustees of Micklefield Recreation Ground and Institute . Regardless of whether Ashdale thought it owned the land shown in black hatching , 33 / 319 / 99 / RE was withdrawn and Outline Application 33 / 9 / 94 / OT lapsed on 27th February 2000 .
- 2.11 Ipso facto , the land shown in black hatching has not had any extant Outline Planning permission for residential development for twenty years .

2.12 Ashdale Land & Property Co. Ltd. proceeded to gain approval for Outline Planning Application 16 / 01078 / OT / E solely for the land to the east of the land shown in black hatching . Correspondence between the Parish Council and Dacre Son & Hartley (the land agents for Ashdale Land & Property Co. Ltd.) , resulted in an email of 25th August 2016 from a Senior Director of Dacre Son & Hartley in which he stated :

“ I am sorry it has taken a little while for me to get back to you . However , I can now report that my clients , Ashdale Land and Property Company Ltd , have accepted that the disputed strip of land is not within their ownership , so you can report accordingly at the Council meeting on 1st September . What my client’s solicitors have suggested is that if the Parish Council make an application to the Land Registry for registration of title to the disputed land , (perhaps in conjunction with your adjoining land ?) , they will not contest the application , allowing the LR to rectify my client’s title . My clients do not wish to deal with the application themselves , however . ”

2.13 Thankfully , the applicant for 19 / 07640 / FU / E does seem to be aware on some level of this issue , as the Proposed Site Layout and Ground Floor Plan drawing submitted with this Full Planning Application does appear to limit the proposed residential development to the correct boundary with Micklefield Recreation Ground .

2.14 That said , and for the avoidance of any doubt , a revised red line location plan must be submitted to exclude the land shown in black hatching , so that the red line correctly matches the area of land that is actually capable of being developed .

2.15 Furthermore , there must be absolute certainty that the measured area of any Proposed Site Layout and Ground Floor Plan (existing , revised , new or otherwise) is fully enclosed within that correct red line boundary . In essence , the application site must be revised to match that which was eventually approved as Outline Application 16 / 01078 / OT / E .

3.0 CONFIRMATION IS REQUIRED THAT LEEDS CITY COUNCIL DOES NOT STILL OWN , OR RETAIN ANY PROPRIETORIAL INTEREST IN , THE PARCEL OF LAND THAT FORMED THE MAJORITY OF THE FRONTAGE TO THE APPLICATION SITE

3.1 The applicant’s agent has signed Certificate A only , in section 25 of the planning application form , ie. certifying “ that on the day 21 days before the date of this application nobody except the applicant was the owner of any part of the land or building to which the application relates.....”

3.2 The submission date for this planning application was 23/10/2019 , so 21 days before that would have been 02/10/2019 . Notwithstanding the issue of the land shown in black hatching , above , the Parish Council would seriously question whether this was a wholly true and accurate statement , even for the *substantive part* of the application site .

3.3 As at 30/01/2020 , the Land Registry still had the registered title to the majority of the land in the substantive application site as being held by Ashdale Land & Property Co. Ltd.. Even more importantly , on the same date , the title to the parcel of land across the frontage of the site (WYK888775) was still registered as being held by Leeds City Council .

3.4 The Parish Council accepts that an extract from the register held by the Land Registry which shows information current on 30/01/2020 does not take account of any application made before that time to register a land transfer , if the application is still pending in HM Land Registry when the extract was issued .

3.5 However , in the report to the City Council’s Executive Board meeting on 7th January 2020 , regarding the Capital Receipts Programme Update and Approval of Future Disposals , the “ Micklefield School , Former , Micklefield ” site is listed in the schedule of sites “ to complete ” during 2019/2020 . The only sensible conclusion that Micklefield Parish Council can reach is that as at 07/01/2020 , Leeds City Council still owned the parcel of land that formed the majority of the frontage to the application site .

