

NORTH AND EAST PLANS PANEL

THURSDAY, 1ST FEBRUARY, 2024

PRESENT: Councillor J Akhtar in the Chair

Councillors B Anderson, J Heselwood,
R Jones, J McKenna, M Millar, N Sharpe,
R. Stephenson and J Garvani

62 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

63 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

64 Late Items

There were no late items.

65 Declaration of Interests

Agenda Item 9 – Retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax.

Cllr Stephenson informed the Panel that a family friend had spoken in objection to the application when it was previously heard at Plans Panel on 27th July 2023. He again declared the interest but confirmed that he was approaching the application and decision-making on the matter with an open mind.

66 Apologies for Absence

Apologies were received on behalf of Cllr Jenkins, Cllr Garvani attended the meeting as his substitute.

67 Minutes - 16th November 2023

RESOLVED – That the minutes of the meeting held on 16th November 2023, be approved as a correct record.

68 22/05970/RM - Reserved Matters Application for residential development of 407 dwellings within the Northern Quadrant to approve details in relation to access (save for those details approved by the Outline permission), layout, scale, appearance and landscaping (Condition 1) pursuant to Outline Planning permission 12/02571/OT; on land at Phase A of the Northern Quadrant, East Leeds Extension, Leeds, LS14.

The Chief Planning Officer's report presented a Reserved Matters application for a residential development of 407 dwellings within the Northern Quadrant to approve details in relation to access (save those details approved by the

outline permission), layout, scale, appearance and landscaping (Condition 1) pursuant to outline planning permission 12/02517/OT on land at phase A of the Northern Quadrant, East Leeds Extension, Leeds, LS14.

Members were provided with a presentation.

The planning officer informed the Panel of the following points:

- This application had first been presented to Panel at the meeting held on 16th November 2023, seeking Members views on the proposals for this phase of development in the Northern Quadrant. At the previous meeting Members had provided comments on design matters, specifically with regard to the proposed apartments blocks to the entrance of the site. This report was to update the Members on negotiations which had taken place.
- The Panel was shown elevations and a CGI of the newly proposed apartment blocks which had sought to take into consideration the comments made by Members, with additional advice from design officers. It was now proposed that the apartment blocks would be of only brick and render with larger windows with Juliet balconies to the front and rear of the buildings, together with projecting bays and entrances. There would also be brick plinths to the base of the apartments using engineering bricks and the gable and rear elevations would utilise areas of brick patterning of Flemish bonding (comprising projecting headers and recessed stretchers), which would give more texture to the buildings.
- Members had previously raised concerns in relation to the siting of the apartment blocks in relation to the site entrance and the East Leeds Orbital Route (ELOR). It was now proposed that the first block would be 40m away from the give way line on the spine road. Officers also described the distances between the other blocks, as set out in the report. Officers were of the view that this was an acceptable approach, and it was not unusual to place larger buildings at the entrance to a development, and this design had been used as a feature at other developments, including on the reserved matters approvals on the Morwick Green (Middle Quadrant) development.
- There had been a concern raised in relation to the width of the Cycle/ Footways that the proposed 3m would not be wide enough. However, Highways Officers had confirmed that it was acceptable, complied with the adopted Transport SPD and was comparable to what had been secured on other developments.

The agent for Persimmon attended the meeting and provided the Panel with the following information:

- They welcomed the positive comments received from the Panel at the meeting in November. The focus on the apartments had been taken on board and the applicant had attended a workshop session with officers of the Council. They had worked through the details to refine the materials with render only on the central projections and brick patterning and plinths to raise the design quality. The larger windows would allow more natural light to be let in.

- It was felt that this had reduced the dominance of the apartments overall and led to a greater feeling of openness. It had always been intended to have the apartments as a gateway feature of the development site and so it was not the intention to 'hide' the buildings in any way.
- At both sides of the access from A58 there would be a generous area of landscaping as part of the gateway feature.
- The applicant owned the site in full and was ready to start work as soon as possible. There was a generous S106 funding offer and CIL payment.

In response to questions from Members the following was noted:

- The proposal of a living wall or green roof had not previously been considered but could be looked at. However, they would have to bear in mind which walls would receive appropriate light for the plants to thrive, and whether this would reduce light into rooms. It could also only be considered if it did not adversely impact the integrity of the building.
- Flemish bond brickwork with projecting headers had been used before and it was the view that the patterning and siting was sufficient to not pose a security risk of someone climbing up them.

