

# Public Document Pack

Councillors



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Our Ref:  
Your Ref:

12 April 2013

Dear Councillor

## **COUNCIL – 17<sup>th</sup> APRIL 2013**

Please find attached for your attention the following information which will be considered at Council next week:-

Item 7(a) LATE ITEM in respect of the Annual Report of the Standards and Conduct Committee.

Item 9 Sets of minutes that were unavailable at the time of despatch:-

Please attach these papers to your agenda for the meeting.

Many thanks.

Yours sincerely

**Kevin Tomkinson**  
**Principal Governance Officer**



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Report author: Amy Kelly

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## Report of the City Solicitor

### Report to full Council

Date: 17<sup>th</sup> April 2013

### Subject: Annual Report of the Standards and Conduct Committee

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

1. The purpose of this report is to present full Council with an annual report prepared by the Standards and Conduct Committee. The Committee agreed to refer this annual report to full Council for consideration, particularly as the Authority has a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council.
2. The annual report summarises the work carried out by the Committee throughout the year, in particular the work to embed and improve the Council's new standards arrangements.

### Recommendations

3. Full Council is asked to note this annual report of the Standards and Conduct Committee.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to present full Council with an annual report prepared by the Standards and Conduct Committee. The Committee agreed to refer this annual report to full Council for consideration, particularly as the Authority has a duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council.

## **2 Background information**

- 2.1 The Standards and Conduct Committee agreed to produce an annual report outlining the work carried out by the Committee throughout the year, and that this be referred to full Council to help demonstrate the ways in which the Authority has fulfilled its statutory duty to promote and maintain high standards of conduct.

## **3 Main issues**

- 3.1 The Standards and Conduct Committee has the following terms of reference:

- To promote and maintain high standards of conduct by members and co-opted members of the authority.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- To consider and determine written allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or that a member or co-opted member of a parish council in the Leeds area has failed to comply with the parish council's code of conduct.
- Following a determination of whether or not a member or co-opted member of the authority has failed to comply with the code of conduct, to consider whether or not action might be necessary, and to make recommendations on the form of action.
- To advise the authority in relation to the adoption, revision or replacement of the code dealing with the conduct that is expected of employees of the authority.

- 3.2 The Committee has met four times during the 2012/13 municipal year, and these meetings have particularly concentrated on efforts to embed and improve the Council's new standards arrangements.

### **Reviewing the local codes and protocols**

- 3.3 The Standards and Conduct Committee has reviewed the following local codes and protocols during the year to ensure they are fit for purpose and consistent with the provisions of the new Members' Code of Conduct:

- The Protocol for Member/Officer Relations

- The Code of Practice for Determining Planning Matters
- The Code of Practice for Determining Licensing Matters
- The Monitoring Officer Protocol

3.4 This review process has led to the Codes and Protocols being shortened and simplified, and in the case of the Codes of Practice for Planning and Licensing Matters, responsibility for updating these codes has been transferred to the relevant Committees (Plans Panels and Licensing Committee), with the emphasis on ensuring sound decision making rather than placing additional conduct burdens on Members of those Committees.

### **Role of the Chair in applications for dispensations**

3.5 If a Member wishes to apply for a dispensation to allow them to take part in a meeting with a disclosable pecuniary interest they must submit a written application to the Monitoring Officer. Applications are then decided by the Head of Paid Service. However, in deciding whether to grant a dispensation the Head of Paid Service must consult with the Chair of the Standards and Conduct Committee.

3.6 Prior to the meeting of full Council on 27<sup>th</sup> February 2013 all Members applied for a dispensation to allow them to take part in the decision to approve the Council's budget. The Chair of the Standards and Conduct Committee was consulted on this matter by the Monitoring Officer on 6<sup>th</sup> February 2013 on behalf of the Head of Paid Service before he made the decision to approve the application on 7<sup>th</sup> February 2013.

3.7 No other dispensations have been applied for or granted during 2012/13.

### **Reviewing the Members' Code of Conduct and the arrangements for dealing with complaints**

3.8 Leeds City Council adopted a revised Members' Code of Conduct consistent with the requirements of the Localism Act 2011 at the Annual Council Meeting in May 2012 to come into force on 1<sup>st</sup> July 2012. This meant that, unlike some other peer authorities, there was no period where there was not a Code of Conduct in force.

3.9 When the new Code of Conduct and complaints process were first drafted Members' commented that it would be sensible to review their operation during the first year. At its January meeting the Committee concluded this review process, and made a series of recommendations for amendment to General Purposes Committee.

3.10 The Committee considered feedback from Leeds City Councillors which had been received through training sessions, other Codes of Conduct adopted by the Core Cities, and also considered feedback from officers on the complaints process. The amendments to the Members' Code of Conduct that were agreed simplified the provisions about declarations of interests and also allowed Members who have a disclosable pecuniary interest in an item, but who are not part of the

decision making body, to remain in the room to observe the discussion and vote on the matter.

### **Complaint handling**

- 3.11 Leeds City Council has a responsibility for making arrangements to receive and consider complaints against Leeds City Councillors and Parish and Town Councillors in Leeds. At Stage 2 of the complaints procedure the Chair of the Standards and Conduct Committee must be consulted by the Monitoring Officer in deciding whether the matters raised by the complainant have been appropriately addressed by the subject Member. If a complaint was to reach Stage 3 of the complaints procedure the Consideration Sub-Committee of the Standards and Conduct Committee would need to meet to consider the complaint and decide whether the Code of Conduct had been breached and what action to recommend.
- 3.12 The Standards and Conduct Committee have received regular updates on the number of complaints received under the Members' Code of Conduct and how these have been resolved. The number and types of complaints received during the 2012/13 municipal year are listed below. So far, all complaints have been resolved either before or at Stage 1 of the complaints procedure meaning that there have been no findings of a failure by Leeds City Councillors or Parish and Town Councillors in Leeds to comply with the relevant Code of Conduct.

### Complaints relating to Leeds City Councillors

- 3.13 Acting under delegated powers from the Monitoring Officer, the Deputy Monitoring Officer has received eight complaints about Leeds City Councillors since 1<sup>st</sup> July 2012. Six of these complaints were submitted by members of the public, and two were submitted by representatives of a Parish Council. There are no trends in terms of the subject Members specified in complaints, although not all individual subject Members or groups of subject Members were clearly identified by the complainant.
- 3.14 In order to be considered under the formal complaints process complaints must be submitted in writing, must provide substantiated information, and should outline what form of resolution the complainant is seeking. When a complaint does not meet these criteria and does not reveal a potential breach of the Members' Code of Conduct it is treated as a 'general enquiry'. This means that the Deputy Monitoring Officer responds to the complainant in writing explaining why the matters complained of do not constitute a potential breach of the Members' Code of Conduct.
- 3.15 When a written complaint is submitted which provides the relevant information, the Deputy Monitoring Officer will consider the complaint and make a decision as to whether it will be treated as a valid complaint or not. Three complaints were treated as formal complaints and assessed against the criteria set out in the complaints procedure. All three were rejected because they either related to a Members' personal or private life, or did not otherwise relate to the Members' Code of Conduct.

3.16 As Members will recall complaints alleging a failure to register a disclosable pecuniary interest are matters for consideration by the West Yorkshire Police as the Localism Act 2011 has made such failures a criminal offence. One such complaint has been considered by the West Yorkshire Police who concluded that no breach of the rules had occurred and passed the complaint to Leeds City Council to consider under its own complaints procedure. No potential breach of the Members' Code of Conduct was established and no further action was necessary.

