

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 4TH SEPTEMBER, 2014**

**PRESENT:** Councillor M Rafique in the Chair

Councillors J Akhtar, J Bentley, A Castle,  
M Coulson, T Leadley, K Ritchie, C Towler,  
P Truswell, F Venner and R Wood

### **16 Chair's opening remarks**

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

### **17 Late Items**

There were no formal late items, however the Panel was in receipt of additional plans in respect of application 12/04737/FU – Land rear of Sandon Mount/Sandon Grove, which had been tabled by the Chief Planning Officer (minute 22 refers)

### **18 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests, however, Councillor Castle and Councillor Wood brought to the Panel's attention that they knew the applicant of application 14/03592/FU – 15 Woodhall Park Crescent East LS28 (minute 24 refers)

Councillor Leadley also brought to the Panel's attention in respect of application 12/04737/FU – Sandon Mount/Sandon Grove LS10, that he was the Chairman of the Lee Fair Committee which organised the country's oldest chartered fair (minute 22 refers)

### **19 Apologies for Absence**

Apologies for absence were received from Councillor Finnigan, with Councillor Leadley substituting for him

### **20 Minutes**

**RESOLVED** - That the minutes of the South and West Plans Panel meeting held on 31<sup>st</sup> July 2014 be approved

**21 Application 14/02399/RM - Land at Fleet Lane, Oulton, LS26**

The Panel's Lead Officer sought Members' approval to withdraw the report in respect of land at Fleet Lane Oulton – application 14/02399/RM, to enable Officers to have further discussions with Ward Members and Oulton Civic Society about elements of the scheme. The applicant had indicated they were content with this proposal and Officers hoped that following the discussions, approval of the scheme could be deferred and delegated to the Chief Planning Officer

**RESOLVED** - That the report be withdrawn from the agenda

**22 Application 12/04737/FU - Use of vacant site for the stationing of caravans for occupation by Gypsy-Travellers with associated development including new access track, hard standing, utility building, fencing, external lighting and foul drainage - Land rear of Sandon Mount, Sandon Grove, Hunslet**

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

The Chief Planning Officer presented the report which related to the use of a site, designated for allotment purposes in the 2006 UDP Review, for the one permanent mobile home, utility block, three temporary pitches and associated hardstanding on a site to the rear of Sandon Mount Hunslet LS10

Members were informed that the caravan would be sited adjacent to the motorway embankment and that there were concerns about the level of noise which would be experienced by the occupier. Furthermore, the nature of the caravans would not lend itself to suitable noise mitigation and that the approval of a previous housing development close by had included specific noise mitigation measures

The lack of greenspace of all types in the area was also outlined

The context of the application in respect of policy H7 of the Core Strategy Draft Site Allocations plans for the Inner South Area had been revised in response to comments by the Inspector was outlined together with details of the work undertaken by the Council to bring forward more traveller sites; the application for an extension to the Cottingley Springs site, which was currently with the Secretary of State for determination and that a further site at Kidacre Street which had been identified for 15 pitches and would be brought to Panel for determination shortly

The Chief Planning Officer also outlined other criteria for considering a site suitable for pitches/plots as set out in the submitted report; stressed that the current land use of the site was for allotment purposes; that the provision of future Gypsy and Traveller sites was through the Site Allocations process and that the application was premature in view of this

The application was recommended to Panel for refusal, with suggested reasons being included in the Chief Planning Officer's report

The Panel heard representations from the applicant's representative who highlighted the main aspects of the case, which included:

- the urgent need for accommodation for the applicant

- the length of time taken by the LPA to consider the application
- the lack of provision of Gypsy and Traveller Sites in Leeds
- the lack of evidence to demonstrate excessive noise levels at the site and that permission had been granted for other sites close to the M621
- the willingness to take measures to mitigate against the noise levels from the nearby motorway
- that use of the site as allotments was unlikely in the near future

The applicant who was in attendance responded to questions from the Panel

The Panel then heard representations from a representative of the Hunslet Carr Residents Association who supported the Officer's recommendation to refuse the application and who outlined concerns which included:

- the proximity of the site to residential dwellings
- the highway implications of the proposals; on-street parking and access arrangements for caravans
- the number of proposed and existing Gypsy-Traveller sites in South Leeds
- the lack of local support for the proposals
- that as a privately-owned site, it would be unregulated
- that the nearby school wished to use the land for growing produce, with there being local support for this use

