

## **SOUTH AND WEST PLANS PANEL**

**THURSDAY, 26TH OCTOBER, 2023**

**PRESENT:** Councillor H Bithell in the Chair

Councillors C Campbell, R Finnigan,  
E Taylor, J Garvani, E Bromley, L Buckley,  
N Manaka, A Rontree, P Wray and  
R. Stephenson

### **37 Appeals Against Refusal of Inspection of Documents**

There were no appeals.

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

**RESOLVED** – That, in accordance with Schedule A to the Local Government Act 1972 and Access to Information Procedure Rules 10.4 (1), the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- A) That the appendix to Agenda Item 7 – 22/06335/RM Land at Owlcotes Road, Pudsey, Leeds and referred to in minute no.43 be designated as exempt from publication and considered in private. This is on the grounds that it contains information relating to protected characteristics and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information at present.

### **39 Late Items**

There were no formal late items.

### **40 Declarations of Interests**

No interests were declared.

### **41 Apologies for Absence**

Apologies were received on behalf of Councillor T Smith. Councillor R Stephenson attended as her substitute.

### **42 Minutes of the Previous Meeting - 28 September 2023**

**RESOLVED** – That the minutes of the previous meeting held Thursday, 28<sup>th</sup> September 2023 be approved as an accurate record.

#### 43 **22/06335/RM - land at Owlcotes Road, Pudsey, Leeds**

The report of the Chief Planning Officer set out an application for a reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.

The application is brought to Plans Panel given the large-scale nature of the development, and the very high level of local interest, at the request of Councillor Andrew Carter, who has stated he considers the application needs to be brought before Members due to design and amenity concerns.

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

- The site consists of an irregular shaped area of green field land, which lies on the northern side of Owlcotes Road. The application is within the settlement of Pudsey.
- It was noted that a Panel site visit took place on 28<sup>th</sup> September 2023 where Members viewed the site and surrounding context.
- The majority of the development comprises of semi-detached properties (42 units). The four flats are within 2 separate blocks, and there are two blocks of 3 terraced properties (6 units) and 2 detached bungalows. A total of 54 dwellings are proposed.
- The majority of properties feature bay windows and canopies.
- Land levels identify a slight slope on the land. It is considered this will not impact upon overshadowing or over dominance.
- All of the distances to nearby properties are exceeded significantly.
- There are 17 objections to the application. Most of the objections relate to the principal of development on-site which is not a consideration in determining the application.
- An objection sets out serious implications for health and therefore the Local Planning Authority have conducted an Equality Impact Assessment, and this has been appended to the submitted report and designated as exempt.
- The layout of the site has been discussed with the applicant to increase spacing on-site, and as a result, 12 units were removed.
- Amendments also relocated the greenspace area, and this is now centrally located. A number of properties will face onto the greenspace area.
- Few house types have been proposed to demonstrate a cohesive appearance.
- Parking is proposed to be on site driveways.
- The central open greenspace proposes a number of trees to be planted as well as street trees.
- The relationship to existing properties meets minimum space standards.
- Solar panels to be provided to all units which contributes to 40% of the sites energy demand, exceeding the minimum requirement of Policy EN1.

- It is considered that the proposals provide much needed affordable housing and on-site greenspace.

At this point in the meeting, members moved into private session to consider the appendix to the submitted report designated as exempt from publication under the provisions of Access to Information Procedure Rules 10.4 (1)

The private session concluded, and everybody was welcomed back into the meeting. The Chair explained that members considered private information during the closed session, and this was necessary so that members were provided with the opportunity to have due regard to the public sector equality duty by being in receipt of all information regarding this application.

Objectors in attendance at the meeting addressed the Panel, providing the following information:

- Raising concerns regarding the possibility of asbestos being contained in the land.
- Re-routing of the footpath elsewhere on the development site and concern that the location of the footpath may have an impact on anti-social behaviour.
- Current occupiers along the boundary may be overlooked as a result of the development. It was suggested that additional trees should be planted and form part of a condition to the planning application.
- Serious issues regarding the application have been shared with the Director of City Development and Chief Executive approximately 18 months ago.
- It was suggested that plots 52, 53 and 54 are re-located or removed.
- It is considered unlawful to grant permission for a development that poses a risk to life and the conditions should seek to mitigate any risks associated with the development.