3.17 The complaints submitted about Leeds City Councillors related to the following matters:

<b>Behaviour alleged</b>	<b>Type of complaint</b>	<b>Outcome &amp; reason</b>	<b>Source of complaint</b>	<b>Number of complaints</b>
Not assisting or responding to constituents	General enquiry	The complaint was rejected as it did not relate to the Code of Conduct	Member of the public	3
	General enquiry	The complaint was rejected as the subject Member was not identified and it did not relate to the Code of Conduct.	Member of the public	
	Formal complaint	The complaint was rejected as it did not relate to the Code of Conduct.	Member of the public	
Being involved in an issue with a conflict of interest / exerting pressure on Council officers	General enquiry	The complaint was rejected as the complaint did not reveal a possible conflict of interest.	Parish Council	2
	Formal complaint	The complaint was rejected as there was no information to suggest that the involvement was inappropriate or contrary to the Code of Conduct.	Parish Council	
Accessing confidential information held by Leeds City Council for personal reasons	General enquiry	The complaint was rejected as there was no information to substantiate the allegation made, and it did not relate to the Code of Conduct.	Member of the public	1
Failure to register a disclosable pecuniary interest	Formal complaint	The complaint was rejected as the interest had already been included on the Members' register entry.	Member of the public	1
Displaying bias towards a planning applicant	General enquiry	The complaint was rejected as the subject Member(s) were not identified and it did not relate to the Code of Conduct.	Member of the public	1
<b>Total:</b>				<b>8</b>

### Complaints relating to Parish and Town Councillors in Leeds

- 3.18 The Deputy Monitoring Officer has received six complaints against Parish or Town Councillors in the Leeds area since 1st July 2012. Four of the complaints were submitted by members of the public, one by another Parish Councillor, and one by a local Head teacher. These complaints have involved five different Parish and Town Councils, and all the subject Members have been different.
- 3.19 Two of the complaints were treated as formal complaints and assessed against the criteria set out in the complaints procedure. One of the complaints was rejected because it related to the Members' personal or private life, and the other was rejected because it did not relate to the Members' Code of Conduct.
- 3.20 The complaints submitted about Parish and Town Councillors in Leeds related to the following matters:

<b>Behaviour alleged</b>	<b>Type of complaint</b>	<b>Outcome &amp; reason</b>	<b>Source of complaint</b>	<b>Number of complaints</b>
The Councillor had allegedly been reported to the Police in relation to an alleged theft	General enquiry	The complaint was rejected as it related to the Member's private life, did not contain any information to substantiate the allegation, and did not relate to the Code of Conduct.	Member of the public	1
Deliberately withholding information from other Council Members	General enquiry	The complaint was rejected as it did not relate to the Code of Conduct.	Parish Councillor	1
Failure to declare an interest in a meeting	Formal complaint	The complaint was rejected as the complaint did not reveal a possible conflict of interest.	Member of the public	1
Using an inappropriate method of raising concerns	General enquiry	The complaint was rejected as the subject Member was not acting in an official capacity and it did not relate to the Code of Conduct.	Member of the public (local head teacher)	1
Threatening behaviour	Formal complaint	The complaint was rejected as it related to a Member's private life, the subject Member was not clearly identified, there was no information to substantiate the allegations made, and it did not relate to the Code of Conduct.	Member of the public	1
Failure to pay for work completed in their capacity as a local business owner	General enquiry	The complaint was rejected as it related to a Member's private life and did not relate to the Code of Conduct.	Member of the public	1
<b>Total:</b>				<b>6</b>

### **Independent Person**

- 3.21 The Standards and Conduct Committee have supported the Independent Person in his role by inviting him to attend meetings of the Committee as an observer, and ensuring that he has undertaken training on the Members' Code of Conduct. The Independent Person also has quarterly briefing meetings with the Deputy Monitoring Officer.
- 3.22 At their meeting in January the Committee also considered the future role of the Independent Person. The current Independent Person was initially appointed for a period of up to one year, but the Committee considered that in order to retain the understanding and expertise gained by the Independent Person during this first year, and because Leeds City Councillors supported the current postholder, his appointment should be extended. On 27<sup>th</sup> February 2013 full Council agreed to extend the current Independent Person's term of office for a further four years.

### **Supporting Members of Leeds City Council**

- 3.23 The Standards and Conduct Committee have received regular updates on the number of Members who have received training on the new standards arrangements.
- 3.24 A mixture of seminars, smaller group sessions and one to one training sessions were provided between June and December 2012. Overall 13 sessions were provided for Members, and all 99 Leeds City Councillors and the Independent Person attended.
- 3.25 All elected Members and voting co-opted Members of Leeds City Council have also completed their register of disclosable pecuniary interests which are published on the Council's website.

### **Supporting Members of Parish and Town Councils**

- 3.26 Parish and Town Councils now have greater responsibility under the Localism Act 2011 for making their own standards arrangements. These responsibilities include:
- promoting and maintaining high standards of conduct by its own Members;
  - formally adopting a Code of Conduct that is consistent with the requirements of the Localism Act and publicising that adoption;
  - completing a register of disclosable pecuniary interests and ensuring that information about this register is available on the Parish or Town Council's own website (if it has one);
  - putting in place arrangements for Members to apply for and be granted a dispensation; and

- ensuring that arrangements are in place for the Parish or Town Council to consider any complaints referred to it by Leeds City Council and to decide on any appropriate action against the subject Member.
- 3.27 Under the previous regime many of these responsibilities were carried out by the Standards Committee on behalf of Parish and Town Councils. In order to assist the Parish and Town Councils in preparing for this change two briefing sessions were held in late April 2012 for Parish and Town Council Clerks to discuss the new arrangements and how they could prepare. A reference document has also been prepared by the Deputy Monitoring Officer which sets out the roles and responsibilities of the Parish and Town Councils and Leeds City Council in relation to standards which is due to be circulated shortly.
- 3.28 The Deputy Monitoring Officer has provided all Parish and Town Councils in Leeds with the Members' Code of Conduct adopted by Leeds City Council and encouraged them to adopt the same Code. They have also been informed of any guidance released by the Department for Communities and Local Government, and any amendments to the Code of Conduct. The number of Parish and Town Councils who have adopted a Code of Conduct has been monitored, and where a Code has not yet been adopted further support and guidance has been provided. To date all but two Parish and Town Councils have formally adopted a Code of Conduct.
- 3.29 Leeds City Council also has a responsibility to collate the registers of interest completed by Parish and Town Councillors in Leeds and to publish these on the Council's website. To date all but two register entries have been completed and published. The Deputy Monitoring Officer has provided written guidance for Members on how to complete the document and has advised Parish and Town Council Clerks where necessary.
- 3.30 The Standards and Conduct Committee have received regular updates on this situation and have provided officers with advice and guidance on how to best support Parish and Town Councils in complying with their statutory responsibilities.
- 3.31 Leeds City Council also has responsibility for receiving and considering complaints made against Parish and Town Councillors. Under Stage 3 of the complaints procedure the Standards and Conduct Committee have made specific arrangements for complaints against Parish and Town Councillors. Although such complaints would still be decided by the Consideration Sub-Committee, a co-opted Parish Member would also be invited to attend the Sub-Committee meeting. The Parish Member would not be entitled to vote at the meeting, but would be entitled to speak at the discretion of the Chair. The co-opted Parish Member is also invited to attend all Standards and Conduct Committee meetings to observe the proceedings.
- 3.32 On 19<sup>th</sup> October 2012 the Committee requested that officers should offer any remaining places at training sessions on the Members' Code of Conduct provided to Leeds City Councillors to Parish and Town Councillors and Clerks, free of charge. As a result three of the group seminars were opened up to Parish and Town Councils and 17 out of a current total of 319 Members attended.

- 3.33 Officers also attempted to arrange at least one group training session for all Parish and Town Councillors in Leeds, which would be applicable to them regardless of whether they had adopted the Leeds City Council Code of Conduct. A separate session was also offered to Parish and Town Council Clerks. However, the take up for these sessions was very low with only three Councillors confirming their attendance. Due to poor weather conditions the session was cancelled, and given the lack of interest it has not been rescheduled.
- 3.34 Instead all Parish and Town Councils were sent the training materials via email for distribution to their Members, and Members were encouraged to contact the Deputy Monitoring Officer if they had any queries about the Code of Conduct. No further requests for training have been submitted.