The Panel discussed the application, with the main issues relating to:

- possible noise mitigation. The Chief Planning Officer read out the submission from the applicant's agent which declined to undertake any mitigation measures which could be implemented
- the need for the site to be considered as part of the Site Allocations process

At this point Councillor Coulson brought to the Panel's attention that he was a member of the Development Plan Panel which was considering site allocations

- the shortfall of suitable Gypsy-Traveller sites and when further provision would be available
- the existence of an earlier report which recommended approval of the application and what had changed since that time. The Chief Planning Officer stated that the previous Officer report was an earlier draft and did not carry the authority of the Chief Planning Officer
- the arguments put forward at the Public Inquiry into the Cottingley Springs expansion and concerns from the H&SE about aspects of the site proposed at Kidacre Street

- the difficulties in considering this site in view of the Site Allocations process which was ongoing and the importance of not having piecemeal development
- the lack of green space in the local area, particularly for the local primary school
- the needs of the applicant and equality issues
- the likely future use of the land
- that small encampments did not tend to give rise to some of the issues seen at the Cottingley Springs site
- highways issues. On this matter the Panel's highways representative stated that there was sufficient road width and good access to Belle Isle Road to accommodate a static and three touring caravans
- the robustness of the report before Members

The Panel considered how to proceed

**RESOLVED** - That the application be refused for the following reasons:

1 The use of the site for a Gypsy and Traveller caravan site is premature in respect of the current allocation of the site for allotment purposes in the 2006 UDP Review. The appropriate route for determining such matters is via the Site Allocations process in the context of the deficiencies of open spaces in the Inner Area Housing Market Characteristic Area

2 That the location of the proposed Gypsy and Traveller site is in conflict with Policy GP5 of the UDP in terms of environmental intrusion and loss of amenity arising from noise from the adjoining M621

**23 Applications 14/00493/FU & 14/00474/LI - Demolition of existing buildings, construction of 36 dwellings, conversion of existing school building to create 13 dwellings; laying out of access roads and other associated works and associated Listed Building application 14/00474/LI - for conversion of existing listed school building - Upper Wortley County Primary School, Ashley Road, Upper Wortley, LS12**

Plans, drawings, photographs and artist's impressions were displayed at the meeting

Officers presented the report which sought approval for a residential development on a brownfield site, comprising 49 dwellings, with demolitions, conversion of the existing Listed school building, access and other works at Upper Wortley County Primary School. Members were informed there was an extant permission for a residential scheme which provided a higher number of flats and it was the view of Officers that the current proposals resulted in a more positive use of the school building which would be used to form 13 houses

The main difference between the current and consented scheme was in relation to S106 contributions, particularly affordable housing

Policy requirements for the size of the development would be for greenspace and 15% affordable housing (7 units). As a lower greenspace contribution had been proposed by the applicant and no affordable housing contribution offered, a financial viability statement had been sought which had been independently assessed by the District Valuer, who had concluded that the full level of the greenspace contribution and two affordable units could be provided. This had led to the applicant increasing the level of greenspace contribution to the policy requirement but still not offering an affordable housing contribution

Having considered this, Officers were recommending approval of the application to Panel as it felt that the benefits of the proposal outweighed the lack of affordable housing and a requirement of the S106 Agreement would be to reassess the affordable housing requirement if the development had not commenced within a year of consent being given

Receipt of a further letter of representation from the developer was referred to, the proposed greenspace contribution being confirmed as £120,065

Members discussed and commented on the application with the main issues relating to:

- the lack of affordable housing
- the size of the proposals and that no education contribution could be sought because of that
- concerns that the independent advice on the viability of the scheme had been ignored by Officers
- that the current scheme was an improvement on the previous proposals
- the possibility of negotiating further with the developer to seek the level of affordable housing considered to be viable in the scheme by the District Valuer

The Panel considered how to proceed

**RESOLVED - Application 14/00493/FU**

To defer and delegate to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to the completion of a Section 106 Agreement within 3 months of the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer to secure:

- 1 £120,065 greenspace contribution
- 2 Reassessment of the affordable housing requirement if the development is not commenced within one year of consent
- 3 Local employment clause

**Application 14/00474/LI**

To defer and delegate to the Chief Planning Officer subject to the conditions set out in the submitted report

**24 Application 14/03592/FU - Alterations including raising roof height to form new first floor within the roof space, to existing bungalow with two front dormer windows - 15 Woodhall Park Crescent East, Stanningley, Pudsey, LS28**