Members had no further comments in relation to questions 1 and 2 posed within the report at Paragraph 17. Cllr Stephenson, whilst acknowledging that other Panel Members did not necessarily continue to share his concerns, was still of the view that the proposed apartment blocks were sited in the wrong place and too high for this location on the development. However, Members overall raised no objection to the siting of the apartment blocks and their design. As such Members were content that the determination of the planning application be delegated to officers subject to no new significant planning issues being raised during the consideration of the application.

RESOLVED – To note the report and that officers can progress towards the determination of the application subject to no new significant planning issues being raised during its consideration. In such circumstances the application would be reported back to Panel for final determination.

69 22/08491/OT – Outline planning application for industrial development (Use Classes B2/B8) and ancillary office space (Use Class E(g)) with matters reserved except for access at Land at William Parkin Way, Leeds, LS15

The report of the Chief Planning Officer presented an outline planning application for industrial development (Use Classes B2/B8 and ancillary office space (Use Class E(g))) with matters reserved except for access at land at William Parkin Way, Leeds, LS15.

Members were shown a presentation.

The presenting officer provided the following information:

- It was noted that this site had been subject to the Site Allocations Plan (SAP) legal challenge which had now been resolved following receipt of the Inspector's decision letter and Council's formal ratification of this development plan at its meeting on 17th January 2024.
- At this stage, only the principle of bringing the site forward for employment purposes along with access had been formally applied for.
- Over 12 months the applicants, their agents and officers had been working on several interrelated matters raised through the application including:
 - Highways
 - Landscaping
 - Ecology
 - Drainage
- This site is a triangular piece of land measuring approximately 28ha, situated between William Parkin Way, the M1 Motorway, the Leeds Leeds-Selby railway line, and the motorway junction to the south. This site has an elevated position in relation to the surrounding area.
- The land is greenfield with a number of mature trees along the south/east edge adjacent to the M1 and along the railway embankment. It was noted that 40% of the site would be retained as woodland and enhanced with landscaped areas.
- Within the site there are several Public Rights of Way (PROW) and Bridleways which were to be retained.
- A recently constructed green bridge spans William Parkin Way to provide access to 'The Springs' retail park.
- The surrounding area is a mix of residential, commercial and leisure.
- The Panel were advised that Plot 1 was at the highest point with Plot 6 at the lowest, and the building heights would be dictated by their position on the site with Plot 6 being the highest.
- The design of the site was not for consideration at this stage but would follow a similar design to other commercial areas.

Cllr Dobson the Local Ward Member for Garforth and Swillington addressed the Panel, making the following points:

- This had been a long process to get to this stage, and he hoped that the development would be brought back to Panel for any further stages in the development and decision-making process with no delegation to officers for determination.
- This is a green land site which forms a natural boundary between the communities. He was of the view that it was a shame that this land was to be used for development. He thought it was appropriate that some of the green space was to be retained, along with access to the Public Rights of Way, as without these there would be implications for the local residents and also the wildlife in the area.
- Appropriate mitigation should be considered to take into account that this was home to wildlife.
- It was his view that access to the site would be challenging.

- He informed the Panel that Garforth and Swillington Ward Members were not in support of this development particularly due to it involving removal of a remaining greenspace in the area.
- If the application was to proceed, S106 and CIL monies should be secured, and it was important they were then used to directly benefit the community.
- Notwithstanding the Inspector's decision on the remittal of the SAP. Members still needed to be aware that this stage could still be challenged.
- He advised the Panel that he knew of a petition in objection to proposals for development and this should be considered.

In response to questions from the Panel, further information was provided:

- It was noted that the applicants had made semi-regular contact with the community and the Ward Members but there had been no response from officers to questions from Ward Members.
- No firm details were known regarding the petition from local residents which Cllr Dobson had said was being formulated and in circulation.
- Connection to the site for the community would be from Garforth along Barrowby Lane then through Barrowby Woods. Access into the site would be difficult.
- In relation to the heights of the proposed buildings, it was the view that this may have a visual impact. It was noted the site is highly elevated to the left-hand side of the site, this is opposite 'The Springs' and close to the housing development.
- It was the view that there were no new proposals for public transport. It was noted that the majority of people who visited 'The Springs' accessed it by car. However, in nice weather the journey could be made on foot. It was the view that the development would have significant impact on traffic movement.
- The site is used by walkers, dog walkers and cyclists, the local community are passionate about the green land which forms a natural walkway between the areas.
- The Garforth and Swillington Members would like to see the application refused and the piece of green land retained. However, they recognise the strong probability that the area was in the SAP for employment use and therefore the likelihood of it coming forward for some of development. However, they are of the view that every nuance must be explored fairly and diligently if development is to proceed – hence the representations being made. However, they would really like to see the greenspace retained for the community.

