

# Public Document Pack

South and West Plans Panel

Thursday, 9<sup>th</sup> May 2024

Agenda Item 6 - Cllr Smith Supplement

The supplement relates to proposed amendments to the minutes from the South and West Plans Panel meeting held Thursday, 7<sup>th</sup> March 2024.

The Panel were provided with a copy of the proposed amendments to consider at the South and West Plans Panel meeting held Thursday, 9<sup>th</sup> May 2024. Councillor Smith directed Panel Members to each individual comment during the meeting, and therefore the supplement is published in respect of that.

This page is intentionally left blank

# Agenda Item 6

Dear Chair, Dear Panel Members,

I am writing this email to all members of the planning committee who were present at the 7th March Panel. Tomorrow, you will be asked to approve the draft minutes of that meeting.

You may remember I was one of the attendees at the Plans Panel meeting that day. Following the meeting we reviewed the publicly available recording against the draft minutes and noticed a number of discrepancies. Councillor Carter agreed with the comments - and has formally requested that changes be considered.

I understand he was told these amendments will be discussed with the Chair at the next briefing and may be raised at the next meeting. However, in the published agenda there was no mention of revised minutes, or any "Matters Arising" and I cannot see that any information about the suggested amends has been provided for you to review if it is raised.

Therefore, in case you wish to debate this challenge to the draft minutes, please see below and attached for background information.

I'm sure we all agree that accuracy is very important in making planning decisions. I hope that you may consider raising this with the relevant Officers at the meeting, should you agree with the suggestions.

The requested amends for consideration (evidenced by the relevant transcript from the recordings) include:

- Specifics of relevant objections appear omitted from the record: – eg. poor choices made for Financial Viability reasons, closure of Harley Drive access.
- Ward Councillor Seary's comments about the unsatisfactory consultation process have been omitted.
- A minute about required works to gas services is factually incorrect.
- Potentially inaccurate reporting of Harley Drive discussion and comments from Highways.
- A specific request from Chair Councillor Bithell has not been recorded.
- Planning Officer's comments on the options for the drainage issue are partially omitted.
- Reporting of Panel's significant lack of support for design seems to miss detail - specific comments and recommendations as made by

Councillor Ray, Councillor Carter, Councillor Campbell and others are not mentioned.

- No minutes of specific requests from Panel Members are recorded. These included requirements for further consideration of the materials, further consultation, plus a requirement to keep Ward Members involved/informed.
- The re-statement of the specific request by Chair Councillor Bithell about alternative Highways Layouts is also not minuted.
- There appears to be incorrect reporting covering the requests by Panel to review access and Highways comments – implying a consensus at the meeting which does not match the recording of the proceedings.

**Dear Steve**

**Thank you for the draft minutes from the plans panel meeting on 7<sup>th</sup> March.**

**At the end of the meeting you said:**

*"Obviously there's quite a lot of notes that I've scribbled all over the place and hopefully I've captured it accurately, but it will be represented in the minutes at the next plans panel... so we'll have the opportunity to check that if you think I've missed anything."*

**Having reviewed both the draft minutes and the video recording, I would like to come back to you with the below corrections to the draft.**

Suggested **corrections** are **in red and highlighted**, **deletions** are **strikethrough and highlighted**. **Comments/timestamped extracts** from the recording **are in purple**.

### **82 23/06663/FU - Former Hough Side High School Site, Hough Top, Swinnow, LS13**

The report of the Chief Planning Officer presented an application for the erection of 82 affordable dwellings and associated open space and infrastructure at Former Hough Side High School Site, Hough Top, Swinnow, Leeds, LS13.

The planning officer explained that the application is brought as a position statement and officers are not making a recommendation but presenting key issues to Panel Members. Since publication of the submitted report, there have been significant revisions in terms of biodiversity and drainage, these are no longer key issues for members.

Photographs and slides were shown throughout the officer presentation, and the following information was provided:

- The site comprises a 2.5 Ha area of land to the north of Hough Top Road. The site was formerly occupied by a school until 1992, and then used as Council offices. The building was demolished in 2021/2022.
- The site is surrounded by residential properties to the north, east and south. Properties are red brick houses to the north, stone houses to the south and 3 storey white rendered/red brick flats and houses to the east.
- The application site is an allocated housing site in the Local Development Framework Site Allocation Plan (HG2-207) and the Site Requirements indicate that the site is affected by a gas main along the south of the site.
- There has been a statutory consultation response from Sport England and although housing will not result in loss of the playing field, some of the plots are at risk of footballs being thrown into gardens. The applicant is carrying out further assessment on this issue.
- The suggested site capacity is 76 units, and the applicant proposes 82 units.

