

NORTH AND EAST PLANS PANEL

THURSDAY, 26TH APRIL, 2018

PRESENT: Councillor N Walshaw in the Chair

Councillors B Cleasby, R Grahame,
S Hamilton, S McKenna, E Nash, J Procter,
K Ritchie, B Selby, P Wadsworth and
G Wilkinson

121 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

122 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

123 Late Items

There were no formal late items.

However, supplementary information had been circulated to Members prior to the meeting in relation to agenda item 9 – 17/00655/OT – Outline application for residential development of up to 140 dwellings, public open space, flood alleviation measures, landscaping, new access from A58 and pedestrian / cycle access from The Drive at land at Wetherby Road, Bardsey, Leeds.

124 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests made.

However, declarations of other interest were made by the following Councillors:-

- Councillor John Procter informed the meeting that he lived in Bardsey. In relation to Item 7 – Outline application for residential development of up to 140 new homes, public open space, flood alleviation measures, landscaping, new access from 58 Wetherby Road and pedestrian/ cycle access from The Drive, and land at Wetherby Road Bardsey, Leeds LS17. He said that this would not affect his ability to consider the application with an open mind
- Councillor Ron Grahame informed the meeting that his wife Councillor Pauleen Grahame was the local ward member for Crossgates and Whinmoor in relation to Item 10 – Demolition of existing buildings and structures, ground remediation and earthworks for future site redevelopment radial Park Manston Lane, Manston, Leeds LS15 8ST. He said that this would not affect his ability to consider the application with an open mind.

125 Apologies for Absence

Apologies for absence were received from Councillors M Harland. Councillor. B Selby attended the meeting as substitute for Councillor Harland.

It was noted that Councillor S McKenna had informed the Chair he would be arriving late.

126 Minutes of 22nd March 2018

RESOLVED – That the minutes of the meeting held on 22nd March 2018, be recorded as a correct record.

CHAIRS COMMENT

The Chair noted that the meeting would be the last for the following Members who were retiring from the Council:-

- Cllr. B Cleasby
- Cllr, S McKenna
- Cllr. J Procter
- Cllr. B Selby

127 17/00655/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 140 NEW HOMES, PUBLIC OPEN SPACE, FLOOD ALLEVIATION MEASURES, LANDSCAPING, NEW ACCESS FROM A58 WETHERBY ROAD AND PEDESTRIAN/ CYCLE ACCESS FROM THE DRIVE LAND AT WETHERBY ROAD BARDSEY LEEDS LS17

The report of the Chief Planning Officer presented an outline application for residential development of up to 140 dwellings, public open space, flood alleviation measures, landscaping, new access from A58 and pedestrian/cycle access from The Drive at land at Wetherby Road, Bardsey, Leeds.

Members were informed the proposal was for a residential development of up to 140 dwellings on an area of land designated as Green Belt. The applicant's (the Bramham Park Estate and Sandby (Bardsey) Ltd) case was based upon very special circumstances which relate to the refurbishment and restoration of a number of important heritage assets, including a significant number of Grade 1, Grade1* and Grade 2 listed buildings.

The Panel was advised of the following points:-

- Case put forward for special circumstances for the heritage benefits
- The site had been to Panel in November 2016 when Members had undertaken a site visit;
- The house and gardens were of local and national importance;
- There was a disrepair deficit of £10.7m.
- The Bramham Estate host a number of events including Bramham Horse Trials, Leeds Festival and has been used on a number of occasions for filming;
- All money generated through Capital receipts would be used for urgent repairs;
- The application is within the Green Belt
- Application site is not within the Site Allocation Plan (SAP)
- Site located between The Drive and First Avenue

- Lower part of the site is located within flood risk land
- Located within the conservation area of East Keswick and Bardsey cum Rigton;
- Application had been submitted in outline with all matters reserved apart from access;
- 35% of the 140 proposed dwellings would be affordable housing;
- Section 106 agreement would provide 100% of the proceeds from the development would be used for the refurbishment of the heritage sites of the house and garden on the Bramham Estate;
- An independent viability assessment had been provided which agreed with the conclusions of the officers;
- 509 letters of objection had been received;
- Speed limit signs on the A58 would be relocated as part of the access proposals; and
- The Biggin a house located on the site was capable of conversion to flats. It was noted to be economically viable and that if money was input to this it could generate an income in its own right for the longevity of the estate.