- 3.6 Even if a disposal was in progress , the sale of the City Council's land within the Old School Site had not " completed " , not as of 07/01/2020 and certainly not prior to 02/10/2019 . Unless the report to the Executive Board was in error and a fundamentally inaccurate update , then the applicant could not have owned *the whole* of the substantive part of the application site on 02/10/2019 .
- 3.7 The applicant's agent should not have signed Certificate A and should have instead served notice on Leeds City Council and signed Certificate B in Section 25 of the planning application form . There is also the possibility that the applicant's agent should have also served notice on Ashdale Land & Property Co. Ltd., although that is less easy for the Parish Council to know for certain .
- 3.8 Fundamentally, if Leeds City Council still owns a parcel of the substantive part of this application site , *or still owned it at any point after the date the application was validated* , then if officers are minded to approve this Full Planning application , the application (even if it is revised) should not be approved by officers under delegated powers and must surely be brought instead to a meeting of the North & East Plans Panel and determined by Panel Members .
- 3.9 The Parish Council's request for the application to go to Panel still stands , even if none of the above applies , due to other contentious elements of the proposed development (as outlined below) , but a proprietorial interest of the City Council in the land itself would suggest an overarching requirement for a Panel decision (unless of course this particular application is withdrawn by the applicant) .
- 3.10 Whether the Certificates in Section 25 of the application form need to be regularised , and notice served on other landowners , is presumably for the Case Officer to decide , depending on the facts and whether it is expedient for the LPA to insist on such accuracy .

4.0 DENSITY OF THE PROPOSED RESIDENTIAL DEVELOPMENT

- 4.1 The application site area is stated as being 0.25 hectares , in both the Full Planning Application form and in the Design & Access Statement . This is the area that was granted Outline Planning Approval as per 16 / 01078 / OT / E , so we can assume the applicant is stating the correct developable area .
- 4.2 However , 33 apartments in a site area of 0.25 hectares equate to a density of 132 dwellings per hectare . This is an outlandish proposal , with a density way above anything that has been approved , or even submitted , for the application site at any point in the past . In any case , a density of 132 dwellings per hectare would be completely out - of - kilter with the various densities of the built form north of the railway line .
- 4.3 This wouldn't be a sensible efficient use of brownfield land , it would be ' cramming ' of the highest order , in a village location which is not appropriate for that level of over - development . The LPA should not be willing to accept a density of anything more than about 66 dwellings per hectare for this site , and even that is an absolute maximum , as far as the Parish Council is concerned , given that other requirements of the site may generate further constraints on the achievable density .

5.0 EXCESSIVE MASSING EFFECT

- 5.1 The size and height of the three storey apartments , especially the unbroken bulk of the main 'I' - shaped block at the front and side of the site , would create an undue massing effect , totally out of character with the street scene and prevailing development along this stretch of the Great North Road north of the railway line .
- 5.2 The fact that there are two linear blocks of three storey apartments south of the railway overbridge and embankment , is not really relevant in the consideration of this application . The biggest block only has 14 apartments , not 24 , and this effectively replaced the three storey Miners Welfare Club building , following its demolition in the mid 2000s .

- 5.3 The dominant height and size of the Miners Welfare Club building had already set the tone for the built form that would be acceptable for residential properties on that site, and the 18 flats at Miners Mews and the 9 flats at the adjacent Field View simply reflect that pre-existing character.
- 5.4 But, the point is exactly that: the built form south of the railway overbridge and embankment was, and is, nothing like that to the north. Furthermore, the three storey flats are barely even visible from the area of the Great North Road north of the railway overbridge and embankment, with only part-obscured views of them on certain angles through the railway bridge itself.
- 5.5 There is no correlation between the existing flats and the proposed apartments, and Miners Mews and Field View should not be used as a means of justifying three storey apartments on the Old School Site. The proposal must be viewed and thus considered in its own context, with the Old Fire Station Youth & Adult Centre, the existing houses along the Great North Road and those in Garden Village. On that basis, it is difficult to see how the proposed development could be approved in anything like its current form.

6.0 VEHICULAR ACCESS

- 6.1 The proposed vehicular access directly to/from the Great North Road is a sound choice, given that a right angle 'T' junction can be provided with the appropriate visibility splays along the Great North Road for vehicles that would be exiting the development.
- 6.2 However, the approval of Outline Planning application 16/01078/OT/E was based on "the first 10m section of the access being at 4.8m width", whereby "the access would be acceptable for five dwellings". Any more than 5 units, never mind 33 apartments, would require an Adopted highway. The carriageway should be 5.5m wide with at least a 600mm margin or a footway around its complete length with any parking positioned at the rear of the margin or footway.
- 6.3 The applicant proposes the same width of carriageway (4.8m) as was in the approved Outline Application for 5 houses, with no margin or footway for any pedestrians accessing the rear block of apartments. This is completely unacceptable and a complete redesign of the vehicular access is essential. The only thing that the applicant has correctly carried forward from 16/01078/OT/E in this entire regard appears to be the uphill ramp leading into the site from the Great North Road, which is vital (for the reasons set out later in our consultation response).