- The proposed development consists of 28 two-bed four person houses, 23 three-bed five person houses, 4 four-bed 7 person houses, 17 one-bed 2 person apartments and 10 two-bed 3 person apartments.
- The access is proposed to be retained as a pedestrian and cycling route. No through route for vehicles. There will be two access points, and the existing access point in Hough Top to be removed.
- The eastern and southeastern part of the site has established mature trees and security fencing. There is an informal cut through woodland area in the southeastern part of the site; It is proposed to retain this area.
- There is a nearby shopping parade to the north of the site.
- The proposed apartment block is sited at an angle to the centre of the site, and it has its own private amenity garden area.
- There was previously a larger children's play area proposed, but this has been scaled back to avoid potential anti-social behaviour related issues. A smaller trim trail is now proposed.
- The design and character remain a consideration for members. There has been an objection from LCC Design Team on the proposed boundary treatments and design of houses. It is considered that the blank gables are prominent, and some house types appear 'harsh'. The applicant has added blind windows, but this has not addressed the outstanding objection.
- LCCs Design Team are also not supportive of the design and appearance of the apartment block. Comments relayed believe the design appears 'institutionally', with small windows. Further work is required before it can be supported.
- Objection comments also relate to the boundary treatments, to the western rear boundary adjacent to the playing field. This will be sited behind the existing metal palisade fencing at this boundary adjacent to open space. It is standard good practice to provide a robust, attractive, and contextual boundary. The proposed western boundary treatment would conflict with saved policy N25. However, cross sections have been provided to show that the land slopes up higher on the open space side which will obscure much of this boundary from public view. The applicant has also submitted a viability statement, and construction of a masonry wall will make the site unviable as it is a not-for-profit scheme. LCC Landscape Team have asked for more attractive treatment.
- Since publication of the submitted report, and in terms of biodiversity, an overall Net Gain has been demonstrated. There has been a change in legislation and for this application, a Net Gain of anything above 0% must be demonstrated. The design of the scheme has been revised and achieves a slightly better biodiversity score. The applicant will purchase 5 off-site biodiversity units to offset the loss on-site. LCC Nature Team are satisfied with the additional biodiversity statement. The Biodiversity Net Gain uplift is now considered acceptable.
- There have been several objections on the detrimental impact to road safety. There are school drop offs east of the site, and football sessions blocking pavements on weekends. LCCs Highways Department have raised no objection to the proposed layout and acknowledge on-street parking constraints associated

with football parking. 10,000 is proposed towards traffic management around the junctions. A transport assessment addendum has been received and currently under review by Highways.

- There has been an objection from Yorkshire Water to connect with their existing drains and it is recommended that the applicant connect with existing local drainage. However, there is limited drainage nearby. Yorkshire Water will be asked to connect a new drain to the site.

A local resident and local ward member attended the meeting as objectors, and raised their concerns as follows:

- Residents support affordable housing on this site but object to the substandard design and layout **and the poor consultation process with Residents**. 29 existing homes face on to the site, **most of which all of** those houses are stone. 82 houses in red brick are not acceptable.

See 2.27.05 of the recording: Mr Feber said *"which totally ignores all input from the community, which by the way has been very poorly consulted"*

See 2.27.16 of the recording: Mr Feber actually said *"every one is in local stone"*

- The **3 storey** red brick apartment block also overlooks the local stone houses **and is positioned at the closest point to them.**

See 2.27.40 of the recording. Mr Feber said:

*"Would you think it acceptable to allow 3 storeys of red brick apartments as the closest building overlooking the local stone houses"*

- The proposal will double traffic on existing streets **because Harley Drive which has been the main entrance for 60 years is being closed off.**

At 2.27.47 of the recording, Mr Feber stated: *"Then how would you feel about a layout that more than doubles the traffic forced onto your street because the developer closed off the main entrance used for 60 years, simply to cram in two extra units"*

- **Residents specifically objected to the poor design and highways choices which they believe have been made for financial viability reasons, which should not be a material consideration in a planning decision.**

See 2.27.59, where Mr Feber said: *"All these poor design and highways choices are because the applicant wants to push the agreed size from 76 units to 82 for "viability reasons" and build as cheaply as possible. "Financial viability" is not a material consideration in other planning decisions."*

- Residents have put forward alternative solutions, and 43 public objections have been submitted on the design element of the scheme, size of the apartments and traffic issues **caused by closing Harley Drive. All 3 councillors have also objected to this closure.**

At 2.29.01, Mr Feber said: *"The Position Statement downplays the problems. Residents have presented 126 pages of documents highlighting errors, broken policies and alternative solutions. Not ONE change has been made as a result. Within 43 public objections, 33 people talk about the materials used or the size & position of the apartments. 36 point out the traffic issues caused by closing Harley Drive."*

At 2.29.24: "All three local councillors are against this closure. Highways may consider it "safe enough", but is it practical or desirable?"