Members were shown photographs and plans throughout the presentation.

Members were reminded of paragraph 14 of the NPPF which was read out at the meeting and set at paragraph 10.7 of the submitted report.

Members were further advised of the following:-

- The three reasons for refusal;
- Correction to paragraph 10.155 bullet point V: The harm ascribed to the issue of accessibility is 'significant' and not 'limited'.
- A late representation from a local resident who was unable to attend the meeting that supported the Bardsey Parish Council objection and that the development must not proceed.

Nick Lane-Fox, the applicant and Adam Key from Savills were in attendance at the meeting and informed the Plans Panel of the following points:

- 27 Grade 1 listed structures require repairs at a cost of £10.7m and this was rising;
- 100% of the proceeds from the development would go towards the repairs;
- The estate had no other assets to sell;
- They were offering public access to the park free of charge on 365 days of the year;
- The importance of the heritage locally and nationally of the house and gardens;
- That paragraph 10.35 of the submitted report in relation to heritage matters had not been followed up; and
- The application had taken 4 years to get to this point.

In response to Members comments and questions the following points were noted:-

- The proceeds from the development would only be used for urgent repairs and would not be towards the general up keep of the estate;
- There was currently a 10k circuit round the park which was open to the public. However the offer from the estate was to open the grounds which would be one and a half times the size of Roundhay to walk around free of charge to the public including free parking;
- Current access to the house was by appointment;
- Access would be restricted during the Horse Trials and the Leeds Festival due to the security and safety aspect; and
- The walled garden and 66 acres of the park where many of the structures were would also be open to the public for a charge of £4 per adult, £3 for senior citizens and concessions, and £2 for children.

Mr Fox-Lane said that the Bramham Estate was different to that of Harewood as the content of Harewood was more significant including a park landscaped by Capability Brown. Mr Fox-Lane said he was trying to keep the estate as an asset for the future in keeping what was special about Bramham Park with its 18 Century landscaped gardens.

In attendance at the meeting to speak for the recommendation was Mark Russell a Chartered Town Planner with Ethical Partnership on behalf of Bardsey Action Group, Bardsey Parish Council and Keswick Parish Council. Also in attendance were Peter Gilan, Tim Gittins and Chris Sidle to answer questions.

Members were informed of the following points:-

- Conflicts with Planning Policy and Neighbourhood Plan aspirations;
- Harmful to the Green Belt;
- Failure to prove very special circumstances;
- Failure to evidence alternative funding streams;
- Failure to follow Historic England's guidelines for repairs;
- Bardsey Neighbourhood Plan voted against this land being used for development and conflicts with community priorities as is located within Green Belt;
- Council Policy does not allow development on Green Belt;
- Full option assessment was absent so unable to demonstrate that all options had been explored and exhausted;
- Not demonstrated consideration of other revenue streams to generate income to fund repairs scheme;
- Nearby Stockeld Park had become a visitor attraction to help fund repairs and up-keep;
- The Neighbourhood Plan did not rule out development and a survey taken had identified the need for a small number of much smaller houses principally for elderly downsizers and young people as starter homes;
- The Neighbourhood Plan sets out a proposal for 55 properties within the settlement of Bardsey;
- No assessment had been carried out on noise in relation to the Leeds Festival;

- The two retail units described at paragraph 10.107 were a hairdressers which had been there a number of years and a convenience store which had been closed and had now been sold. It was not known what the retail unit was to become; and
- Currently people who live in the area travel to Collingham or further afield for shopping.

Members discussed:

- Policy of Green Belt
- Weight given to Neighbourhood Plan
- Special circumstances
- Accessibility
- Flooding issues

RESOLVED – To refuse the application for the reasons set out in the submitted report.

