

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 3RD APRIL, 2014**

**PRESENT:** Councillor J McKenna in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, R Finnigan, C Gruen, J Hardy,  
C Towler, P Truswell and R Wood

### **109 Chair's opening remarks**

The Chair welcomed everyone to the meeting

### **110 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that is likely, in view of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as designated as follows:

The appendix referred to in minute 114 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) and on the grounds it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Whilst there may be a public interest in disclosure, in all the circumstances of the case, maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

### **111 Late Items**

There were no formal late items, however the Panel was in receipt of a photograph of the site at Deanhurst, Gelderd Road Gildersome – Application 13/05511/FU – which had been tabled by Officers in response to a matter which had been raised on the site visit earlier in the day (minute 117 refers)

The Chair also made reference to a document prepared by the Hyde Park Olympic Legacy Action Group, he had just been handed in respect of Application 13/00868/OT – Victoria Road (minute 114 refers) and stated that the document was too detailed to consider at such a late stage

### **112 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests although later in the meeting two Members brought to the Panel's attention matters in

relation to application 13/05650/FU – 1 Sydenham Street Holbeck (minute 116 refers)

### 113 Minutes

**RESOLVED** - That the minutes of the South and West Plans Panel meeting held on 6<sup>th</sup> March 2014 be approved

### 114 Application 13/00868/OT - Outline application for residential development and retail store -Victoria Road, Headingley

Further to minute 72 of the South and West Plans Panel meeting held on 5<sup>th</sup> December 2013, where Panel resolved not to accept the Officer's recommendation to grant outline approval for residential development and retail store and requested a further report be brought back setting out possible reasons for refusal based upon the concerns expressed by Panel, Members considered a further report of the Chief Planning Officer. Appended to the report was information considered to be exempt, which related to legal advice which had been sought by the Council on this matter

Plans, photographs and drawings were displayed at the meeting

Officers presented the report; outlined the issues which had been considered following the Panel meeting in December 2013 and explained the difficulties Officers considered they would have in substantiating the proposed reasons for refusal of the application at an appeal

The report before Panel asked Members to consider the information provided and to re-assess their resolution of 5<sup>th</sup> December 2013 to refuse the application. Reference was made to the proposed S106 package, with it being stressed that when re-assessing the application that the additional sum of money offered by the applicant towards the provision of sporting equipment in the locality was not material to the planning application

The receipt of an additional 7 letters of representation was reported. Whilst these raised no new material considerations, the concerns raised were summarised for Members' information. Comments received from Councillors P Gruen and J Illingworth were also conveyed to the Panel

Members were informed of requests received to defer or refuse the application and of the recent submission of a further application to register the playing field as an Asset of Community Value. The Council protocol for re-notifying objectors was also explained

Paragraph 1.4 of the submitted report was corrected in light of these further representations. The report stated that no children from the local community attended Kings Camp. This was incorrect and Members were updated verbally that local children did attend Kings Camp. It was also noted that the original report to Panel in October 2013 had identified that the Kings Camp formed part of the formal community use associated with the site

At this point the Chair asked the public to leave the meeting to enable the exempt information to be considered, in private

In discussing the information, the Chair reminded Members and Officers of the need to focus on the information contained in the exempt papers

The following matters were discussed:

- community plans for the site
- funding issues
- that a range of organisations had considered the potential of the site but that no realistic and deliverable proposals had come forward
- the application for listing the site as an asset of community value and that determining the application undermined the Localism Act. The Panel's legal adviser explained that the legislation governing assets of community value set up a separate process outside the planning regime
- the legal advice which had been sought from counsel

At this point the public were readmitted to the meeting

The Panel discussed the proposals, with the main areas of debate relating to:

- the extent of public open space in the area; the former Royal Park Primary School site and that the application site was not linked to the delivery of further open space, with concerns being raised about this
- the promises given to Ward Members that the former Royal Park Primary School site would be retained for community use
- the possibility of the Council becoming involved with the Hyde Park Legacy Action Group to secure the Victoria Road site for community use
- the length of time the site had been vacant for without firm, realistic proposals being brought forward