- The applicant has not consulted effectively with residents and has ignored all their comments about the design, the drains and the access.

See 2.29.35, where Mr Feber said: "The applicant could have saved a lot of our time and our money by consulting before the final result"

These comments about consultation being not carried out effectively, and the applicant ignoring what they were told, were reiterated in the meeting by Councillor Seary and in a written note from Councillor Smith, part of which was read out by Councillor Carter.

- There are drainage issues associated with the site.
- It is believed that access should be from Harley Drive and not as well as Hough Top. Traffic will be pushed towards the primary school and a single track blind bend.

The recording confirms that joint access is proposed, with entrances on both roads - not a single access. See 3.30.27, where Councillor Seary said: "Access should be from Harley Drive, there should be joint from Hough Top and Harley Drive to allow the access, because we are pushing traffic down to a primary school and a single track lane."

- The Ward Councillor expressed his dissatisfaction with the consultation process

This should be minuted. At 2.30.47 Councillor Seary said: "I am disappointed that we have had to bring it to this point, we have had plenty of opportunity for consultation but the Housing Growth team have just not listened."

Further to questions from Panel Members, objectors confirmed the following:

- Residents and local ward members feel ignored in terms of consultation and none of the suggestions put forward by residents have come forth. The applicant explained they did a leaflet drop, but residents were unaware of the proposals. Ward Councillors and Residents again complained they had not been consulted or briefed sufficiently and had been ignored.

This point was made several times during this part of the discussion. Therefore to be an accurate record it should really be minuted.

At 2.32.45 Mr Feber said: "We asked for a public consultation right from the start, we were not given one."

From 2.34.12 Councillor Seary said: "As soon as they submit the plans 1st week in January, I contacted the team... it was probably 2nd week in February I got a briefing... If you say 5 weeks is a suitable time for a briefing, I don't think so when there's a live planning application in. So it is disappointing."

At 2.31.33, Councillor Smith's note was read out by Councillor Carter: "Throughout you have been being ignored"

- Comments reflected on introducing a transitional design of red brick and stone throughout the proposed development, and this is considered more acceptable and sympathetic to the local area.
- Residents are not objecting to a housing development and want the best development and design possible. They object to the closest buildings to the



existing houses being the largest buildings on the site and the closure of the access.

Representatives in support of the application attended the meeting, and provided the following information:

- The applicant has completed over 250 new homes since March 2023, all of which are policy compliant schemes committed to zero carbon communities.
- Consultation was undertaken in July and August 2023.
- High quality 100% affordable homes will be provided, and the applicant has invested in low carbon alternatives for those most at risk of fuel poverty.
- The applicant wants to retain as much woodland as possible and the public open space exceeds 1700m, including an enhanced woodland walk and will be planting trees on-site.
- There is a green buffer proposed on Hough Top Road, to mitigate the visual impact on that part of the site.
- Existing pedestrian and cycling facilities will be enhanced.
- The proposed access points are the only viable means of the adopted road network.
- The applicant has sought to enhance the visual appearance of the design features and boundary treatments.
- ~~The existing gas pipe will be replaced and upgraded.~~ The applicant faces significant abnormal costs to develop this site, such as protecting the existing gas pipe, replacing and upgrading the existing sub station.

This minute is incorrect - there is no proposal to replace the gas pipe. Mention was made that the site design has to work around it.

Mark Denton said at 2.46.34 of the recording: "*We do face significant abnormal costs to regenerate these sites, the existing gas pipeline that has been mentioned, replacing and upgrading the existing substation have all affected our approach...*"

- The applicant will work with relevant authorities to resolve drainage issues and will work with Yorkshire Water on a suitable solution.
- The demand for 82 homes will be high.
- The applicant recognises a new housing development raises concern and it is believed that a scheme can come forward that everyone can be proud of.