### **Advising on the Employee Code of Conduct and arrangements for planning officers to declare interests**

- 3.35 The Standards and Conduct Committee recommended that the Employee Code of Conduct should be redrafted to more closely reflect the principles in the new Members' Code of Conduct. The Committee considered the redrafted Employee Code of Conduct in October 2012, and the new Code of Conduct was approved on 1<sup>st</sup> March 2013.
- 3.36 The Committee also requested a report from the Chief Planning Officer on the arrangements in place for officers to declare or make known any beneficial interest in land or property where it is in the public interest to do so. The Committee received the report in January 2013 and were satisfied with the robust assurance that it provided in terms of the measures used in mitigating the risk of officer conflict of interest and in declaring interests.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 In reviewing the local codes and protocols and the Members' Code of Conduct the Committee have considered comments and feedback from the relevant Committees and from other Leeds City Councillors.
- 4.1.2 In relation to complaints against Councillors, in all cases mentioned in this report the complainant has been contacted and an explanation has been provided as to why the complaint is not being progressed. The subject Member has also been informed of the complaint and the response to the complainant, for information only.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no implications for equality and diversity or cohesion and integration arising from this report.

### **4.3 Council policies and City Priorities**

- 4.3.1 Principle 3 of the Code of Corporate Governance states that the Council will put in place a Code of Conduct and keep it under review.

4.3.2 According to the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority. This report outlines how the Standards and Conduct Committee has carried out this duty on behalf of the Council.

#### **4.4 Resources and value for money**

4.4.1 There are no resource implications arising from this report.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The Standards and Conduct Committee's terms of reference are taken from the Chapter 7 of the Localism Act 2011.

4.5.2 There are no implications for access to information or call in arising from this report.

#### **4.6 Risk Management**

4.6.1 Without the work undertaken by the Committee to update the local codes and protocols and to review the Code of Conduct and complaint process, there is a risk that the local standards arrangements could become out of date and no longer fit for purpose.

4.6.2 In relation to complaints against Councillors the Monitoring Officer has considered the information above and does not consider that there are any adverse trends in the types of complaints received, and as no potential breaches of the Members' Code of Conduct have been revealed, there are no issues to address through training.

### **5 Conclusions**

5.1 The Committee has met four times during the 2012/13 municipal year, and these meetings have particularly concentrated on efforts to embed and improve the Council's new standards arrangements.

### **6 Recommendations**

6.1 Full Council is asked to note this annual report of the Standards and Conduct Committee.

### **7 Background documents<sup>1</sup>**

7.1 None.

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

## CITY PLANS PANEL

**TUESDAY, 26TH MARCH, 2013**

**PRESENT:** Councillor N Taggart in the Chair

Councillors P Gruen, D Blackburn,  
M Hamilton, S Hamilton, G Latty,  
T Leadley, J McKenna, E Nash,  
N Walshaw, J Hardy and J Procter

### **88 Chair's opening remarks**

The Chair welcomed everyone to the meeting and referred to the recent opening of the Trinity Scheme by the Leader of Council. The Chair thanked Members who had sat on this panel and City Centre Panel, which had considered the detailed applications for the Trinity development and paid tribute to the efforts made which had resulted in a quality scheme being delivered for the City

### **89 Late Items**

Although there were no formal late items, the Panel was in receipt of additional information in the form of large scale plans of the sites and a letter of representation dated 25<sup>th</sup> March 2013, which had been circulated to Members on the site visit which had taken place earlier in the day (minute 94 refers)

### **90 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests

### **91 Apologies for Absence**

Apologies for absence were received from Councillor Murray and Councillor R Procter who was substituted for by Councillor J Procter

### **92 Development Proposals and Current Planning Applications for East Leeds Extension and Thorpe Park**

Panel considered a report of the Chief Planning Officer setting out the overall context of the major planning applications in respect of the Northern Quadrant of the East Leeds Extension and Thorpe Park which also included proposals for the formation of a new public park on the Thorpe Park site

Draft minutes to be approved at the  
Meeting to be held on 9<sup>th</sup> May 2013

Plans and photographs were displayed at the meeting

The Chief Planning Officer introduced the report and stated that the proposals before Panel represented two of the largest schemes the Council would be likely to see for many years and if they were granted, would result in the transformation of East Leeds

Members were informed that the work on these applications had not been completed and that there were several critical issues still being discussed, e.g. highways and retail impact, East Leeds Orbital Route (ELOR), triggers for this and off-site impacts. However, it had been considered appropriate to bring the proposals to Members to provide an update and enable debate and comment ahead of further reports being presented

Common issues on both of the developments were outlined, these being:

- the delivery of ELOR and the Manston Lane Link Road (MLLR)
- the need for a co-ordinated approach to public transport
- the impact on the local highway network and the M1, Junction 46 and the mitigation proposals
- economic regeneration including local jobs, skills and training and that a commitment was required from the developers

In terms of the Northern Quadrant site additional issues were:

- housing and that the levels proposed would help meet the requirements of the Core Strategy,
- education provision, both for primary and secondary pupils
- community infrastructure, e.g. community and health facilities
- greenspace and cycleways and the need for good connections
- drainage, especially sustainable drainage

**RESOLVED** - To note the report

**93 Application 12/02571/OT - Position Statement - Outline Application for means of access and erect residential development (Circa 2000 dwellings), retail, health centre, community centre and primary school development, with associated drainage and landscaping to land between Wetherby Road, Skeltons Lane and York Road, Leeds 14**

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

The Panel considered a report of the Chief Planning Officer setting out the current position on proposals for a major residential development, including retail, health and community centre facilities, together with a primary school, means of access and associated drainage and landscaping on land between Wetherby Road, Skeltons Lane and York Road, known as the Northern Quadrant of the East Leeds Extension (ELE)

Officers presented the report and began by highlighting the highway issues associated with the proposals, including proposed road closures at Coal Road and Red Hall Lane, the spine road serving the site and the route of the ELOR

The amount of greenspace being provided on the site was also shown, with local concerns about the need for a strong buffer along the side facing the Greenbelt having been taken into account. As the ELOR separated the

road from the Country Park, Members were informed that the developers were amenable to providing a bridge link to this facility and that long term, there would be the opportunity to provide wider links, including to Roundhay Park

The position of the local centre and the primary school were shown. Since the scheme had last been presented, Members were informed that the position of the primary school had changed and was now situated on Skeltons Lane

In terms of phasing of the development, the delivery of the ELOR roundabouts at the A58 and A64 would be delivered early in the scheme, together with separate off-site highway mitigation works, including at the A58, A64 Barwick Road roundabouts with the Ring Road and the Coal Road signals and possibly elsewhere on the network

Construction would commence at each end of the site and delivery of around 693 dwellings and the local centre would form phase 1a

Phase 1b would see around 272 dwellings and the construction of part of the spine road which would join into Skeltons Lane, so providing access through the site. This would then provide the potential to take a bus from the adjacent Grimes Dyke development into the Northern Quadrant site. In the event the Grimes Dyke development was not built, access could be taken from the new roundabout at the A64

Further housing would then be provided, with the final phase seeing the completion of the spine road and the final dwellings

In terms of the S106 considerations, these would be:

- Affordable housing
- Public open space
- Local centre, with space available for retail, health and community centre
- Education contributions
- ELOR – timing and delivery
- Off-site highway improvements
- Public transport
- Employment and training

Members were then given the opportunity to ask questions on the information which had been provided and raised the following matters:

- the wish of the developer to construct around 1200 dwellings before the ELOR was provided and whether there would be sufficient profit generated from the remaining development to construct the road. On this matter, concerns were expressed that as late as the previous week, the East Leeds Regeneration Board had not been informed of this, despite repeated requests for the information
- that money was being put aside to deal with unforeseen issues, the reasons for this and the need for Officers to be certain about all issues before the application was presented for determination
- whether Coal Road could be kept open in one direction and concerns that severing Coal Road could lead to fly tipping
- whether Coal Road to the north could be used as a cycle way

- the possibility that the spine road would become a rat run over time and whether linking the spine road to the Grimes Dyke site was a good idea
- the need for information on the build out rate for the dwellings, in view of one of the developer's indication in the Strategic Housing Land Availability Assessment that 50 units per year was the general construction rate, which would take 24 years, to complete 1200 dwellings on this site before the delivery of the ELOR
- the links from the roundabouts to the M1 and the Ring Road and when these would be built
- how cyclists would be provided for in the scheme
- why the Country Park had not been enclosed by the ELOR and whether Bramley Farm could be saved within the proposals
- the relationship between the housing and the ELOR and whether sound mitigation and buffering would be needed
- the likely target date for determination of the application
- the delivery date for the primary school and whilst a commuted sum for secondary education was being proposed, where the land was to accommodate a new secondary school, which would be needed
- the impact on highways of increased school provision and whether this had been taken into account