Cllr. S McKenna arrived at the meeting at 14:45 during the presentation of this item and therefore did not participate in this item.

128 16/06951/FU - DEMOLITION OF EXISTING BUILDINGS; CONSTRUCTION OF SIX APARTMENTS WITH ASSOCIATED ACCESS, LANDSCAPING AND CAR PARKING 7 WAKEFIELD ROAD GARFORTH LEEDS LS25 1AN

Further to minute number 105 the Panel considered a further report from the Chief Planning Officer on the demolition of existing buildings and construction of six apartments with associated access, landscaping and car parking at 7 Wakefield Road, Garforth.

At the 22nd February 2018 Plans Panel North and East meeting Members resolved to defer consideration of the application to seek amendments to the layout of the proposed flats so that they all accord with the emerging Minimum Space Standards (Policy H9 of the Core Strategy Selective Review, February 2018)

It was noted that Panel Members had been content with the principle of the development, the design of the development, parking provision and raised no objections to the drainage / flooding aspect of the proposal. It had been agreed at the meeting that the application should be brought back to the Panel for determination.

Members were advised of the amendments made to the proposal which were set out in the submitted report.

Members noted that the internal floorspaces of each of the proposed flats now complied with the emerging Minimum Space Standards. The increases to the internal space had resulted in an enlargement of the external dimensions of the building but, as proposed, the increases in these dimensions were not considered to have altered the previous assessments made in regard to the proposal's impact on visual amenity and residential amenity.

It was also noted that in response to Members comments at the previous meeting alterations had also been made to the siting of the bin storage and parking arrangements.

Councillor Mark Dobson attended the meeting and spoke against the recommendations for the following reasons:-

- Density of the site
- Close proximity to the busy junction
- Flood alleviation and impact on the nearby flood zone
- Impact on sewage in the area

Members noted that 15 and 7 of Cyprus Grove located to the rear of the proposed development flood regularly.

Members were advised that a condition had been proposed in relation to construction traffic and that conditions could be added in respect of the provision of permeable hardstanding and the provision of oil interceptors.

RESOLVED – To grant permission subject to the specified conditions set out within the officer report for Plans Panel North and East 22nd February 2018, Appendix 1 of the submitted report and subject to the addition of conditions in respect of the provision of permeable hardstanding and the provision of oil interceptors.

129 16/07871/FU - REPORT TO FOLLOW RESIDENTIAL DEVELOPMENT COMPRISING OF 27 NO. APARTMENTS AND 15NO. DWELLING HOUSES FORMER PUB RATHMELL ROAD HALTON LEEDS LS15 0NZ

Further to minute number 47 the Plans Panel considered a further report of the Chief Planning Officer of a planning application for a residential development comprising of 27 flats and 15 houses with parking and greenspace at the former public house site, Rathmell Road, Halton.

The proposal had previously been brought to Plans Panel on 14th September 2017. The application had been considered on the basis it would meet its full affordable housing and greenspace requirements and formal planning permission was granted on 30th November 2017 following completion of the S106 agreement.

Members were informed that since the permission was granted, it had come to light an error with the original Viability Appraisal was made which had

significant implications in terms of the scheme's ability to reasonably deliver the S106 obligations as currently signed up to.

The Panel heard that the error relates to the failure to include the communal areas associated with the flat blocks.

It was noted there are 3 blocks of flats within the development so the original costs assessed were significantly below (by £389,536) what they should have been. In addition, further information had been obtained regarding the site preparation works which had pushed up the costs relative to the original estimates.

The submitted report outlined the revised viability case relating to the original permission and for Members to consider if they were willing to agree the proposed Deed of Variation to the original S106 agreement.

The Panel noted that the proposed Deed of Variation did not form part of a formal planning application so was not subject to publicity, Ward Members had been advised of the revised situation in January 2018, but had not offered any comments either in support or against the proposal. It was also noted that no neighbour representations had been received at the application stage.

The Panel were informed that the Viability Appraisal concluded the development would not generate sufficient profit to be able to deliver the Council's normal policy ask in respect of affordable housing and greenspace contributions.