Further to questions from Panel Members, the representatives confirmed the following:

- Every scheme over 50 properties produces a travel plan, and a whole range of solutions and initiatives will be generated to promote sustainable travel for residents.
- Newsletters were issued to residents.
- The 76-unit number is indicative of the SAP allocation. The density of the proposed development is slightly below what the applicant would like to achieve.
- There will be extensive costs because of new drainage, and ground conditions, as well as including an adoptable road throughout the site. Low alternative energy solutions will also be provided, and the site will be a no gas development. Bringing brownfield sites back into use are challenging and incur high costs.
- During pre-application advice, there were several reasons why access from Harley Drive is not acceptable **in its current form**. The width between the 2 houses at this access point is **too small to become narrow for** an adopted road, and there are ownership issues building up to the boundary. **This solution would not be supported by LCCs Highways Department.**

The recording confirms that representatives did not say the width was too small - only that it was challenging to achieve a solution.

At 3.1.58, Mark Denton said: *"The real issue with the Harley Drive connection is the width between the existing houses and whether something could be fitted in there."*

Neither is the statement about Highways finding it unsupportable or unacceptable mentioned in the recording. What is clear from the discussion is that the applicant has not yet tried to come up with any proposal, based on HOW it could be made to work.

At 3.02.00 Councillor Bithell specifically asked for attempts to be made to solve this issue, saying:

*"Is it acceptable for when it comes to determination, that to be considered as an option, so we've got sight of that as members please, so we've got the full information"*.

Further to questions to officers, the following was confirmed:

- **There is still time to alter and change these plans to take on board some of the Residents comments**

This should be minuted. See 3.00.43 where Councillor Carter said: *"There is still time for amendments and alterations to the plan that's in front of us to be altered and changed hopefully to take on board at least some of what Residents are requesting"*.

- A one-way entry has not been considered as an alternative solution. The issue with Harley Drive is the width between the houses. Additionally, there would be an issue with creating a crossroad, this is **considered tends to be** the most dangerous type of junction **and would be avoided where possible.**

This minute does not correctly report what was said. Earlier, residents and Ward Councillors had pointed out that Harley Drive does not create a crossroads, it uses a crossroads that has existing for 60 years.

At 3.02.40 the representative from Highways actually said: *"Crossroads tend to be the most dangerous types of junction and we avoid them wherever we can"*.

The above statement from Highways does not rule out the possibility of RETAINING a crossroads, or implementing mitigation strategies.

- The applicant is looking at connecting a new drain along the Hough Top site that can be connected into, and it is believed that this will provide a wider improvement to the area overall and not just to the site. **Drains funding is yet to be determined but it is hoped Yorkshire Water will share the cost**

Laura's comment at 3.5.30 should be minuted: "*The hope would be that Yorkshire Water would work in partnership with the council to bring forward affordable housing, so we would hope they would share some of the cost*"

- The site is a relatively quiet estate where cyclists will be safe to use the carriageway. It is not considered necessary to provide a cycling route through the development.
- Driveways will be designed to the front of houses, and this will discourage others from parking in-front of their driveways.
- LCCs Design Team do not support the design proposals as they stand, and substantial changes are required before support can be considered / given.

- **Members of the panel also did not support the design proposal.**

This should be minuted as there were several comments from members along these lines.

See 3.10.27: "*It is not good design*"

3.15.45: "*These flats are awful*"

Members comments were relayed as follows:

- Materials should transition across the site from stone fronting Hough Top to brick on Harley Drive to reflect the context of the immediate area.
- **The flats should be redesigned and reconfigured in location to be more sensitive to the nature of the existing surroundings**

This specific request should be minuted. At 3.14.03, Councillor Ray said: "*They are very bricky, in terms of blocky. There's a way of doing this to get the density which is much more sensitive to the surrounding area*"

- **Harley Drive should be looked at, as it was the main entrance. The applicant should look outside the box to try and find a potential solution. For example, consider a cul de sac layout**

At 3.17.08 Councillor Carter said: "*The proposed Highways, well I do think we need to look at the entrance into Harley Drive, it was the main entrance, as has been said, into Hough Side School. It would certainly alleviate part of the problem. Even if it was restricted, officers need to look outside the box. Perhaps have the Harley Drive entrance used for a few of the houses, almost turning it into a top end cul de sac. I think it should be looked at*"

- Applicant to consider running a consultation event to engage with the community.
- Measures to be considered to ensure overspill parking from persons associated with nearby playing fields did not take place within the new estate roads.

- Boundary treatment to west of site onto playing fields needs to be better quality than a close boarded fence. Stone is favourable preferred but alternatives must be considered.