The applicant's representative attended and provided the following information and answered questions from the Panel:

- This site would join Thorpe Park and The Springs bringing a diversification of jobs base with much needed employment and business opportunities to the region.

- Discussions had been taking place with the council for some time, and consultation had taken place with Ward Members and residents. Three public sessions had been held at The Springs.
- The visual intrusion of the buildings would be lowered through design and character of the buildings and landscaping.
- It was noted that the taller buildings could not be sited at the lowest elevation of the site due to access issues. The development was somewhat constrained by the topography of the site. Further discussions were to be had about the detail of design and would be brought back for consideration at the Reserved Matters stage.
- It was noted that the applicant would take on board suggestions from the Members to look at green roofs for the buildings and planters when they met with the design officers, but also had to be mindful of what type of buildings/design would be practicable for future business occupiers.
- It was the proposal that it would mirror the development at Thorpe Park, and they would enhance the connectivity through the site for the community. It was also noted that the details of the boundary would be looked at in detail for more vegetation.

Officers responded to questions from Members providing the following information:

- Although the application had been submitted in January 2023, officers were still working through a number of issues on this site. It was noted that the application for the development of the site had been advertised in accordance with legislative requirements, and that more conversations were required with Local Ward Members of Garforth and Swillington and Temple Newsam and Crossgates and Whinmoor.
- Seven representations in objection to the proposals had been received which formed part of the submitted report. Officers had not received a petition.
- This was only the outline application to address principles of access, more details would be considered at Reserved Matters which was the next stage.
- The Legal Officer explained the Judicial Review Period which remains and its relevance following the Inspector's decision following the SAP remittal.
- The Area Planning Manager explained that the Reserved Matters stage was the critical stage to address design and landscaping. It was acknowledged that this site would be difficult due to the topography of the area. It was noted that officers would take on board the requests from Members to provide more details and Members could request conditions prior to planning permission and ask to see the scheme as it develops.
- It was recognised that currently there was a lack of public transport to the site, with some detail being provided of provision secure in relation to nearby developments (for example, The Springs), but with the acknowledgement that Members requested that the public transport provision to the site be considered.

Members Comments included:

- The location is not well served by public transport.
- All aspects of this application need to be brought back to Plans Panel. It was a concern that this application had been ongoing for 12 months already and there were still many further points of discussion outstanding.
- The principle of development on the site could not even be still firmly established when the position following the SAP remittal may still be open to legal process / challenge. To delegate any decision-making to officers at this stage would almost pre-empt this.
- As the application had been ongoing for 12months it was the view that this should have comprised of more detailed information to put before Members. Members would like to see more details when next presented to Panel.
- It was noted that West Yorkshire Combined Authority at a recent meeting had raised concerns in relation to connectivity in this area. This development would simply increase private transport use in the area.

Members had been requested to consider the questions posed at paragraph 81 of the report. Members give the following responses:

- Question 1. The application was to be brought back to Plans Panel with a full report prior to determination.
- Question 2. There were concerns regarding the indicative layout of the buildings that required more information.
- Question 3. There were concerns in relation to the design of the buildings and more information and details were requested.
- Question 4. More information was requested in relation to the landscaping and screening, and it was the view that this was an important factor for an application in this location.
- Question 5. More information was required in relation to public transport and connectivity to, and through the site.

RESOLVED – To note the content of the report.

70 22/04416/FU - Retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax.

The Chief Planning Officer requested the Plans Panel to consider a retrospective planning application for use of land for residential purposes including the siting of one static caravan and one touring caravan on land at Sandgate Stables, Sandgate Terrace, Kippax.

Slides and photographs were shown throughout the presentation.