7.0 OFF - STREET PARKING PROVISION

- 7.1 The Proposed Site Layout and Ground Floor Plan drawing suggests a total of 33 off-street parking spaces (inclusive of provision for visitors) for 33 apartments. This is utterly deficient, and is the inescapable result of cramming the site at a density of 132 dwellings per hectare.
- 7.2 For 33 two-bedroom apartments, there should be 1 space per apartment, plus 1 space for visitors per 4 apartments, which would be a total requirement of at least 42 off-street parking spaces. Upon closer inspection though, at least 6 of the proposed apartments would have three bedrooms, so even 42 off-street parking spaces would be an under-provision. By our calculation, the appropriate provision would be $27 + 12 + 9 = 48$ off-street parking spaces.
- 7.3 Clearly, the site cannot accommodate that number of parking spaces around 33 apartments, which just simply reinforces the overall conclusion that the proposal is an overdevelopment of the Old School Site.
- 7.4 The 2nd and 3rd sentences in para. 2.8 of the Design & Access Statement almost beggar belief. Whilst the Old School Site is indeed very close to a railway station and the bus stops, Micklefield is still a small village with virtually none of the facilities that people need/like to use on a daily basis. The existence of the railway station, even with a fairly decent train service, does not translate into suppressed car ownership for residents moving into the village.

- 7.5 The 6 apartments with three bedrooms will almost certainly be occupied by at least 3 families (maybe more) with two cars and surely every single one of the two bedroom apartments will have occupants with at least one vehicle .
- 7.6 The assertion that “ There is ample parking around the site for visitors , including the station car park ” is manifestly not the case in its first sub - clause and the second sub - clause is both irrelevant in a planning context and makes the whole assertion a *non sequitur* to boot .
- 7.7 There is virtually no parking around the outside of the site for visitors – even less (two at best) if the multitude of drives directly off the Great North Road were to be approved . The station car park is at the east end of the York / Selby bound platform , quite a walk from the Old School Site . More to the point , it is there to provide parking for the users of the train service and is full by 9.30am every working day .
- 7.8 The station car park cannot seriously be used as a device for accepting an under - provision of off - street parking spaces within any development of the Old School Site for residential purposes , any more than one could assert that “ a minimum parking requirement is justified ” because visitors to the new apartments could park in the forecourt of the Youth & Adult Centre or in Micklefield Recreation Ground !

8.0 LOSS OF THE VAST MAJORITY OF THE MAGNESIAN LIMESTONE WALL WHICH FRONTS THE OLD SCHOOL SITE

- 8.1 In the Parish Council’s detailed consultation response to 16 / 01078 / OT / E , we said that “ the natural magnesian limestone wall along the frontage with the Great North Road must be retained , other than what would need to be removed to facilitate the new ‘T’ junction . The reclaimed stone should then be used to completely fill the gap at the same height as the existing wall , across the current vehicular access at the north eastern corner of the site , and right round that corner of the approach road into the Recreation Ground ” .
- 8.2 It would appear that the applicant recognises the sense and logic of the second sentence , but has chosen to completely disregard the substantive point contained in the first sentence of our exhortation . By submitting a layout design with 10 drives directly off the Great North Road , this proposal for the Old School Site will needlessly remove about 80% of the stone wall ; a wall that is very much of the local vernacular , erected in the first instance when the Great North Road was turnpiked in the 1750s .
- 8.3 Condition 8 of the Decision Notice approving Outline Planning application 16 / 01078 / OT / E states *inter alia* that [other than what would need to be removed to facilitate the new access road] “ *The frontage boundary magnesium stone walling shall be retained to the Great North Road frontage* ” .
- 8.4 This was not just an aspiration in an Officer Delegation Report , or a reflection of the fact that the then applicant (Ashdale) was not proposing to remove any more of the wall than was absolutely necessary , it was an express Condition of that Outline Planning Permission . The prescribed requirement was for a subsequent Reserved Matters application to adhere to that Condition , and there is no legitimate reason for that part of Condition 8 to be vacated simply to accommodate what is now proposed in this alternative Full Planning Application .

9.0 RISK OF FLOODING FROM SURFACE WATER

- 9.1 There are significant issues in Micklefield regarding the foul sewer and surface water drains and the provision of an adequate and effective drainage system for any new dwellings . According to the Environment Agency’s online mapping system , the junction of Garden Village with Great North Road already has a quantifiable risk of flooding from surface water .
- 9.2 This is where , during sustained heavy or very heavy rainfall , rainwater does not drain away through the normal drainage systems or soak into the ground , but lies on or flows over the ground instead . The area around the junction of Garden Village with Great North Road is defined as part ‘Medium Risk’ and part ‘High Risk’ .