Further to questions to the speakers regarding mitigating risks, it was confirmed that the application originally submitted was for 77 units, and the proposal now seeks 54. The objector considered it possible to re-locate plots 52, 53 and 54 elsewhere, to provide an appropriate green buffer. It was noted by an objector that the only way to mitigate such risks associated with risk assessments is for the development not to go ahead. It was acknowledged that housing is required and moving plots 52, 53 and 54 would possibly mitigate some risk.

Speakers in support of the application providing the following information:

- Engagement took place with the local community and local ward councillors during the pre-application stage.
- A number of proposals have since been amended after listening to concerns raised and a 3 storey block has been removed, greenspace has increased, the overall number of units has decreased.
- The applicant met with the objector in attendance and has moved two of the plots onsite to provide them with privacy and further increasing

the separation distance. A 3m landscape buffer is proposed to the rear of the properties along the boundary.

- Plots 52, 53 and 54 were looked at being moved elsewhere, but it is considered this was not possible as this had an impact on the central greenspace area and the attenuation water tank. It was confirmed that if the attenuation water tank is moved, this will create more noise disturbance and construction disturbances, as well as trees needing to be removed.
- The applicant has consulted with a ground engineer and a number of tailored measures have been suggested during the construction phase regarding minimising dust, vibration, and noise.
- The applicant does not intend to commence works until early 2025.

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

- The scheme is supported by Homes England and a 12 month procurement exercise will need to be undertaken to secure a suitable contractor to deliver the scheme. The grant funding project is active until 2027. The applicant will be willing to sign a unilateral agreement to delay a start on the site until early 2025. It was further confirmed that if the scheme is not complete by 2027, the funds will be forfeited.
- The dimensions of the attenuation water tank are 35m long, 13.5 wide and 1.6m deep. There is also an additional 1m for the easement zone of the tank where trees cannot be planted in this area or build on top of it. Following a conversation with a drainage expert, it was confirmed that the deeper the tank, the bigger the easement zone must be.
- Further to a question regarding the exploration of an attenuation pond and improving biodiversity, it was confirmed that a larger area would be needed on-site, and compromised design and space around the proposed dwellings. It is considered from drainage experts that an attenuation water tank is something Yorkshire Water would possibly adopt.
- The applicant would be happy to incorporate a stricter condition regarding the reduction of dust particles.
- The applicant would need to consider the use of sprayers that are automatically triggered and undertake discussions with a specialist contractor.
- The applicant also agreed to sign a deed of easement to stop works being able to start before 2025.
- The mitigations proposed have been suggested by a specialist ground contractor and the final construction management plan must be approved by the Local Authority before the condition (as per the outline planning consent) relating to this, is discharged.
- The implementation of the 3m fixed hoarding supersedes the fence netting and this can be installed before any construction takes place.
- Removal of the plots in question provide less affordable homes for those who need it.

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

- Technical detail regarding the attenuation tank has not yet been provided and would not necessarily be provided before reserved matters planning consent is given. Yorkshire Water have not objected on the proposed water tank, based on the application for 54 units.
- Environmental health colleagues will provide expert advice prior to the construction management plan being finalised.
- Officers consider the provision of 100% affordable housing, outweighs the loss of biodiversity. The application also exceeds Policy EN1 and the benefits of the application as a whole, outweigh that loss of biodiversity. Further to comments regarding biodiversity loss, it was confirmed that at the time the outline planning consent was considered, emerging biodiversity requirements were not in existence and the application will have been assessed against Core Strategy Policy G9.
- A suggestion was made that the Chair be involved in the process of further discussions regarding the construction management plan. It was also confirmed that external advice will be sought subject to Environmental Health feeling it is beyond their level of expertise.
- A request was made that figures in relation to EN1 on how energy demand will be provided.
- A suggestion was made that the 3m fixed hoarding be in place before the need for a construction road and the condition regarding this, be strengthened.

Comments from Panel Members included:

- Members commented on the due regard to the Equality Act, and sensitivities regarding the site and commented on the importance that all mitigations are adequately explored. In doing so, members believed that the exploration of moving plots 52, 53 and 54 must be looked at further and as a result of this, consider whether it is possible to move the attenuation tank or rotate it.
- There are clear issues in terms of biodiversity regarding further exploration of an attenuation pond and it is believed more generally that improvements can be made, to improve on biodiversity elements of the application.
- Further technical information is needed before a proper judgement can be taken on the mitigations proposed by the developer.