Members considered how to proceed. A proposal to defer determination of the application to enable work to be undertaken on building a funding package, with support from the Council, was moved and seconded. The vote was lost. The Officer's recommendation to approve the application in principle and defer and delegate the approval to the Chief Planning Officer was also moved and seconded. Having considered the report; the information contained in the exempt appendix to the submitted report and the discussions held at the meeting, the Panel

**RESOLVED –**

- i) To approve the application in principle and to defer and delegate approval of the application to the Chief Planning Officer subject to the conditions specified in the report to Panel of 10<sup>th</sup> October 2013 and subject to the completion of a Legal Agreement within 3 months of the date of resolution of Panel, to include:
  - 5% affordable housing contribution (on site 100% Sub Market or an off-site contribution to go towards bringing vacant properties back into family use in the Headingley/Hyde Park area)
  - On site greenspace provision and maintenance

- Off site greenspace contribution for children's equipped play equipment £19,950.14
  - Residential metrocard scheme A – bus only - £11,088.00
  - Contribution towards improving and enhancing sports facilities in the locality - £26,777.00
  - Local employment scheme
- ii) That the Director of City Development be asked to bring forward proposals for the creation of an area of public open space on the site of the former Royal Park Primary School to connect into the existing public open space adjoining the primary school for the benefit and enjoyment of the local community, in consultation with local Ward Members and community groups

(Under Council Procedure 16.5, Councillor J Bentley and Councillor R Finnigan required it to be recorded that they voted against approval of the application)

**115 Application 13/05700/FU - First floor side extension - 56 Eden Crescent, Kirkstall, Leeds**

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which sought approval for a first floor side extension at 56 Eden Crescent LS4

Members discussed the application and commented on the existing extensions of the property, some of which fell under Permitted Development Rights. Concerns were raised about the level of Permitted Development and that this matter should be referred to the Local Government Association. It was noted that the local MP had asked to be informed of the outcome, with a suggestion being made that Rachel Reeves could be asked to raise concerns in Parliament about the extent of Permitted Development Rights. The Head of Planning Services confirmed that concerns would be sent to the Leeds West MP

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report

**116 Application 13/05650/FU - Application for change of use from residential caretaker's home (Use Class C3) to a mixed use of office use and counselling educational/training support services (Use Classes B1A and D1) - 1 Sydenham Street, Holbeck, Leeds**

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Councillor Hardy brought to the Panel's attention that he gave money to the charity involved but this was not a large sum. He also had an open mind about the application. After advice from the legal officer, Councillor

Hardy confirmed that this did not amount to a disclosable pecuniary interest and there was no predetermination

Officers presented the report which sought approval for a change of use of premises to provide outreach and support services for women who are trapped in street prostitution

Members were informed that the location of the premises had been chosen carefully as it was not near residential dwellings but was easily accessible, particularly from the city centre

If minded to approve the application, a condition restricting the use to that specified on the application form would guard against other possible D1 uses in the future, which could have a greater impact on highway safety

The receipt of two further letters of representation was reported

Councillor Coulson brought to the attention of the Panel his involvement as Co-Chair of a Committee dealing with the issue of prostitution. The Panel's legal adviser confirmed this was not a disclosable pecuniary interest and asked whether Councillor Coulson still considered he had an open mind. Councillor Coulson advised that he had not formed a view on the application

The Panel heard representations from an objector who attended the meeting and provided information to Members, which included:

- a lack of public consultation on the proposals
- the problems of prostitution in the Holbeck Area, with concerns the proposals would increase the level of this
- the proximity of the site to an existing residential area and to an area designated for regeneration by the Council
- the level of local objection to the proposals, particularly from residents' groups

The Panel then heard representations on behalf of the applicant, who provided information to Members, which included:

- the work of the organisation known as Joanna
- the nature of the premises which were small and discreet
- the limited opening hours
- an understanding of the local concerns about the proposals

Following a concern raised by a member of the public, Councillor Coulson and Councillor Hardy stated they would not comment or vote on this matter

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report

**117 Application 13/05511/FU - Variation of condition number 5 (external storage) of planning permission 12/01608/FU (Change of use of former haulage office and HGV parking area to use class B8 unit with ancillary offices and trade counter/showroom with external storage to the rear yard area and additional parking provision ) - Deanhurst, Gelderd Road, Gildersome, Leeds**

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which sought approval for a variation of a condition of planning permission 12/01608/FU, which restricted the areas available for external storage so that areas on the western, northern and eastern boundaries could also be used for that purpose. It was noted the application was retrospective as the business had been operating in this manner since opening in 2012

As a revised plan had been requested by Officers, Members were now being asked to agree to defer and delegate approval of the application

**RESOLVED** - To approve the application in principle and to defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; an additional condition to ensure parking is marked out on site prior to first use; consultation with Ward Members regarding the provision of acoustic fencing to the northern boundary and swapping of car parking on the southern boundary with storage of unpalletised gas containers on the northern boundary, with a revised plan being submitted showing these alterations. In the event that agreement on these matters could not be achieved, that the application be brought back to Panel for determination

**118 Application 14/00477/FU - Rebuild of existing factory facility on similar footprint with service yard and internal access road, replacement car parking, widening of existing entrance road, demolition of cottages with hard and soft landscaping at Park Mills, Leeds Road Rawdon**

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which sought approval of the rebuild of an existing factory facility, following a fire in 2013

The main issues for consideration were outlined, with Members being informed that despite a proposed increase in height of the factory building, this was considered to be acceptable. In terms of the relationship between properties on the southern boundary, although the new factory would be closer, the separation distances were considered to be acceptable. The proposals would also provide improved noise attenuation measures

The Panel welcomed the proposals and the improvements which had been incorporated into the rebuild of the factory. The Chair also praised the work of the Council in helping the company to relocate quickly after the fire

A request for additional planting to be incorporated into the scheme was made

**RESOLVED** - That the application be granted subject to the conditions set out in the submitted report, including additional conditions to cover the provision of further soft landscaping on the site and the submission and approval of a landscape plan for the whole of the site

**119 Application 12/03580/FU - Erection of 59 dwellings and associated works - Land off Pollard Lane, Bramley, Leeds**

Plans, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented a report which sought approval of an application which would complete the redevelopment of a previously industrial site within the Green Belt, but which proposed a change to the accommodation to be provided, with houses replacing flats within the scheme. As a result of the proposals, the extent of built development would increase beyond that previously approved and an area of public open space in the middle of the site would be built on with open space being laid out on additional land beyond the built development

Members were informed that a financial viability statement had been submitted and assessed which had concluded that the additional dwellings and therefore, the additional land would be required, in order that the scheme could be completed. As a result of an increase in the number of houses being provided, an education contribution was also being sought and the applicants had offered a sum of £60,000 towards this

In terms of support for the scheme, existing residents of the part-developed site were supportive of the proposals. Further commitment to the scheme by the developer was the one year time limit for commencement of works on site

Regarding the additional land required for the scheme, although Green Belt, this remained in the curtilage of the former mill and yard and in this case, it was felt this did not constitute inappropriate development in the Green Belt

Members welcomed the scheme and sought clarification on the level of the education contribution to be provided

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the signing of a S106 Agreement for a commuted sum of £123,000 for improvements to footpath to Kirkstall Forge Railway Station and canal tow path, laying out and maintenance of open space and public access areas; the provision of a commuted sum of £60,000 for education; any further detailed design changes required to the proposed house types and layout and subject to the conditions set out in the submitted report

## **120 Date and time of next meeting**

Thursday 1<sup>st</sup> May 2014 at 1.30pm in the Civic Hall, Leeds