Officers were of the opinion the proposed Deed of Variation could be supported as it would help delivery of the scheme which would promote a number of positive regeneration benefits.

Members discussed who was at fault and why and how the error had occurred.

Members were still of the view that the proposal to develop the site for housing was a good one. However, Members did not want to miss the opportunity to secure affordable housing in this location.

The Chair moved a proposal for higher density on the site that would allow for the site to be viable and policy compliant for affordable houses to be built.

The Plans Panel considered the proposal, at the conclusion of the discussions it was moved to defer consideration to allow for further negotiations in respect of an alternative scheme that provides for affordable housing.

RESOLVED – To defer for further negotiations to increase the density of the development to facilitate the provision of affordable housing and to report back to the next available meeting.

CHAIRS COMMENT

The Chair paid tribute to those Members of the Plans Panel who would be stepping down at the forthcoming elections on 3rd May 2018.

The Chair thanked Councillors Brian Cleasby, Stuart McKenna, John Procter and Brian Selby for their work and contributions on North and East Plans Panel.

Each of the Councillors stepping down gave a brief speech in relation to their time on Plans Panel and that they had learnt a lot and enjoyed the process.

The Chair wished them well for the future.

130 18/00778/FU - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, GROUND REMEDIATION AND EARTHWORKS FOR FUTURE SITE REDEVELOPMENT RADIAL PARK MANSTON LANE MANSTON LEEDS LS15 8ST

The submitted report of the Chief Planning Officer set out an application for the demolition of existing buildings and structures, ground remediation and earthworks for future site redevelopment at, Radial Park, Manston Lane, Manston, LS15 8ST.

The land was an allocated phase 1 housing site (HG2-120) within emerging Site Allocations Plan and permission with an identified capacity of 450 units. It was expected that a planning application for residential development would be submitted in early summer.

Works to clear and remediate the site were previously granted planning permission in May 2016 (14/02521/FU) and this included the prior extraction of coal. Permission was granted, subject to conditions, including that no development take place until the Manston Lane Link Road (MLLR) had been constructed and was operational for public use.

It was noted that this was formally the Vickers Tank Site.

Photographs and plans were shown throughout the presentation.

Members were advised of the following points:-

- That the revised remediation strategy no longer proposed the prior extraction of coal and permission was now sought to commence the initial stages of the development demolition, site clearance, and initial earthworks prior to the opening of the MLLR.
- There would be some loss of trees across the site, however trees would remain along the railway line.
- 23 letters of objection had been received. The representations referred to the noise levels, dust levels, traffic, harm and impact on the area.
- Noise attenuation structures in the form of fencing were to be erected.
- MLLR was due to open in Autumn 2018.
- Traffic levels would be monitored prior to the opening and use of the MLLR. Safe-guards were to be adopted should the traffic levels rise above those predicted and work would be stopped.

Mr Eamon Judge was in attendance at the meeting and spoke against the recommendations.

Mr Judge spoke at length about the impact of additional traffic specifically HGV's on the local highway network in particular on the Crossgates town centre required for the removal of demolition material and the import of raw materials to allow the grouting. Mr Judge highlighted the fact that the previous permission had included a condition to prevent the commencement of works until the MLLR opened and that there was also a condition that vehicles over three tonnes should only enter or depart the site via the MLLR.

Phil Brook on behalf of the applicant and John Booth, Highways Consultant attended the meeting.

Mr Brook and Mr Booth reiterated the points set out in the submitted report on processes proposed to mitigate the impact on residents.

In response to Members questions it was noted that if permission was granted that mobilisation could start on the site towards the end of May 2018. Stage 3 which would include the grouting process would start mid-October 2018 when the MLLR is anticipated to be opened allowing traffic to enter and depart via the MLLR towards the East avoiding the sensitive routes in Crossgates.

Members were advised of Conditions 4 and 17 set out in the submitted report.

RESOLVED – To defer and delegate to the Chief Planning Officer for approval as set out in the submitted report.

131 Date of next meeting

It was noted that there were no plans for any further meetings of the North and East Plans Panel planned during the remainder of the current municipal year.