**RESOLVED** – To defer the application for officers to undertake further discussions with the applicant regarding the re-location or possible removal of plots 52, 53 and 54 in accordance with considering the Equalities Act and Equality Impact Assessment. As well as: -

- a) The applicant to provide a unilateral agreement agreeing to delay start on site until no earlier than 1<sup>st</sup> January 2025.
- b) Explore use of sprayers that are automatically triggered.
- c) Detail means of dust particle monitoring.
- d) Ensure Environmental Health consulted on adequacy of all dust suppression measures.
- e) Timescale for early implementation of hoarding.

**44 20/02710/FU - Cartwright House, Springwell Road, Holbeck, Leeds, LS12 1AX**

The report of the Chief Planning Officer presented an application for the demolition of existing building and construction of a 30 Storey residential development totalling 345 apartments with ancillary commercial space, landscaping, and external amenity space at Cartwright House, Springwell Road, Holbeck, Leeds, LS12 1AX.

The application is further to a Position Statement that was reported to Panel on 6th July 2023. Also following an earlier pre-application presentation of the proposals by the applicant at City Plans Panel, presented on 21st November 2019. The scheme presented at pre-application stage differed substantively from the current scheme, being for a block of 24 storeys with a different use of materials.

At the previous meeting on 6<sup>th</sup> July, members raised a number of concerns in relation to parking, the provision of greenspace and making the development more family orientated. Since then, the application has substantially changed. The development has reduced from 36 storeys to 30 storeys. The planning officer presenting the report, provided the following information:

- The site lies close to the junction of Whitehall Road, Springwell Road and Springwell Street, which is located in an area of transition just outside the boundary of the designated City Centre. The site is also within the Holbeck Neighbourhood Plan.
- Phase 1 of the development is nearing completion.
- The number of units has reduced from 400 to 345.
- To the north of the building is where the children's play area will be situated.
- The number of parking spaces has increased to 27. An increase of 9 spaces.
- At the basement level, cycle spaces are proposed.
- The swimming pool has been removed from the proposals, as well as a reduction in size of the gym. It is proposed that there is a community / internal play area for families and children and can be accessed at ground floor level. It is intended that the children's play area will spill out onto the podium level.
- The proposed 3-bed units all have habitable windows.
- The units are accessible and comply with Policy H10. The applicant proposes 8 wheelchair accessible units, and the remaining units are adaptable.
- The reduction in height of the building, has less of an impact on sunlight and daylight. However, it is acknowledged that there will still be an impact. There will be later periods of sunlight in the afternoon as the sun transfers past the building.
- Pictures were referred to showing the emerging context of the building in relation to its surroundings, and Phase 1 of the development.
- Wind mitigation measures will be provided in the form of tree sculptures, as well as screens and partitions. The Access Officer has

supported the scheme in principal but requires further information regarding wind mitigation.

- The sky garden will be protected by wind, via use of screens and is child friendly. It is considered that a good level of amenity has been provided both internally and externally.
- The nearest area of sufficient greenspace is considered to be Holbeck Moor Park, which is approximately 900m away. It was confirmed there is pockets of greenspace before this. Ward Members are looking at preparing a scheme to enhance Holbeck Moor Park.

The planning officer explained that since publication of the report, a number of corrections needed to be amended. Those being reference should be made to SAP EG1-22 in paragraph 38 of the submitted report and reference deleted regarding the draft Tall Building Design Guide Supplementary Planning Document (SPD), as following consultation, the Local Authority have decided not to take this SPD forward.

The planning officer considers a number of positive amendments that have been made to the proposals, and a reduction in visual impact has been improved. The development is now more family orientated and provided additional car parking spaces, as well as greenspace contributions with ideas on how they can be spent.

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

- Wind mitigation measures in phases may not be required and will be assessed as the development progresses.
- There will be fixed children's play equipment in external areas, and it was confirmed that the internal area will not end up as an 'empty room'.
- There is not a minimum requirement of car parking spaces in this location. Cycle provision has also been provided.

Comments from Panel Members included:

- Whilst members would like to see further parking provision provided, they accepted the level of parking provided in this location.
- The proposal to downsize the gym, to include a children's play area is accepted. The positive changes to the development in relation to providing a space for families and young children is welcomed.
- Clarity to be provided on outdoor spaces for residents, particularly in the summer months and somewhere for residents to sit. A comment was made that limited greenspace for residents has been provided.
- A member requested that figures be provided in relation to Policy EN1.
- A suggestion that the lower half of the glass surrounding the gym is frosted, to ensure that privacy is provided for those using it.