Plans and photographs were displayed at the meeting

Officers presented the report which sought approval of an application for alterations to an existing bungalow to accommodate additional bedrooms and bathrooms. The application had been brought to Panel as the applicant was married to an Elected Member

Members were informed that the original proposals had not been supported and that the revised scheme before Panel had not attracted any objections

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

**25 Application 14/03475/FU - External alterations and relocation of an ATM - Yorkshire Bank, Church Street, LS10**

Prior to consideration of this matter, Councillor Coulson withdrew from the meeting

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

Officers presented the report which sought approval of an application to remove of the existing ATM and relocate it to the Church Street frontage of the Yorkshire Bank building. Concerns about the proposals had been raised by Councillor Nash on the grounds of highways and pedestrian safety. Members were informed that although three accidents had occurred in this location none of these were attributable to the siting of the ATM

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

**26 Application 14/02987/FU - Variation of condition 3 (opening hours and deliveries) and condition 5 (net retail floorspace) of previous approval 12/02334/FU - Land at St George's Road, Middleton, LS10**

Plans and photographs were displayed at the meeting

Officers presented the report which sought the variation of two conditions relating to opening hours and deliveries and net retail floorspace of the previous approval for the Asda store at St Georges Road Middleton LS10

Members were informed that originally the operator had sought 24 hour opening but in response to local objections, revised operating hours had been proposed, along with amended delivery hours. A temporary permission for two years which would provide sufficient time to properly assess the impact of the additional hours was proposed

In respect of the variation to the net retail floorspace, this related to a small, outdoor trading area which would be used to stock seasonal products. Due to the size of this – 36 sqm – it was felt this would not impact on the nearby retail centre

Although there were no speakers for this item, it was noted that representatives of Asda were in attendance to respond to questions from the Panel

Members discussed the application and sought further details on the justification for a two year trial period of the extended hours

An amendment to limit the trial period to one year was made

The Panel considered how to proceed

**RESOLVED** – That the application be granted subject to the conditions set out in the submitted report; the amendment of condition 2 to specify the modified opening hours would be for a period of 12 months from the date of this permission and the amendment of condition 3 to specify the modified delivery hours would be for a period of 12 months from the date of this permission

**27 Application 14/02641/FU - Variations of condition 3 (site access), 4 (maximum retail floor space), 5 (hours of opening), 6 (hours of delivery), 12 (sustainability) and 13 (contamination) of previous approval 11/04303/OT - Asda Stores Ltd, Old Lane, Beeston, LS11**

Plans, photographs and an artist's impression were displayed at the meeting

Officers presented the report which sought the variation of several conditions to the previously approved scheme, which included hours of opening and delivery

Members were informed that the Reserved Matters application for the detailed design of the store was currently being considered by Officers

Regarding opening times, the Panel was informed that originally, the operator had sought 24 hour opening, with local objections being raised to this. Asda had now amended this request and reduced opening and delivery hours were now being sought. Local concerns remained about these and the receipt of a further letter of representation from Beeston Community Forum was reported. A temporary two year trial period of the amended opening and delivery hours was sought

Regarding the variation to the site access, this would enable the existing store on site to continue to trade longer before it was demolished and highways had not objections to the proposals

In respect of additional floorspace, this was sought to provide a small, outdoor retail area which would sell seasonal products. Members were informed this additional area was not of a scale which required a further retail assessment to be submitted and it was considered this small extension would not cause harm to other retail centres

If minded to approve the application two further conditions were recommended which related to the restriction of the number of delivery vehicles arriving between 06.00 – 07.00 and a delivery methodology statement to be submitted for approval

Members discussed and commented on the application. With permission of the Chair, representatives of the operator were in attendance to provide factual information to questions from the Panel

The view that for consistency of approach, the trial period of amended opening and delivery hours should be limited to 12 months, rather than the two year period being sought was proposed

The Panel considered how to proceed

**RESOLVED** - To defer and delegate to the Chief Planning Officer for approval, subject to the specified conditions; amendments to conditions 5 and 6 to limit the amended opening and delivery hours to a period of 12 months commencing from the date of first occupation of the store, additional conditions in respect of restricting the number of delivery vehicles arriving at the site between 06.00 – 07.00 and the submission of a delivery methodology statement to be submitted and approved and following completion of a Deed of Variation to cover all matters in the previous signed S106:

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

During consideration of this matter, Councillor Coulson resumed his seat in the meeting

**28 Application 14/03261/FU - Change of use of former allotment land to football pitch - The Crescent, Tingley, WF3**

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

Officers presented the report which related to a change of use of former allotment land to a football pitch for use by Tingley Athletic Football Club

The receipt of four additional representations was reported.

