NORTH AND EAST PLANS PANEL

THURSDAY, 13TH AUGUST, 2020

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, D Jenkins, E Nash, N Sharpe, M Midgley, T Smith, B Anderson and P Wray

CHAIRS OPENING REMARKS

The Chair welcomed everyone to the remote meeting of the North and East Plans Panel.

The Chair explained that internet connectivity may be an issue for some participants and suggested it may be appropriate to appoint a Deputy Chair who could assume the Chair should the Chair loose connectivity.

The Chair proposed that Councillor Elizabeth Nash be nominated as the Deputy Chair, the proposal was seconded, upon been put to the vote the motion was passed.

9 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

10 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

11 Late Items

There were no late items.

12 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were received.

13 Apologies for Absence

Apologies for absence were received from Cllr R Grahame. Cllr P Wray was his substitute at the meeting.

14 Minutes - 9th July 2020

RESOLVED – That the minutes of North and East Plans Panel meeting held on 9th July 2020 be approved as a correct record.

15 Matters arising

Minute 7 – 19/07228/FU – Construction of pair of two story semi-detached dwellings Sheri Dene, Elmwood Lane, Barwick in Elmet, Leeds. It was noted that Ward Members should be consulted on applications in their wards, and that it was important for Members representation to be made clear to the officers and properly represented in future reports.

16 19/04950/FU - DEVELOPMENT OF 58 NO APARTMENTS FOR RETIREMENT/LIFESTYLE LIVING EXCLUSIVELY FOR RESIDENTS OF AGE 55+, ASSOCIATED COMMUNAL SPACES, ACCESS GROVE LANE AND NEW LANDSCAPING LAND ADJ TO GROVE PARK CARE HOME GROVE LANE, MEANWOOD, LEEDS

The report of the Chief Planning Officer sought planning permission for the erection of a development of 58 no. apartments for occupation by persons over the age of 55. The development included access from Grove Lane across land that sits adjacent to the Grove Park Care Home and is used as a car park at present.

The development also would provide areas of landscaping and amenity space surrounding the proposed building.

The planning officer undated the Panel on the following points:

- Point 66 in the report incorrectly states the amount payable for Green Space (£55,872.82), the correct amount is in the recommendation and split between the general Green Space provision (£10,855.61) and the sum identified for the improvements and maintenance of the PROW. (£11,777.88) (total £22,633.49);
- Some references to the height of the ball stop fencing has been incorrectly referenced in the report at 8 metres. This should be 15 metres as per Sports England's comments;
- Further objections had been received and included concerns in relation to:
    - Bulk and massing having a detrimental impact
    - Vehicular and pedestrian traffic increase in locality – Highway safety
    - Overlooking green wooded corridor near Meanwood Beck
- Since publication of the report additional objections had been received: Councillor Christine Knight representing the Weetwood Ward: Strongly objects to this proposed development as it will impair residents' enjoyment of the current green space, destroy wildlife habitats and create increased traffic and pollution in an already very busy part of the city. This area of green space has been a lifeline for many during lockdown as a place where they are able to take some much-needed exercise and gain a sense of both physical and mental wellbeing. This area does not need more buildings! It is already crowded with traffic. It needs to retain its green spaces. Building on this land would not be conducive with the City's climate emergency declaration.
- Further representations submitted in direct response to the published report highlighting the omission of the Chapel Allerton Ward Members' objection which is clarified already.
- Also commenting that the omission in the reports summary of the Headingley Members' objection of two phrases:

    - “and I would remind Officers that this is a material planning consideration” in relation to the “loss of Green space and climate emergency declaration” and
    - “ask that this application be rejected and that any appeal be vigorously defended by the Council”.
- Further objections received since publication of the report objecting on the following grounds amplifying objections already submitted:
    - The design and massing of the buildings is wholly inappropriate when compared to the nearby residential area.
    - The location has congestion issues and poor air quality during peak periods. This will exacerbate these problems.
    - The loss of green space is wholly inappropriate given the council's declaration of Climate Emergency.
    - There is already ample retirement buildings and no need for this significant build.
- Two last minute objections received on Wednesday 12 August and comments:
    - Noting that representatives of all three wards have objected
    - No reference to the Leeds Civic Trust comments in the report The objector considers that the Civic Trust’s “Very Strong Objection” is worthy of note and so is drawn to plans panel attention – However, in response, the planning officer noted they are not a consultees and have submitted comments independently of our consultation processes. As this is about a greenfield development their remit is not considered to directly relate to this development as the site has no protected historical status other than afforded by Development Management Polices. Hence is was not considered appropriate to explicitly include their objection (as opposed to consultation response), when compared to other formal consultees and residents comments.
    - Accessibility to Public Access has been problematic for some members of the public “This lack of website availability is an obstacle to public scrutiny. Will the planning panel please undertake to a review and report on the performance of the website?”
    - Councillors should not underestimate the strength of local feeling against the proposal
    - Concerns about the “conceding” of the Green Space allocation and apparent lack of public consultation/involvement on the matter
    - Emphasises that the development should be determined in the light of the Climate Emergency declaration and this is a material consideration
    - Comments on the omission of Chapel Allerton Ward Members objection
    - Regardless of Green Space status site should still be protected under the provisions of Policy H2 as a Greenfield site
    - Report wrongly restricts the meaning of amenity to visual only – “the amenity in an established wildlife habitat that is part of a

wider green corridor ecosystem is fundamental to nature conservation and survival of species"
    - Concern that the report does not deal adequately with Nature Conservation as a whole
    - Comments on the Sport England Objection and height of fencing but regardless of errors in the report the actual presence of such a mesh fence will harm visual amenity, nature conservation, protected wildlife and conversely its absence will harm residents amenity thus in these circumstances the site should not be developed at all.