A motion was put forward to grant planning permission as per the officer recommendation. This motion was moved and seconded, and the vote was carried. Therefore it was

**RESOLVED** – To grant planning permission subject to the conditions set out in the report.

**45 23/05968/S106 - Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP**

The report of the Chief Planning Officer presented an application under S106A for the modification or discharge of Planning Obligations pursuant to Section 106A of the Town and Country Planning Act 1990 to vary the existing S106 Agreement to application 18/01501/OT to remove the build to rent and PRS covenants at Former Airedale Mills, Moss Bridge Works, Town Street, Rodley, Leeds, LS13 1HP.

The Chair noted that the application has been brought to Plans Panel in accordance with the Chief planning Officers delegation arrangements whereby the Chair in consultation with the Chief Planning Officer considers that the application should be referred to this Plans Panel for determination because of the significance of the proposal to vary an existing S106 agreement to 100% Affordable Housing.

The officer in attendance provided the Panel with the following information regarding the proposed changes to the S106 Agreement:

- Removal of the Build to Rent / PRS (Private Rented Sector) covenant. This restriction (in para 2 of the First Schedule of the Deed of Variation) needs to be removed as the scheme will not be delivered as 100% rented housing with associated amendments to remove the PRS Limitation Period and remove definitions relating to the PRS Housing (e.g. PRS Operator, PRS Units etc).
- Inclusion of definitions of the Affordable Housing proposed (e.g., Social Rent, Social Rented Affordable Units, Intermediate Affordable Units, Intermediate Price) and removal of the definitions of Benchmark BTR Affordable Units, alongside any references to the rental price.
- Removal of the restriction on occupying the Benchmark BTR Affordable Units only as Benchmark BTR Affordable Units.
- Flexibility to provide 100% affordable housing so that any open market dwellings can be used as additional affordable housing but that the units are not affordable units for the purposes of the s106.
- Inclusion of a Registered Provider exclusion clause (save for compliance with the specific affordable housing provisions).

It was noted that the site has been the subject of a previous outline permission (18/01501/OT) which granted consent for the principle of the development including means of access with all matters reserved.

There was a speaker in attendance against the proposal. The following concerns were raised:

- Access issues in terms of accessing Rodley Nature Reserve and Rodley Cricket Club.
- Uncertainty regarding management of the swing bridge.
- A single owner of a build to rent scheme is considered attractive, specifically in regard to managing the swing bridge.
- Maintenance of the ecology buffer.



Further to a suggestion regarding a Community Interest Company (CIC) and confusion around maintenance of the bridge, officers confirmed that these issues were not relevant to the specific application being considered, but in any event confirmed for information purposes that a collaboration agreement has been signed with the bridge management company, the Local Authority and Yorkshire Water which details maintenance of the swing bridge.

There was a speaker in support of the application in attendance. Members were informed with the following information:

- Further to comments regarding the swing bridge, a collaboration agreement has been signed by the developer.
- The previous application was brought forward by a different developer and Rodley Limited will be taking forward the application as an affordable housing model.
- Rodley Limited have brought the amendment forward to provide them with flexibilities and to allow for shared ownership.
- The layout of the site is not considered as part of this application and will remain as is, but it was noted that this may be subject to change.

It was confirmed that the developer has the intention to build relationships with all relevant parties involved, including Rodley Nature Reserve.

Further to a question regarding the number of affordable units to be provided on-site, officers believed that 100% affordable units will be provided as a result of the amendment to the S106 Agreement. However, the speaker in attendance could not confirm whether this was the intention and was of the impression that the developer would have the flexibility to provide up to 100% affordable units, with a minimum of 15%.

Members felt that a lack of clarity was provided, and therefore a motion was put forward to defer the application to allow officers the time to discuss this further with the applicant, with a draft copy of the S106 Agreement being provided. This motion was moved and seconded. Following a vote, members unanimously agreed to defer the application.

**RESOLVED** – To defer the application.

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

**RESOLVED** – To note the date and time of the next meeting as Thursday, 23<sup>rd</sup> November 2023 at 1.30pm.

The meeting ended at 17:20.