It was noted that locally there was support in principle for the development and that considerable efforts were being made to resolve the infrastructure issues associated with the development. The recent Government announcement about funds for infrastructure projects would be pursued. However it was important for these issues to be discussed by all parties in a fruitful way but Members were clear that the developer's proposals for the timing and delivery of the ELOR were not acceptable

Officers provided the following responses:

- that the viability of the proposals was not something Officers could take a view on, based on the information which had been provided but that once commenced, the ELOR between the A64 and A58, would be required to be completed within 3 years, so bringing some certainty to this. The Chief Planning Officer stated that the date of delivery of the ELOR was important and that work was ongoing to confirm a position based on the traffic impact on the local highway network
- regarding unforeseen highways mitigation works, the level of funding to be set aside for this had not been decided upon. Whilst it was the intention to address the issues, invariably there would be issues raised locally and by having some funding, it provided flexibility and allowed for work to be done in the community to address issues which arose over time
- that the alignment of the ELOR did not lend itself for Coal Road to remain a through route. The Chief Planning Officer acknowledged the point raised about possible fly tipping and stated that this would be taken up with the developers

- that Officers were keen to retain a pedestrian/cycle/horse link down Coal Road but the developer had not been able to provide this because of the land take required due to the land levels, although there were benefits to providing cycling on this road
- in respect of the build out rate, this would be 50 units per year for each of the likely developers, starting at each end of the development. The phasing plan indicated a maximum of 200 units per year (including affordable housing)
- that the ELOR/MLLR links outside the Northern Quadrant application from the A64 roundabout to the M1 and the A58 roundabout to the Ring Road were not part of the planning application
- that cycle provision had been included in the scheme although whilst it was continuous, not all of the provision was off-road, based on the current proposals
- concerning Bramley Grange Farm, if the roundabout was moved inwards, it would not be possible to accommodate the spine road. Some concerns were expressed about the potential loss of the farm
- in terms of distances from dwellings to the ELOR, these would be set back from ELOR. This road would also be set 1 metre deeper than the land level and noise mitigation measures in the form of a landscaped bund and area of POS, with cycleways and footways would be provided
- regarding the possible timing of the application for determination, it was likely that it would be brought to Panel in the summer, although it was accepted that much work was needed to resolve the critical issues, particularly around highways
- in respect of education provision, Children's Services had agreed in principle to the revised location of the primary school. For secondary provision, whilst the quantum of development proposed for the Northern Quadrant would not require a secondary school in its own right, development of the whole East Leeds Extension would. Children's Services were looking at a range of options, such as extensions to existing schools; through schools and other sites, further south. Further discussions would be had on where and how the sum provided for secondary provision would be spent

Members then discussed the proposals and commented on the following matters:

- the need to keep in mind issues relating to sustainability, house types and design and the need for a paper to be brought back to Members on these issues
- the importance of not having 'standard' house types which could be seen on any new development in any part of the country and the need for some identity to be provided for this new community; that the site was a gateway and that good design was essential
- the need to fully address drainage issues, which were of local concern
- the need to firmly establish a new Green Belt boundary which this development and the ELOR should achieve

- that the developers should have confidence in the partnership approach to this development to enable it to move forward
- concerns about the viability of the small retail centre within the scheme
- that education provision was essential and that Children's Services should be fully satisfied that contributions were at the correct level although there were concerns where a secondary school could be sited in the future
- that it should be possible to retain Bramley Grange Farm through slight adjustments to the route of the ELOR and Green Belt boundary
- that despite the release of Phase 2 and 3 sites, such as this, the volume house builders and planning consultants had not progressed this scheme in an integrated way and proposed constructing 1200 houses before the ELOR was commenced, with concerns being expressed about the commitment for an early start on the site
- that the infrastructure had to be delivered early in the scheme and the possibility of seeking Central Government funding towards providing this
- the need to keep in mind the overall picture for the whole site, including the effects and implications of individual schemes
- the benefits of having pre-application presentations and position statements brought to Panel to enable a steer to be given to developers
- whether the ELOR in the form proposed provided any relief, particularly on city-bound traffic from Wetherby Road
- concerns about the linear park and that the location of this next to a busy road was not appropriate. On this matter, it was stated that what had been requested locally had been a hard boundary between the site and the Green Belt, which had then resulted in the inclusion of a linear park. The Chief Planning Officer advised that this had been included to ensure the scheme met the required greenspace levels. If this was located inside the site, more housing would need to be found, whereas if it was located as suggested, it provided a better integrated area. It was agreed that this would be looked at further by Officers

In response to the specific points raised in the report, Members provided the following comments:

- to note Members comments regarding the approach to urban design, design code and the illustrative layout depicted in the masterplan
- that Members were satisfied with the footpaths and cyclepaths but that an alternative location was required for the Country Park and that despite what was stated in the submitted report, there was an issue outstanding in respect of Redhall playing fields, with the view being these should be retained
- the need for an appropriate drainage strategy to be drawn up

- that if the roads were built as envisaged, the existing roads would benefit from this and the need for the ELOR to be built in its entirety to be fully beneficial
  - that the mitigation measures proposed in advance of the completion of the Northern Quadrant section of the ELOR were not satisfactory; that early delivery of the ELOR was needed and that Bramley Grange Farm should be retained
  - regarding proposed road closures, that most Members were content with the closure of Coal Road but that a cycle way and police access was needed on this road. In terms of the financial sum which could be drawn upon for unforeseen mitigation measures, in principle this was acceptable, subject to further details being provided on the level of funding to be available
  - in terms of affordable housing, that this should comply with the Council's policy. It was noted that some of the site was within the Harewood Ward, with the level of affordable housing provision in this area being 35%. Members stressed that in view of the phased nature of the scheme, that the affordable housing policy which was in place at the time when the housing was to be delivered, should be applied
  - regarding the location of the proposed primary school, that further information was required to enable Members to form a view on this
  - concerning the approach to and the extent of the proposed local centre, that further information was required and the need for a local store was stressed. On the matter of whether extra care housing should be incorporated within and/or adjacent, that in principle, extra care housing could be provided, subject to siting
  - that further details were required on the proposed S106 package
- RESOLVED** – To note the report and the comments now made and that the Chief Planning Officer be asked to submit a further report addressing general issues relating to sustainability, design and house types

#### 94 Thorpe Park and Associated Highway Infrastructure

Members considered a report of the Chief Planning Officer relating to four applications in respect of a mixed use development at Thorpe Park, together with proposals for the Manston Lane Link Road (MLLR), north to south and east to west

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day. The Panel noted that the former Plans Panel East had considered a preapplication presentation on the proposals for Thorpe Park at its meeting on 9<sup>th</sup> August 2012, with a copy of the minute detailing the discussions being appended to the report, for information

Officers presented the report which outlined the proposals for an increase in the levels of B1 office space and introduce 22,100 sqm of retail, including a large supermarket of circa 12,000 sqm together with 17,800 sqm of leisure uses including hotels and 3,200 sqm of food and drink uses, together with delivery of the MLLR. A large area – 30 acres - of POS would

run through the centre of the site and be known as Central Park which would link to Green Park to the west of the site and Brown Moor to the east

The large supermarket would be sited on the east side off the MLLR and on Brown Moor. The centre of the site would see a mix of additional retail and leisure uses together with restaurants and the multi-storey car park. Paragraph 10.6 of the submitted report outlined that the principle of a large scale office-based business park was considered acceptable but that the current proposal included additional non-office uses that were not considered to be ancillary, therefore further consideration of these uses was required

Members were informed that Thorpe Park was a business park of its day and that the new owners were seeking to create a heart to the development, increased usage of the site and greater job opportunities

The delivery of the MLLR was a key feature of the scheme. On the north/south route, the MLLR would bridge the existing Leeds-York railway line, with the Council having an agreement up to March 2015, to bridge the railway line. This key date was one which the developer was working back from in terms of drawing up their proposals

Retail assessments had been undertaken by consultants both for the Council and the developer. Whilst it was accepted that the proposals would have some impact on nearby centres, the extent of this was in dispute