The presenting officer informed the Panel of the following points:

- This application was deferred at the meeting held on 27th July 2023 with Members requesting more information before it could reach its decision.
- As an update it was noted that Cllr Lewis had given comment in relation to the application. It was also noted that vegetation had been cut lower making the site more visible.
- Members were reminded that prior to locating at Sandgate Stables the family had been living roadside, since the move to Sandgate Stables the two youngest children were now in education at the local primary school. It was the view that what was in the best interests of the children in this case should be significant weight.
- It was recognised that the Council currently has a Gypsy and Traveller 5-year supply position of 2.3 years, this is as a result of lack of planning approval for private sites and funding issues delaying the delivery of public sites. It was noted there are long waiting lists for existing pitches.
- The Service Manager for the charity Leeds GATE had been able to provide detailed comments in response to the request for further information on the impact the application would have on the children's education and development. This was in the submitted report at paragraphs 7 to 24.
- The headteacher of the local primary school where the two youngest children attended had provided comment in the submitted report at paragraphs 25 to 27.
- Clarification was provided that the area used for grazing ponies was sufficient for two ponies.
- No further information had been provided to clarify why the family had moved roadside from a pitch at Cottingley Springs.

In response to questions from Members the following information was provided:

- It was recognised that the reason for the family leaving Cottingley Springs may be pertinent to Members understanding of the context of the application, however, no further information had been provided. In any event, such context could only be given little weight.
- Therefore, the planning application had to be determine having regard to policy and case law. Although the proposal is contrary to planning policy concerning the designation of the site as local green space, Members should have regard to the fact that the Council has no 5-year supply of Gypsy and Traveller pitches and what is in the best interests of the children.
- The proposal was for a 3-year permission rather than an indefinite permission. The applicant's agent had indicated that the 3-year permission would be acceptable to the applicant. The applicant had confirmed that the family would move to a site with the benefit of planning permission should a position become available. At the previous meeting the agent had said there was an altercation and the family had decided to move off the Cottingley Springs site for the safety of the children.

- Members requested the agent and the Service Manager of the Leeds GATE be invited to the table to answer questions on the children's education. Given his discretion to do so, the Chair agreed to Members' requests. It was clarified that the youngest children do attend the local primary school. It was acknowledged that when Gypsy Traveller children reach 11 years old, they often leave the state school system to be home educated. This type of education is sometimes supplemented by charities like Leeds GATE. The service manager was able to clarify that the older children of Gypsy and Traveller families do attend the Leeds GATE for homework club and youth club. It was clarified that the older children of this family were not being electively home educated by the Leeds GATE, but they were accessing Leeds GATE for support.

The Service Manager of Leeds GATE began to address Members regarding the most appropriate terminology to be used to describe the family's current position (as 'legally homeless' or otherwise). A prompt halt was put to this, and Members told to disregard the information / opinion being given in this regard.

Information provided by officers in response to questions from the Panel:

- Condition can be put on the height of the vegetation surrounding the site.
- Enforcement do have a case open, but it is currently on hold while the application process is ongoing.
- The decision to leave the site for the safeguarding of the children had been the decision of the family. Members suggested that the children's safeguarding was picked up by the relevant service after the meeting.
- It was recognised that a previous application at Hollinhurst had been on a brownfield site that bordered the Green Belt and this application was on a greenfield site.
- The Panel were advised that the next Local Plan Review has started, and this includes a call for sites. So, there was a call for land to be put forward for Gypsy and Traveller sites. As a result, Policy Officers had confirmed that there was the possibility of sites coming forward during the 3-year period.

Members comments included:

- Members were of the view that the application had come no further forward due to lack of information in relation the circumstances that led to the family leaving the previous site.
- It was the view that not all questions had been answered and the application was contrary to planning requirements.
- It was the view that the family had used their own choice to move from the site at Cottingley Springs to live roadside. Although, the younger children were currently attending a local primary school, the family could make the choice to move or for the younger children to leave state education and elect to home school, as they had done with the older children. It was recognised that locally there were fears that more of these applications could come forward. The harm that development

of this type would bring to the local area was not outweighed by the other surrounding circumstances such that development should be granted.

In summing up Members were advised that should they move a motion not to accept the officer's recommendation, then a report would need to be brought to Panel to request reasons for refusal.

RESOLVED – Members resolved not to accept the officer recommendation that planning permission be granted and that a further report be brought back to a future Plans Panel setting out suggested reasons for refusal for Members to consider. The reason for refusal relating to the application being contrary to the site's designation as local green space/green space and that the circumstances presented were not sufficient to outweigh the presumption against the grant of planning permission.

At the conclusion of this item Cllr McKenna made a comment that the Council needed to do something to make more Gypsy and Traveller sites available in Leeds.

71 20/08547/FU - Change of use of land for the siting of 8No. glamping units for holiday use, storage building and ancillary works including a new access road at land off Hall Park Road, Walton, Wetherby, LS22.