Members were informed that local residents had expressed concerns about flooding and although there had not been the chance to consult on the latest submitted drainage scheme, this was covered by a condition

Although highways had not objected to the proposals, local residents had raised concerns however it was felt these issues were existing and could best be dealt with by residents and users of the pitch working together

Members discussed the application with a suggestion being made that a working group could be encouraged to be formed to address the issues of on-street parking around the site

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

**29 Application 14/02073/OT - Outline planning application for amendments to the layout of extant planning permission 12/01236/FU to provide 50 townhouses, 31 apartments and 1 dwelling at Rose Court Lodge - Former Leeds Girls High School, Victoria Road, Headingley, LS6**

Plans, photographs and graphics were displayed at the meeting



An amendment to the description of the scheme was made, with this being for 50 townhouses, 19 apartments and 1 dwelling at Rose Court

Officers presented the report which related to an outline application for amendments to an extant planning permission at the former Leeds Girls High School site. The reason for the application was because alterations to the NGT scheme the previous permission could not now be implemented

Officers were of the view that the proposals represented an improvement on the approved scheme as more houses would now be provided, with larger gardens

The NGT scheme would require the lodge and stable to be lost, however a condition requiring demolition of these buildings only if NGT did proceed was proposed

Amendments to condition 3 regarding the phasing for the provision of affordable housing was proposed to ensure the refurbishment of Rose Court was not left until the last part of the scheme

The Panel discussed the application and commented on the following matters:

- the level of affordable housing arising from the scheme, which was stated as being 5% in line with the current interim policy
- the current position of using the commuted sum to provide off-site affordable housing, particularly buying up HMOs in the area and returning them to family dwellings
- the need to ensure that a large enough affordable housing contribution was obtained to secure the equivalent number of properties off-site as would have been provided on-site. The Head of Planning Services stated that a standard formula within the S106 would be applied to calculate the planning contribution to be paid

**RESOLVED** - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report; the amendment of condition 3 to state 'The development shall not commence until the applicant has submitted to and received approval in writing from the local planning authority of a scheme of phasing for the provision of affordable housing and for the phasing of demolition and construction on the site. There shall be no occupation of more than 50% of the dwellings until a material start to the listed building works has been made and there shall be no occupation of more than 75% of the dwellings until the practical completion of the listed building works in accordance with the approved plans for Rose Court' and an additional condition to state ' There shall be no demolition of either the 'lodge' or 'stable' buildings except in the event of written agreement from the local planning authority following confirmation that the NGT public transport scheme is to proceed' and completion of a Section 106 Agreement to be completed within 3 months of the date of resolution unless otherwise agreed in writing by the Chief Planning Officer and to cover:

- affordable housing (5% if built in accordance with the interim policy)
- on site greenspace laying out and 10 year maintenance and off site contribution for equipped children's play provision (£39,033.04)
- education contribution (primary £151,855.00 and secondary £91,366.00)
- public transport contribution (£63,298)

- travel planning measures (£39,425 for bus only metrocards or for other and monitoring fee (£2500) and a bus stop contribution (£6000.00)

**30 Application 13/00868/OT - Outline application for residential development and retail store - Victoria Road, Headingley, LS6**

The Panel considered a report of the Chief Planning Officer seeking an extension of the time period given for the completion of the Section 106 Agreement of an outline application for a residential development and retail store at Victoria Road Headingley, which Panel approved in principle at its meeting held on 3<sup>rd</sup> April 2014

Members were informed that the agreement was nearing completion but that a further period of 6 weeks was being sought by Officers

Members expressed disappointed that the application had needed to be returned to Panel and the Chair stated that a further extension would not be forthcoming if the S106 was not resolved within the additional 6 weeks requested

**RESOLVED** - To approve an extension of 6 weeks to the time period given for the completion of the Section 106 Agreement to accord with the Plans Panel South and West resolution of the 3<sup>rd</sup> April 2014 meeting

**31 Date and time of next meeting**

Thursday 2<sup>nd</sup> October 2014 at 1.30pm in the Civic Hall, Leeds