As well as the impact on local centres of introducing the amount of proposed retail on the site, the impact on the city centre had also to be considered with a late representation having been received from John Lewis which would form one of the anchor stores of the forthcoming Eastgate and Harewood Quarter development

The S106 considerations were outlined, with these being:

- delivery of Green Park
- delivery of the MLLR as far as necessary for this development, with the cost of works over and above being recovered from other developers who would benefit from the MLLR
- retail mitigation impact
- public transport contribution
- public access
- local employment, jobs and skills

Members were informed that a number of issues remained in respect of the current proposals, with these being outlined in the submitted report

Officers had put forward alternative proposals which sought to overcome some of these problems, these included a scheme providing a similar level of office use to that proposed but locating the supermarket into the heart of the development and providing a smaller level of retail use and introducing housing into the site. This proposal would remove the need for an extra roundabout which Officers were concerned about and would also have less of an impact on Brown Moor. A second, similar scheme had been drawn up by Officers which was similar to the first one but had reduced office space with this being replaced by increased housing, including the possibility of introducing some sheltered housing on the site

The Chief Planning Officer provided further clarification of the issues associated with the proposals

- in terms of the retail position, this was currently subject to debate and the applicant's consultant was of the view that the impact of the scheme would be less than that suggested by the Council's consultant. Employment was a key consideration and the amount of jobs created through the scheme and possibly lost through its impact on existing centres and potential development in the City Centre had to be fully considered
- that the high-end retail proposed for the site had drawn representations from Crown Point Retail Park, Hammersons and John Lewis
- that the two proposals drawn up by Officers reduced the level of retail in the scheme, so there would be less of an impact. These proposals also helped address housing land supply
- that currently office development on the site had stalled and there was a need for the MLLR
- that in terms of traffic issues, that an evaluation of the impact of the scheme on Cross Gates and around the motorway junctions had not been completed, but that with the suggested alternative schemes there was better integration
- that in drawing up alternative proposals, Officers were seeking a way to reign back all of the development whilst still providing a scheme which delivered the MLLR but without serious impacts elsewhere

Members were then given the opportunity to ask questions on the information which had been provided and raised the following points:

- the retail impact mitigation, who would be offered compensation and the level of this
- the introduction of sheltered housing on the site and where this would be located in view of the likely noise and disturbance from the retail uses
- whether the Supermarket at Colton was overtrading
- public transport and whether there were proposals for a rail halt in this location
- if some housing was accepted on the site, how the phasing would work to ensure this did not become just a shopping centre with some offices
- whether other facilities would be included to support the sheltered housing which was being proposed
- that in 18 years, only one third of the proposed offices had been constructed on the site, whether if retail was accepted in this location, further requests for more retail would come forward
- where the profits were from the development which had already taken place on the site
- whether the additional office space proposed by the developer would be built in view of the surplus office space which existed citywide, including some on Thorpe Park
- the route of the MLLR and the cost of this

Officers provided the following responses:

- that at this stage it was not known the level of retail impact mitigation and to whom this would be paid, that agreement would need to be

reached on the retail impacts after which detailed discussions could commence on where the money was to be directed

- that the introduction of housing on the site was an Officer proposal and had been presented to see if there was an appetite to pursue these options. In terms of location, the sheltered housing was likely to be in the central area where people could easily access the greenspace and shops
- that the Supermarket at Colton was overtrading as were other operators in the area
- in terms of public transport, discussions were continuing with Metro and that a consistent approach would be adopted. That the possibility of a new railway station at Micklefield was being looked at and when the Thorpe Park proposals were presented to Plans Panel East, that Panel favoured a park and ride scheme
- in relation to phasing, it was expected that the first phase of the scheme would be the delivery of the food store and other retail which would provide the funding for early delivery of the MLLR and Green Park
- that inclusion of sheltered housing was indicative at this stage but that there would be other facilities provided in the heart of the development e.g; cafes and restaurants and that if residential use was accepted on the site, then other facilities e.g. medical and community facilities would be expected to be provided and there would also be facilities in the nearby Northern Quadrant scheme
- that Officers could not account for where site owners put their profits and that it was not possible to say with any certainty what the future demand would be for office use but that currently, on business parks, this was stagnant, although it was important to retain office capacity in attractive locations close to the motorway network. On the original scheme, the trigger for the delivery of the MLLR was when 93,000 sqm of the office development was occupied and this was a long way off being met, therefore an alternative way of securing the MLLR had been put forward that would ensure delivery in the first phase of development. Officers were suggesting there might be a case for an exception to the retail policy, but care had to be taken and that a pragmatic approach which would provide something which would be acceptable, should be explored. The inclusion of residential uses on the options drawn up by Officers also addressed the shortfall of housing in the Garforth area due to the likely impact of HS2
- in terms of costs already incurred by the developer, £6m had been spent on providing the dumbbell roundabouts within Thorpe Park, J46 signals and works to the 'cracked egg' roundabout
- that the cost of the MLLR had been quoted by the developer as being £11m

Members then discussed the proposals and commented on the following matters:

- the need for sheltered housing to be located at the centre of a community and to be in easy reach of local facilities and shops but not next to a 24 hour large supermarket

Draft minutes to be approved at the Meeting to be held on 9<sup>th</sup> May 2013

- the need for a mix of uses and opportunities on the site was important but that the level of retail on the site must be addressed
- the proposed increase in office accommodation which was also seen as a town and city centre use in the NPPF, as was retail, leisure and food and drink uses
- the possibility of discussing an extension to the March 2015 deadline with Network Rail in respect of the bridge
- that this development could have a detrimental impact on the delivery of the whole of the Eastgate and Harewood Quarter scheme
- that the retail assessments showed the proposals would have a significant impact on existing retail centres with concerns that a domino effect could take place if shops in local centres began to close and that the offer to pay compensation was too vague
- that the site would be an appropriate location for housing and that a smaller retail centre might not be as damaging as the current proposals could be
- concerns that if the scheme was allowed in its current form, it could set a damaging precedent and was likely to result in further applications for retail use coming forward on the site in the future
- that the MLLR had to come forward at an early stage
- that the position of the developers could be understood if they had recently acquired the site and were not fully aware of issues connected with it
- the view that a different offer in terms of supermarket might be acceptable, i.e. on the lines of a French hypermarket, or even a flagship store for a local supermarket, but that what was currently being proposed could not be supported
- that a more modest retail scheme together with residential use, including sheltered housing should be considered and the need to ensure the scheme did not become a second White Rose Centre
- that more detail was needed, particularly on the impact of the scheme on Cross Gates and Garforth
- the possibility of increasing the level of residential use on the site by also decreasing the level of additional offices proposed and that siting residential dwellings overlooking the park would be an excellent location
- an acceptance that some level of retail use was needed
- that 2015 was a critical year for the scheme, in view of the complex discussions which were had with Network Rail to agree this date
- that the suggestions put forward by Officers were interesting but that ultimately it would be the developer's application which Panel would consider and it was hoped that they had listened to Members' comments

In addressing the specific points raised in the report, Panel provided the following responses:

- that Members shared Officers' concerns regarding the retail impact on local centre, Colton and the wider planning objectives for the Centre City and East Leeds, although some Members were willing to see a smaller retail scheme on the site. The Chief Planning Officer stated

that Officers were trying to steer a careful line between the impact of the development on viability and the delivery of the road and that more work was required on these issues

- that Members shared Officers' concerns regarding the impact of the proposals on the highway network including the areas in and around Cross Gates, the A63 'cracked egg' roundabout and junction 46 of the M1. Members also stated that the entire MLLR was required and that there was concern about piecemeal development
- that Members were supportive of the introduction of the MLLR to help alleviate traffic congestion in the area and the delivery of the rail bridge by March 2015
- regarding the new masterplan layout and maximum building heights, that little discussion had been given to this as the location of the proposed supermarket had raised many concerns, particularly it being sited on stilts and the impact of this location on Brown Moor
- concerning the exploration with the application of an alternative location for the foodstore, closer to the commercial uses, that if a smaller store was proposed and relocated, this could be brought back for further discussion
- that Members supported the principles set out in the S106 offer, particularly those relating to jobs and training
- that a viability assessment should be provided by the applicant in relation to the mix and quantum of development proposed (and alternatives) and the likely capital receipts for adjoining development sites and to the costs and timing of the delivery of the MLLR
- that Members support Officers in continuing discussions with the applicant to further consider the alternative proposals with reduced retail and traffic impacts, new housing provision and better integration of land uses