- 9.3 This matches the Parish Council's own understanding of what happens at this junction during sustained heavy or very heavy rainfall . However, there is an even more profound effect from external surface water flooding , directly on the Old School Site which must be recognised and addressed .
- 9.4 During the well - reported cloudburst that occurred over Micklefield on the evening of 8th August 2014 , the surface run - off from New Micklefield (south of the railway) completely flooded the stretch of the Great North Road from south of the railway bridge to the junction with Garden Village , immediately to the east of the Old School Site , for several hours .
- 9.5 This is a crucial matter in relation to how the frontage of this Application site and the vehicular access into the site from the Great North Road would have to be designed , should any revised proposal be ultimately approved .
- 9.6 The following 4 photographs were taken on the evening of 8th August 2014 , and the Parish Council is sure that (once again) they will be extremely useful in helping the Local Planning Authority rationalise how the site frontage and the vehicular access from the Great North Road should actually be thought through before this or any other Full Planning Application gets to the determination stage , and what remediation measures would be required .
- 9.7 This is all on public record and is described in considerable detail in the Officer Delegation Report which accompanied the Decision Letter for the approval of Outline Planning Application 16 / 01078 / OT / E .





- 9.8 The Parish Council would be most grateful if you would forward our consultation response , including these 4 photos , to officers in the City Council's Flood Risk Management Team , so that they can be sure of understanding (once again) the extent to which this stretch of the Great North Road really does act as a natural sump point when there are flash floods .
- 9.9 That way , they will have a reminder of the accurate visual information , previously given to them in relation to 16 / 01078 / OT / E , to enable them to work out how best this can be remediated in *any* approvable development of the substantive part of this Application site .
- 9.10 Given the undoubted risk of surface water flood ingress to the site , it was actually for this reason that the Outline Planning Permission for 16 / 01078 / OT / E Conditioned the effective retention of the magnesian limestone wall .
- 9.11 In the Officer Delegation Report which accompanied the Decision Letter for the approval of Outline Planning Application 16 / 01078 / OT / E , the then Case Officer (David Jones) stated :
- “ The information in the Micklefield Parish Council consultation was not available at the time of the original Flood Risk Assessment Report and , whilst the information relating to surface water flooding on Great North Road was known , the photographs of the flooding along the frontage of the site on the 8th August 2014 show the flooding to several 100mm above the road surface . The Parish Council Report recommends that the boundary wall fronting Great North Road is retained , apart from the new access , and is extended along the access road to the recreation ground . This is considered to be a very sensible approach to a potential problem ” .*
- 9.12 The boundary treatment facing the approach road into the Recreation Ground should also comprise some kind of solid masonry wall along the northern boundary of the Application site , up to where it intersects the *real* boundary with the Recreation Ground , at an appropriate height that will prevent any surface water flood ingress across the northern flank of the Application site .
- 9.13 As proposed in this Full Planning application , the access road into the Application site should indeed incline as soon as it leaves the Great North Road , so that it reaches a suitable height above the flood level shown in the above photographs . This means (though it is not obviously shown in the plan drawings) that the surrounding land formation would also need to be elevated to the same extent above the carriageway and footway of the Great North Road , at least part - way into the site .
- 9.14 Lastly , the retained stretches of the limestone wall either side of the new vehicular access should then be extended around the access road up to the point where the access road reaches the required height above the level of the Great North Road , to prevent ingress to the rest of the site of any surface water flooding which may occur again on this stretch of highway to the extent as shown in the above photographs .
- 9.15 Development of any part of this Outline Application site for housing will , in any case , require an assessment of the cumulative impact of the outflow of sewage and surface water on the existing foul sewer and surface water drains in Micklefield .
- 9.16 Where necessary , mitigation measures will need to be provided so that there will be no negative cumulative impact on the wider drainage system or the surface water flood risk elsewhere in Micklefield , *especially in Micklefield Recreation Ground* – the eastern flank of which is at a lower level than this Full Planning Application site .
- 10.0 INDEFENSIBLE PLAN TO FELL REASONABLY HEALTHY TREES WHICH ARE COVERED BY A TREE PRESERVATION ORDER , AND WHICH ARE OUTSIDE THE RED LINE LOCATION PLAN AND APPEAR NOT TO BE UNDER THE CONTROL OF THE APPLICANT**
- 10.1 Whilst the overdevelopment of the Old School Site undoubtedly creates problems in terms of housing density , massing , the access road and the provision of an adequate number of off - street parking spaces , by far the most detrimental effect of the proposal that *this* applicant has *chosen* to submit , is the consequential ruination of the avenue of trees along the approach road into Micklefield Recreation Ground .