At 3.17.55 Councillor Carter said: *“Wholly out of keeping what’s suggested, particularly out of keeping with the houses on Hough Top, it should be a stone wall”*

Other councillors made similar comments throughout the meeting to express preference.

- Explore more detailing to all the properties proposed as in the main were considered to be visually bland. With reference to adding windows/articulation of gables of corner properties. Also, possible use of a variety of roof styles and concern raised re block like design of flats which needs further consideration although height at 3 storeys in view of location in site was not a concern to members. Members want better quality external design and for Design Officers to be comfortable with the design of buildings.
- Drainage conversation to be continued with Yorkshire Water. **It cannot be dealt with under condition.**

As this was a question for the Position Statement this should surely be minuted? See 3.25.05, comment from Councillor Campbell: *“It is such a fundamental element of this and there are so many plates in the air sort of thing with regard to Yorkshire Water and our own highways department... that I’m not sure that simply putting a condition on it is really what we need”*

- A more integrated solution is required for cycle access possibly including a segregated cycle way through the development.

Members comments in relation to the officer questions in the submitted report were relayed as follows:

**Do Members consider the design and appearance of the development to be acceptable?** As per the comments above, Panel Members did not consider the design and appearance of the development to be acceptable. **If this were a private development it would be turned down.**

See 3.21.19 where Councillor Campbell said: *“If this were a private developer, we wouldn’t be having this discussion. We’d have said no this is not an acceptable development.”*

This sentiment was also stated several times by other members during the discussions. It should really be minuted.

**There is an issue with the aesthetic in the current context.** Specifically in relation to considering material changes coming from Hough Top with a transitional change throughout the development to make this more of a sympathetic design to the immediate locality.

See 3.26.19 where Councillor Ray commented: *“We have an issue with the aesthetic, in the current context of the exterior aesthetic”*

Members also wanted to see further detailing/accenting to the properties in general, to the corner plots and detailing to look at articulation on the flats and hipped roofs to lower properties. Additionally, Members requested that substantial changes be made so that LCCs Design Team are supportive of the proposals.

**They also requested further consideration of the materials, potential for further consultation and an event in the area, plus a requirement to keep Ward Members involved/informed**

These points appear to have been missed out and should be on the record.

At 3.27.03 Councillor Bithell reiterated her earlier comment about access: *"I've already made comments on some additional information that I'd like around highways"*

At 3.28.31 Steve, Area Planning Manager said: *"We do think there needs to be further consideration perhaps to the materials change across the site coming from Hough Top... I actually additionally captured the point about potential for the applicant to take out further consultation and possibly a consultation event in the area. I also got Councillor Carters concern about ward member involvement and keeping them informed."*

**Do Members consider the proposed highways layout acceptable and/or do members require any additional information? Members acknowledged that the access point on Harley Drive will not be considered acceptable by LGCs Highways Department.**

**As per the comments above, Panel Members did not consider that practical alternative solutions to the access point on Harley Drive had been fully explored. Further information and options were requested.**

This minute is misleading when compared to the recording.

Members did NOT acknowledge the acceptability or otherwise of Harley Drive access. There was no consensus, no vote was taken.

Certainly, further information had been asked for. Councillor Bithell specifically requested the next plans to include a Harley Drive option. She reiterated it at 3.27.03. Councillor Carter had also asked for it several times (see 3.17.08 etc.)

Councillor Campbell commented at 3.30.33: *"I think it would be complicated to get another access in there, I can see the point of asking for it because it was the main entrance to the school, but I'm not sure about that."*

At 3.31.09 Steve, Area Planning Manager said: *"I was just trying to get consensus on the panel regarding that access element. I'm feeling that probably the answer to that is no, because it would need a fundamental... my concern is that it would need a fundamental redesign of the whole site layout if we were to go down that..."*

The above statement confirms there was no consensus – not that there was acknowledgment of how Highways might react to other schemes which have not yet been proposed.

This is further reinforced by the comment from Highways at 3.32.25: *"A quick comment about the Harley drive access. The problems are not entirely the width between the houses although it's all related, it's the level differences as well... which means you can't batter back so you'd have to put a retaining wall in, there are issues with wayleaves and things about that as well."*

That is NOT a statement from Highways that an access is impossible - merely that it would require careful design to achieve.

They suggested that a more integrated solution is required for cycle access and the possibility to include a segregated cycle way through the development.

**RESOLVED** – To note the contents of the report on the proposals and to provide views in relation to the questions posed in the submitted report and progression of the application.

This page is intentionally left blank