**RESOLVED** - To note the report and the comments now made

**95 Application 12/05150/LA - Position Statement - Formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park, land at Austhorpe Lane, Austhorpe**

Members received a report of the Chief Planning Officer on a position statement in respect of an application for the formation of public park, playing pitches, park and changing rooms on land to west of Thorpe Park at land at Austhorpe Lane LS15

Members were supportive of the proposals as set out in the submitted report

**RESOLVED** - To note the report

**96 Date and Time of Next Meeting**

Thursday 11<sup>th</sup> April 2013 at 1.30pm in the Civic Hall, Leeds

Draft minutes to be approved at the Meeting to be held on 9<sup>th</sup> May 2013



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## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 28TH MARCH, 2013**

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

Councillors J Akhtar, J Bentley, R Finnigan,  
C Gruen, C Towler, P Truswell,  
P Wadsworth and J Walker

### **67 Chair's opening remarks**

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

### **68 Late Items**

There were no late items

### **69 Declarations of Disclosable Pecuniary and other Interests**

There were no declarations of disclosable pecuniary interests

### **70 Apologies for Absence**

Apologies for absence were received from Councillors Coulson and Wood

### **71 Minutes**

**RESOLVED** - To approve the minutes of the South and West Plans Panel meeting held on 28<sup>th</sup> February 2013

The Chair took this opportunity to formally record her thanks to Councillor Coulson who had chaired the February meeting at short notice due to Councillor Harper being unable to attend due to illness

### **72 Application 13/00828/FU - 2 Castle Ings Gardens, New Farnley, LS12**

Plans, drawings and photographs were displayed at the meeting  
Officers presented the report which related to an application for retrospective planning permission for a 1.8m high fence to the side boundary of 2 Castle Ings Gardens LS12

Draft minutes to be approved at the meeting  
to be held on Thursday, 25th April, 2013

Members were informed that a compromise position had been suggested by Officers, whereby the fence could be retained if it was re-sited 1m into the site. Having considered this, the applicant chose to submit an application to regularise the existing fence, which Officers could not support on the grounds that it formed an unduly intrusive boundary feature which was inappropriate to its surroundings. For this reason, Officers were recommending to Panel that the application be refused

The Panel heard representations from the applicant and from Councillor Hardy who was supporting the application. Members were informed of the special circumstances of the applicant's family, in that her daughter who had disabilities, enjoyed being outdoors and that the fence gave her the privacy she required. It was noted that the initial objection from Highways Officers had been reviewed and that a reason for refusal of the application on highways grounds could not be sustained

Members commented on the starkness of the fence and recommended that natural planting should be used to soften its appearance

**RESOLVED** – That the Officer's recommendation to refuse the application be not accepted and to approve the application in principle and defer and delegate final approval of the application to the Chief Planning Officer, subject to a condition regarding appropriate planting to be provided to the fence

### **73 Application 12/02434/FU - Manor Park Surgery, Bellmount Close, LS13**

Further to minute 11 of the South and West Plans Panel held on 11<sup>th</sup> October 2012, where Panel considered an application for extensions to a GP surgery, including pharmacy, opticians and laying out of car park and resolved to grant planning permission, Members considered a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting. A site visit had taken place for Members on 11th October 2012

The South and West Area Planning Manager presented the report and informed Panel that following the grant of planning permission, a letter had been received by the Council on behalf of Lloyds Pharmacy, which was currently sited adjacent Manor Park Surgery, to advise that the Panel's decision was being challenged on grounds which included the failure to take into account policy S2 of the UDP; not being clear about the sequential test and the relevance of the National Planning Policy Framework and that emerging policy did not override adopted UDP policy. Following discussions with Legal Services and the opinion of Counsel, a 'Consent Order' was agreed to the quashing of the decision, as some elements of the report presented to Members in October 2012 should have been considered in greater detail. Members were informed that the application was now being brought back to Panel for determination and the report before Panel highlighted the points made in the judicial review challenge and dealt with them comprehensively. Having reconsidered the matter, Officers were still of the view that the application should be recommended for approval

Members were informed that the proposals would help meet demand in this area for increased and enhanced medical facilities which included longer

pharmacy opening hours and specialist GP-led services which were not currently available

Details about the principle of development; scale, layout, site access, relationship with neighbouring residential properties, car parking, highways and the severing of the current internal connection with Lloyds Pharmacy were provided. A correction to the pharmacy opening hours for Saturday and Sunday as set out in condition 3 of the submitted report was reported, with Panel being informed these would be 09.00 – 21.00 Saturday and 12.00 – 20.00 Sunday

In relation to the application, Policy S2 of the UDP and Policy S9 were outlined in detail by the Lead Officer, as set out in the submitted report

In respect of the objections received regarding needle exchange and methadone, Members were advised that the applicant had stated that these services would not be provided from this surgery

Concerning issues raised by Lloyds Pharmacy about competition, Members were advised that little weight should be given to this issue when considering the planning merits of the application

The Head of Planning Services, Mr Sellens, read out a letter to Panel which had been received on 27<sup>th</sup> March from the legal representatives acting for Lloyds Pharmacy which stated that they had taken Leading Counsel's advice on the report and that a number of serious failings had been identified and there were a number of grounds for seeking judicial review if permission was granted by the Panel on 28<sup>th</sup> March, - deferral of the application was therefore requested to enable time for the detailed concerns to be shared with the Council or if not, that their letter be copied to Panel Members

Members were informed that Officers had further contacted the solicitors acting for Lloyds Pharmacy to inform them that the Council had taken it's own legal advice and that the Council was satisfied with the report before Panel and asking on what grounds the report had failings. The legal representatives of Lloyds Pharmacy had not provided reasons to support their view that the current report was faulty and had indicated to Officers that there had not been sufficient time for them to do this

The Head of Planning Services referred to the fact that the PCTs were ending on 31<sup>st</sup> March 2013, which could lead to funding issues for the development. Mr Sellens also stressed the importance of any decision on the application being safe and that if Panel was content that it was in possession of all the information needed to take a decision, it should determine the application and that it would be unfair to the applicant to defer a decision on the application when the grounds for doing so were unknown

Members commented on the following matters:

- Landscaping issues and whether further planting to the boundary facing the residential properties could be provided. The Panel was informed that Ward Members accepted that it was a tight site and had considered the level of planting to mitigate against the impact of the development on neighbouring properties but on balance considered it appropriate in view of the much needed improvements to health provision the scheme would bring
- The level of representations the application had attracted

**RESOLVED** – That the application be approved subject to the conditions set out in the submitted report, with amendment to condition No 3 in respect

of opening hours of the pharmacy to read in relation to Saturday 09.00 – 21.00 and Sunday 12.00 – 20.00

During consideration of this matter, Councillor Truswell withdrew from the meeting

**74 Application 13/00550/FU - Land Adj Woodhouse Methodist Church, Woodhouse Street, LS6**

Plans, photographs and drawings were displayed at the meeting  
Officers presented a report which related to an application for a retail unit and car parking outside on land at Woodhouse Street LS6. Members were reminded that a larger scheme which included a retail unit, car parking and student accommodation was refused by South and West Panel at its meeting on 11<sup>th</sup> October 2012 (minute 14 refers). Whilst the retail element of that scheme was considered, no reason for refusal was provided in relation to that use. In respect of the previous application, Members were informed that this was currently the subject of an appeal

The application before Panel was for a small, 289sqm retail unit with 19 car parking spaces outside an S2 centre. A sequential test had been applied and Officers were satisfied that there was no alternative unit available in the area to accommodate this use and that this unit would not have an adverse impact on shopping elsewhere

Members discussed the application and commented on the following matters

- Whether the applicant had consulted on the proposals
- The impact on businesses in the area with the view that this development would be detrimental to local shops
- Whether a S106 Agreement applied in this case
- The need for Officers to be fully aware of the on-street parking problems in areas of the city and the particular problems being experienced on Woodhouse Lane due to commuter parking
- Highways concerns, particularly the turning circle for HGV delivery vehicles; that often larger vehicles were used for deliveries, resulting in parking on the road which was not acceptable and the need to condition this and ensure it was enforced
- That no local employment condition was proposed and that this had been done successfully on a small store in the Morley area of the city