- 10.2 In the accompanying Arboricultural Report by JCA Ltd. , all the trees which are situated along the southern side of the approach road into the Recreation Ground are assigned a Category B1 Retention Rating , in other words : “ Retention Desirable ” due to their arboricultural qualities . None of those trees are assigned a Category U Retention Rating , which would signify that they would , in an arboricultural context , need to be removed .
- 10.3 The Parish Council would draw specific attention to trees T7, T8, T9, T10, T11 and T12 in JCA Ltd.'s Arboricultural Report. These are the six trees which form the southern part of the tree avenue fairly close to the carriageway of the approach road into the Recreation Ground . It is somewhat annoying that these trees have not been given the same reference number in the applicant's Proposed Site Layout and Ground Floor Plan drawing (Site Layout Revision B) . On that drawing , T1 is the above T7 , T2 equates to T8 , T3 equates to T9 , T6 equates to T10 , T9 equates to T11 and T10 equates to T12 . Either way , they are all Category B1 .
- 10.4 As it is the applicant's drawings which are approved when a planning application is approved , we are best using the reference numbers on Proposed Site Layout and Ground Floor Plan drawing (Site Layout Revision B) in the furtherance of this particular objection point .
- 10.5 The applicant proposes to fell T2 , T3 and T6 . The felling of these three trees would only be necessary for the simple reason that the applicant is choosing to position the main block of apartments so close to those trees that they could not be retained . Let us be clear though , these three trees do not need to be felled in order for the Old School Site to be developed for residential purposes . The applicant wants to fell them so that the number of apartments can be maximised .
- 10.6 This is not an acceptable justification for the LPA to now approve a plan which necessitates the removal of three reasonably healthy trees that are covered by a T.P.O.. Felling these three trees would wreck the visual amenity of the tree avenue and completely ruin the balance of the parallel lines of trees on either side . It would be perverse to let this happen , especially as the current proposal would effectively prevent any spot replanting when each tree does eventually die from natural causes .
- 10.7 In seeking to gain approval of Outline Planning application 16 / 01078 / OT / E , Ashdale did not propose felling any of these seven trees along the approach road , and the then Case Officer meticulously ensured that the revised plan drawings that were approved would not have any detrimental effect on those seven trees .
- 10.8 In any event , T2 , T3 and T6 are outside the red line site boundary (as are T1 , T9 & T10) . This means that the applicant is seeking to fell three trees that are not actually within the defined area of the applicant's proposed development .
- 10.9 The northern red line boundary on the Location Plan is correct . The northern boundary of the Old School Site is not the southern kerb edge of the approach road into the Recreation Ground , it is an appreciable distance to the south of that kerb edge . This is clearly and unequivocally the case if one examines any 1:1250 Ordnance Survey map of the locality .
- 10.10 Ashdale Land & Property Co. Ltd. have always insisted that they did not own the carriageway of the approach road , nor the verge with trees on the north side , nor even the verge with these seven trees on the south side .
- 10.11 Even if the applicant has purchased (registration pending ?) the Ashdale part of the Old School Site , it is inconceivable that the sale has included or would include these seven trees . The northern red line in the red line location plan has been consistently along the same precise line in every planning application for the Old School Site , so everything is telling the LPA that this applicant does not control T2 , T3 or T6 and has no legal authority to fell them , even if the LPA were to approve such a proposal .
- 10.12 When the application site was a functioning school , the timber fence along its northern boundary was immediately to the *south* of these seven trees , not immediately to the north . There was another good reason for this , as a 2” Yorkshire Water main runs along the southern grass verge and there is a functioning service gully roughly in the vicinity of T10 .

10.13 The Parish Council is sure that Yorkshire Water would prefer this water main , and especially the service gully , to stay just as accessible as they currently are , and not be enclosed inside the private amenity space of a block of apartments .

10.14 The red line boundary is the key to what can and should happen along the northern edge of the Old School Site . Whilst it is often said that land ownership is not a material consideration in the processing of a planning application , it is most definitely a material factor where the LPA would be knowingly facilitating a tort , by approving a planning application where the applicant thinks that they control land and the LPA already has longstanding obvious evidence that the applicant does not control that land .

For all the reasons outlined above , Micklefield Parish Council cannot possibly support this Full Planning Application with the various drawings as submitted , and to recommend its approval would be a grave dereliction of our role as a Local Authority and as Sole Trustee of the Micklefield Recreation Ground Charity land .

Yours faithfully ,

Joanne Hebden (Clerk & RFO to the Parish Council)