The report of the Chief Planning Officer requested consideration of an application for the change of use of land for the siting of 8 glamping units for holiday use, storage building and ancillary works including a new access road at land off Hall Park Road, Walton, Wetherby, LS22.

Slides and photographs were shown throughout the presentation.

The presenting officer provided the following information:

- The application had originally been presented to Panel at its meeting on 1st June 2023, where Members had deferred the application for further information in relation to:
 - Highways
 - Footpaths
 - Drainage
 - Disabled access
 - Consultation with the community
- Since the meeting in June additional representations had been received from the Local Ward Members, Walton Parish Council and local residents. These were set out in the submitted report at Paragraphs 5 to 7.
- The applicant had provided additional information as requested by the Panel and this information was set out in the report at Paragraphs 10 to 15.

- The proposed site is off Hall Park Road which is a country lane close to village of Walton.
- At the June meeting it had been noted that the Neighbourhood Plan said that key views should not be obstructed, it was the view that this had been taken into consideration by the applicant with no views obstructed. The site would be screened behind trees and hedges.
- It was noted that there had been a change in circumstances in that a gate had been installed on Blind Lane, which may impede walkers heading towards Walton. It was not known who had installed the gate, but the applicant does have access to bypass the gate.
- Members were advised that there may be no lighting on Blind Lane, however, the very nature of camping is to be set in rural locations which have little or no lighting.
- The applicant has made a disabled access point to the site and one of the pods would be DDN compliant for disabled users.
- In relation to impact on the area it was thought not to be overly conspicuous, set away from residential properties, limited vehicle movements and would support the local economy.
- A biodiversity plan had been set out.
- In relation to drainage and sewage, specialist advice had been sought from Yorkshire Water and the Council's appropriate department. It was noted that the drainage should be able to connect to the main foul sewage drains and this right is supported in law. It was noted that a feasibility study was required but Yorkshire Water would not commit to undertake one until planning is approved. If a drainage solution cannot be found, then the application would not be able to continue as this requirement would be the subject of a pre-commencement condition.
- It was noted that no further public consultation had taken place.

Responding to questions from Members the officers provided the following information:

- No further mitigation was required on Hall Park Road as speed had not noticeably increased and it was the view there would be limited vehicle movement associated with the development.
- Public transport was limited in this area, which was expected in a semi-rural location.
- In planning terms, the development is compliant with policy.
- Yorkshire Water are aware of the current drainage and sewage issues in this location, so should be already looking at solutions to mitigate against the issues faced by residents. It would not be a requirement for this proposed development to alleviate existing drainage and sewage issues in this location.
- The applicant has undertaken what is statutorily required in terms of consultation.
- Drainage and ecology had been signed off by the relevant Service's officers to ensure they are compliant.
- There is no requirement for planning to measure the carbon footprint.
- Definitive plans in relation to the footpaths had been submitted.

- A separate plan had also been submitted in relation to bridleways for local horse riders.
- It was noted that the applicant was unwilling to do any further work (investigatory or otherwise) in relation to drainage due to the significant costs involved until they have planning permission.

Members comments and response from officers:

- Members were of the view that conditions should be tight, especially in relation to drainage and sewage. A request was made for details of conditions to be brought back to the Panel. Officers advised the Panel that drainage was a technical matter and in discharging the conditions would be reliant on the advice of Yorkshire Water, and it was unusual to bring such applications to Panel. However, if Members felt strongly about this a detailed report on any discharge of condition application on drainage details could be reported to Panel for Members consideration. It was noted that there needed to be an awareness that there were timescales for such applications to be dealt with.
- There were still some concerns in relation to highway safety.
- The Supreme Court judgement was clear that a developer had an absolute right to connect to a public sewer and that the burden of dealing with any additional discharge falls upon the statutory undertaker. In such circumstances it is appropriate for a local planning authority to impose a Grampian style planning condition requiring the necessary drainage works to facilitate the development to be undertaken and implemented prior to the commencement and first occupation of the new development.
- Due weight needed to be given to the Neighbourhood Plan.

RESOLVED – To grant permission subject to the conditions set out in the submitted report with an additional condition relating to details of a wildlife and ecological management scheme to be submitted for approval. That any application made to discharge the planning condition relating to details of the scheme for drainage provision discharged conditions to Yorkshire Water be brought back to the Panel for consideration.

72 **Date and Time of Next Meeting**

RESOLVED – To note the next meeting would be on Thursday 29th February 2024, at 1.30pm.

Meeting concluded at 16:40