Officers provided the following responses:

- That community consultation had been carried out on the previous scheme and many people had welcomed the retail unit but had expressed concerns about the residential element of those proposals which had been deleted from this scheme before Panel. Site notices had been placed around the area for this application; that no objections to it had been received and that the speaker at the October meeting who had opposed the previous scheme had stated that he was not opposing this application
- That a S106 Agreement did not apply to this application

- That the manoeuvring for HGVs shown to Panel related to a 10m rigid vehicle and that an articulated lorry could not easily be accommodated. To address Panel's concerns, condition 13 could be expanded to specify the vehicle size to be used and that condition 7 relating to a scheme to restrict/prevent parking on Woodhouse Street, before occupation of the development would help to provide safe conditions for access and egress
- That although local employment clauses were usually applied to major employment uses, it would be possible to add this to the proposed conditions

Members considered how to proceed

**RESOLVED** - That the application be approved subject to the conditions set out in the submitted report, an additional condition relating to local employment and an amendment to condition no 13 to specify the size of the delivery vehicle to be used

## **75 Application 12/04929 - Former Clariant Works, Calverley Lane, Horsforth, LS18**

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

Officers presented a report seeking Reserved Matters approval for a residential scheme on the former Clariant Works site at Calverley Lane Horsforth LS18

Members were reminded that the outline application for the site had been refused by Panel but had been granted on appeal and therefore the principle of development had been established. Whilst outline permission had been granted for 400 homes, the application before Panel was for 331 dwellings which comprised mainly family housing but also included some flats and two retail units

Officers provided the following information;

- Details of the off-site highway works
- the access to the site
- the proposed bus route and how this could link into the adjacent Riverside Mills site in the future
- the site layout, pedestrian access and areas of POS, including the Village Green area within the development which was 1600sqm
- that the size of the gardens complied with 'Neighbourhoods for Living'
- the proposed materials which included stone, slate and some render
- landscape details and that the inclusion of semi-mature trees in the planting scheme was proposed
- the location of the two retail units which would have apartments above them
- the scale of the properties, with two and three storey dwellings being proposed

A late representation was reported from Councillor A Carter who had queried the bus link from Horsforth Town Street to the railway station and that it should be extended. Members were informed that this matter had been

discussed at the Inquiry and the Inspector accepted the public transport provision so this could not be considered further as part of this application

Concerning the objection by Sport England, this was based on a lack of information about the future of the neighbouring pavilion and sports field. Officers had provided further details and Sport England were comfortable about the refurbishment of the pavilion but sought assurances that the pitches which were well used by a number of teams, would not suffer by increased demand from residents of the development. Members were informed that the quality of the existing pitches would be assessed as would the likely amount of new demand and this would be factored into the management and maintenance plan, with the developer setting aside an amount of funding for this. Although Sport England's objection remained, Panel was advised that it would be possible to determine the application as there was a means to resolve this objection, by way of the S106 Agreement post determination and prior to commencement of the development

If minded to approve the application, Panel was informed that conditions 10 and 11 as set out in the submitted report were no longer required as the existing drainage would be revised

Members commented on the following matters:

- the location of the affordable housing, with this being shown as being pepper-potted in four locations around the site
- that inclusion of decorative chimneys on house types should be encouraged
- the presence of ginnels on the site, with Members being advised that no ginnels had been included in the scheme
- how the development could be considered to be sustainable in view of a lack of school places in the area. Panel was informed that an education contribution of £2972 per dwelling had been agreed, with Children's Services being satisfied on this
- bus services and that diverting the Ring Road bus would be of greater benefit as this accessed a wider area. Members were informed that this matter would be for Metro to decide upon

Members discussed in detail the off-site highway works and the long-term aims for the two major roundabouts in the vicinity of the site. The Lead Officer for Panel advised that there were constraints in terms of what could be achieved, due to what was agreed at appeal. However, the highway works would be complementary to any future works the Council might contemplate in due course

Panel considered how to proceed

**RESOLVED** - - That the application be granted subject to the conditions set out in the submitted report, with the deletion of conditions 10 and 11

Under Council Procedure Rule 16.5, Councillor Wadsworth required it to be recorded that he abstained from voting on the matter

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

## 76 Date and Time of Next Meeting

Draft minutes to be approved at the meeting  
to be held on Thursday, 25th April, 2013

Thursday 25<sup>th</sup> April 2013 at 1.30pm in the Civic Hall, Leeds

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## **SOUTH (OUTER) AREA COMMITTEE**

**MONDAY, 25TH MARCH, 2013**

**PRESENT:** Councillor K Bruce in the Chair

Councillors N Dawson, J Dunn, J Elliott,  
R Finnigan, B Gettings, S Golton,  
T Leadley, L Mulherin, D Nagle,  
K Renshaw and S Varley

### **65 Late Items**

There were no late items as such. The Chair allowed an additional application for funding from Rothwell & District Carnival Committee to be considered along with Agenda Item 14, Well Being Budget Report.

### **66 Declaration of Interests**

In relation to Agenda Item 11, Outer South Garden Maintenance Service, Councillors J Elliott, T Leadley and S Varley brought their membership of Morley Elderly Action to the attention of the Area Committee.

### **67 Minutes - 4 February 2012**

**RESOLVED** – That the minutes of the meeting held on 4 February 2013 be confirmed as a correct record.

### **68 Matters Arising from the Minutes**

#### Minute No 59 – Parks and Countryside Annual Report

It was reported that there had been further discussion with the Chief Officer (Parks and Countryside) regarding resources and the role of the Area Committee.

### **69 Open Forum**

In accordance with Paragraphs 6.24 and 6.25 of the Area Committee Procedure Rules, the Chair allowed a period of up to 10 minutes for members of the public to make representations or ask questions on matters within the terms of reference of the Area Committee.

On this occasion, there were no members of the public present.

### **70 Children's Services Update**

Draft minutes to be approved at the meeting  
to be held on Monday, 13th May, 2013

The report of the Director of Children's Services provided the Area Committee with an update on Children's Services developments. Updates included:

- Key developments concerning Children's Services in Leeds, including the development of targeted services and locality provision.
- Performance against the Children and Young People's Plan (CYPP); information was provided at an Area Committee level where possible.
- Headline school results for the 2011-12 academic year.

Steve Walker, Deputy Director-Safeguarding, Specialist & Targeted Services presented the report.

Issues highlighted from the report included the following:

- Good progress towards reducing the number of looked after children.
- Improvement in reducing the number of young people not in education, employment or training,
- Improved school attendance figures.
- Cluster working – the Committee was given an example of successful cluster working and the different partners involved.
- Members' attention was drawn to the tables appended to the report which detailed performance information.

In response to Members comments and questions, the following issues were discussed:

- Improvements in Ofsted ratings for primary schools.
- Recruitment of young people to participate in the National Citizen Service programme.
- Concern regarding a fall in attendance levels at Royds and Rodillian Schools.
- Families First programme.
- Recruitment of foster carers.
- Ofsted inspection of children's homes.

**RESOLVED** – That the report be noted.

## **71 Consultation on Further Proposals for Primary School Provision for September 2014**

The report of the Director of Children's Services presented the Area Committee with an update on the work undertaken across the city to ensure that the authority meets its statutory duty to ensure sufficiency of school places in the context of an increasing birth rate. This included formal consultation on six proposals, for which Members' comments were sought, and an update on four proposals consulted upon in September and October 2012.

Stuart Gosney, Capacity Planning and Sufficiency Lead, Children's Services presented the report.

Consultation would take place on the following proposals that affected the Outer South area:

- Allerton Bywater Primary School – expand from one to two form entry from September 2014
- Asquith Primary School – expand from one to two form entry from September 2014.
- Morley St Francis Catholic Primary School – increase admission number from 22 per year group to 30 from September 2014.
- East Ardsley Primary School – increase admission number from 45 to 60 per year group from September 2014.
- Robin Hood Primary School – increase admission number from 45 to 60 per year group from September 2014.
- Hollybush Primary School – lower the age range from 5 to 11 to 3 to 11.

In response to Members comments and questions, the following issues were discussed:

- Thorpe Primary School – although Thorpe Primary School had a large waiting list, there was currently more demand on East Ardsley and Robin Hood Primary Schools. This did not rule out the possibility of future expansion at Thorpe Primary and some work had been carried out to assess capacity issues at Thorpe.
- Concern that expansion of Robin Hood Primary School would have an effect on Rothwell Primary schools.
- Future concern due to new housing development, particularly in Morley. It was reported that work would be undertaken with planning and housing developers with a view to investigating the possibility of a new school in a strategic location in Morley.
- Popularity of schools in the Outer South area and pupils from outside the area wanting to access these schools.

**RESOLVED** – That the report be noted.

## **72 Area Lead Role**

The report of the Assistant Chief Executive (Customer Access and Performance) referred to the review of area working which was completed in December 2012. One of the recommendations was to develop and strengthen the existing local 'Champion role' and re-launch this as an Area Lead Role. The main aims included strengthening links to the Executive Member and Council Services, improve training and support and encourage both formal and informal links to relevant partners.

Shaid Mahmood, South East Area Leader presented the report.

Members attention was brought to the key elements of the Area Lead role as outlined in the report and the list of core area leads that needed to be developed.

In response to Members comments and questions, the following issues were discussed:

- Current champion roles and how they interacted with partners.
- Role of sub-committees and how the Area Lead role could be linked to sub-committees.
- How an Area Lead would report back to Area Committees.
- Neighbourhood planning – could this include strategic planning?
- How could the Area Lead role focus more on outcomes and meet the localism agenda?

It was reported that Members comments would be fed into further discussion regarding the development of the Area Lead role and the Chair thanked current Champions for their work.

**RESOLVED** – That the report be noted.

### **73 Outer South Garden Maintenance Service**

The report of the Area Leader – South East Leeds, reminded Members of the garden maintenance scheme delivered by Morley Elderly Action. The previously agreed 3 year scheme had finished in 2011/12 and an evaluation report had been presented to the Area Committee in October 2012. Subsequent to this, the Area Leader was requested to investigate alternative schemes for comparability and provide the Area Committee with options for consideration for the following financial year. The report contained details of gardening schemes provided elsewhere along with different service delivery options from Morley Elderly Action.

Aretha Hanson, Area Management Officer presented the report.

In response to Members comments and questions, the following issues were discussed:

- Further to comments on the Swarcliffe Gardening Scheme which was funded by the East Outer Area Committee, it was reported that it had been very difficult to provide comparative information, particularly on value for money, due to the differing nature of the schemes but the report aimed to give a broader view on other schemes.
- Morley Elderly Action would have a reduced management fee from the previous scheme which would allow more funds to be available to provide for gardening services.

Members' attention was brought to the options for service delivery as provided by Morley Elderly Action. A proposal was made to take Option One for a period of three years which would retain the current client subsidy and deliver

a total of 4,375 hours gardening. Six Members voted in favour of this option. A further proposal was made to take Option Three for one year. This would provide a free hour to new and existing customers, retain the current client subsidy and deliver a total of 3,062 hours gardening. Six Members voted in favour of this option, including the Chair with the casting vote. At this stage of the meeting further information was provided by Morley Elderly Action which included the following:

- Option three and other options that included free hours or a change in the client subsidy would make it difficult to take on new clients due to the reduced hours of provision and funding would be likely to run out in September.
- Options that reduced the gardening hours would mean that services would not be available to all that requested them and would result in the introduction of a waiting list.

Further issues discussed included the following:

- The management fee covered stationery, postage and other running costs.
- Concern that options which reduced the payments to gardeners would not be feasible.
- Breakdown of funding allocated would be £11,000 to Morley Elderly Action Staff costs, £4,000 for the management fee and £17,000 thousand for gardening services. There would be no additional cost than in previous years.
- 3,900 hours of gardening provision had been carried out in the previous year.

Having considered all of the information detailed within the submitted report, together with the further detail that had been provided during the course of the meeting, a proposal was made to take Option One as detailed within the report for a period of three years which would retain the current client subsidy and deliver a total of 4,375 hours gardening.

**RESOLVED** – That Option One as outlined in Appendix 2 of the report be approved for a period of three years, subject to the Area Committee being allocated the necessary funding in future years.

#### **74 St Gabriel's Community Centre**

The report of the Area Leader – South East Leeds provided a review of the operation of the St Gabriel's Community Centre over the last 12 months. It highlighted the work of the Management Committee, Outer South Community Centre Sub Committee, Area Support Team and partners in supporting the operation of the centre.

Aretha Hanson, Area Officer presented the report.

Draft minutes to be approved at the meeting  
to be held on Monday, 13th May, 2013

In response to Members comments and questions, the following issues were discussed:

- Recent decoration and repair work carried out by Members of the community. It was reported that the centre was looking greatly improved and the Members asked that thanks be recorded to those involved.
- Concern regarding the number of broken or cracked windows at the centre.
- Involvement of the Community Centres Sub Group with volunteers. Disappointment was expressed that the necessary officers did not always attend sub group meetings,
- Use of the centre for Elections.
- Funding and insurance.

**RESOLVED –**

- (1) That the report be noted.
- (2) That a further review be brought to the Area Committee in 12 months.

**75 Summary of Key Work**

The report of the Area Leader – South East Leeds presented an update on the key work taking place within the Outer South Leeds area not covered elsewhere on the agenda.

Aretha Hanson, Area Officer presented the report.

Greg Sallabank, Environment and Neighbourhoods attended the meeting to inform the Area Committee of the new recycling services. It was reported that letters had been sent out to local residents and that a briefing session for Elected Members would be held in April 2013.

Further issues highlighted from the report included Community Safety and Community First Grants. Members were reminded that if there were any community groups that could benefit from the community first grants scheme to contact Ellie Rogers, Priority Neighbourhood Worker.

**RESOLVED –** That the report be noted.

**76 Well Being Budget Report**

The report of the Assistant Chief Executive (Customer Access and Performance) presented the Area Committee with the following:

- Confirmation of the 2012/13 revenue allocation
- The current position of the Well Being Budget
- Details of capital and revenue funding for consideration and approval
- Details of revenue projects agreed to date

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- Details of capital projects agreed to date
- A summary of the revenue for 2011/12 and 2012/13 already approved and linked to the priorities and actions in the Area Committee Business Plan.
- The position of the small grants budget.

Aretha Hanson, Area Officer presented the report and Members were asked to consider requests for funding for the following projects:

- Replacement of perimeter fencing on Rein Park, Morley
- Outer South Christmas Tree Lights for 2013/14
- Rothwell Celebrations 2013/14

#### **RESOLVED –**

- (1) That the report be noted
- (2) That the position of the Well Being Revenue Budget be noted.
- (3) That the revenue projects already agreed be noted.
- (4) That the capital projects already agreed be noted.
- (5) That the following project proposals be approved:
  - Replacement of perimeter fencing on Rein Park, Morley - £5,480 - approved
  - Outer South Christmas Tree Lights for 2013/14 – Morley North & South - £7,205 approved; Rothwell - £12,960 approved, Ardsley & Robin Hood - £2,985 approved
  - Rothwell Celebrations 2013/14 - £5,700 – approved.

#### **77 Dates, Times and Venues of Area Committees 2013/2014**

The report of the Chief Officer (Democratic and Central Services) sought the Area Committee's formal approval of a meeting schedule for the 2013/14 Municipal Year.

Andy Booth, Governance Services presented the report.

Draft dates were outlined in the report for the 2013/14 Municipal Year.

A suggestion was made that Area Committee meetings should be held more frequently and at a time that may encourage public attendance.

**RESOLVED –** That the South Outer Area Committee should continue to meet at 4.00 p.m. and on the following dates in the 2013/14 Municipal Year:

Monday, 15 July 2013  
 Monday, 23 September 2013  
 Monday, 2 December 2013  
 Monday, 27 January 2014  
 Monday, 31 March 2014

#### **78 Date and Time of Next Meeting**

Draft minutes to be approved at the meeting to be held on Monday, 13th May, 2013

Wednesday, 15 May 2013 at 4.00 p.m.

Draft minutes to be approved at the meeting  
to be held on Monday, 13th May, 2013