The Chair advised that accessibility issues relating to the Council's Planning Portal should be dealt with properly using the Council's Complaints Procedure and that this would be taken up separately.

Plans, photographs and drawings were shown throughout the presentation.

The Panel were informed of the following points:

- Apartments to be housed in a "H" shaped building located centrally on the site with the main wings in a roughly north-south orientation the 'H' shaped building used to limit the bulk and massing of the development and open up the vista;
- The land slopes away from Grove Lane and this would accommodate the undercroft car parking area for use of the residents;
- Affordable housing would be located on different levels of the building. It was also noted there would a unit which was H10 compliant with full wheelchair access;
- Landscaping around the building for use by the residents with footpath links, would include the protection of existing trees and planting of more trees with a mix of native and ornamental species;
- Roof slats would be a different material to add interest and make the building less dominant with the main roofs designed to be green roofs;
- Vehicular access would be provided from Grove Lane over the existing car parking area currently used in connection with Grove Park Care Home but is not owned or controlled by that development. The access is proposed as a shared surface access way and provides vehicular access to service/ambulance parking area, the visitor parking (that also make provision for a Car Club Parking Space) and the vehicular access to the undercroft car parking. The parking and amenity space had been based on occupancy of the units of those aged 55 years plus;
- The Members were advised that the application had received a large number of objections over 3 periods of consultation. A summary of the concerns raised were set out at paragraph 20 of the submitted report.
- Photographs from the garden of 98A Grove Lane, which is the closest property to the proposed development, were shown to show Members the relationship of the property boundary to the development site.

Members were also informed of an additional condition which had been omitted from the report. The condition would restrict the occupancy of the development to those 55 years plus.

The Chair informed the Panel that he had visited the site prior to the meeting and he was also aware that Cllr Nash had also visited the site, but they had not spoken about their visits.

The Chair invited three of the objectors who had requested to attend the meeting to speak against the proposal.

Mr Lees informed the Panel that he was the Secretary of Woodhouse Ridge Action Group for over 20 years, he lives locally. The group was established in 1995 to champion Woodhouse Ridge carrying out monthly action day tasks and challenging adverse impacts to the Woodhouse Green Corridor. There had been a lack of publicity in relation to the site's de-selection as green space so was not surprised by the strong objections to this proposal. Objectors included all Ward Members of the three wards abutting the site and over 300 local objections as well as Leeds Civic Trust, Ramblers Association and Urban Wildlife Leeds. He believed that it was unusual that such a large and controversial development had not been brought before Members as a pre-application.

In relation to planning policy he rejected the analysis set out in the report at paragraphs 52-57 that the benefits of the development outweighed the harm to the green space and the character of the neighbourhood. Mr Lees was of the opinion that the proposed four storey building was out of character with the built neighbourhood, and that the landscaping would not mitigate the loss of open space for wildlife which included bats, birds and mammals. There would not be a net gain in habitat value as suggested.

Mr Lees also raised concerns in relation to trees in the area that could be damaged during excavation for drainage and laying of utilities. He also requested a Traffic Regulation Order for Grove Lane if the development should be granted, to protect the grass verges and trees being used for overspill parking, as this could be dangerous and harmful to the amenity.

Mr Lees went on to provide a quote from Cllr Walshaw's objection which related to the Council's declaration to Climate Emergency and that the loss of greenspace arising was wholly inappropriate in light of this.

Mr Doherty Informed the Panel that the site on Grove Lane would be developed almost up to the bridle way and would damage the trees and their roots. The height of the building at four storeys would be overbearing and look straight into one of his neighbours children's bedrooms. It was also out of character with the neighbourhood.

Mr Doherty had concerns in relation to insufficient parking on the site as older people continued to drive into their eighties and nineties. He went on to inform the Panel that the site and the fields near Meanwood Beck regularly flood. He was concerned that the proposed development and parking area would cause more flooding and ground saturation would be worse.

Mr Doherty also advised the Panel that the nursing home would lose three parking spaces from its provision, exacerbating parking issues and leading to more parking on the road.

Mrs Main informed the Panel that she had lived in the area for over 50 years. Their 17th Century cottage had all its windows facing onto the site at close proximity and the garden is adjacent along its length to the field. The proposed four storey structure would rise six feet above them due the difference in ground levels. It would completely dominate and overlook them blocking sunlight by day and disturbing them and feeding bats at night.

Mrs Main said that she was not anti- development and had supported the development of the care home.

Mrs Main went on to explain to the Panel that when Yorkshire Switchgear was developed there had been an agreement between the developers and the Council that the two green fields should remain forever green. Since then the community had worked hard to keep this area which had kingfishers, owls, foxes and roe deer. Mrs Main spoke of a recent application for 8 flats on this site which had been denied as had a subsequent appeal.

Responding to a question Mrs Main advised the Panel that there was an agreement made between Yorkshire Switchgear and the Council in relation to the green fields in1995. However, at the time of the meeting she was not able to provide a copy or further details of the agreement.

Mr J Everett (the agent) and Mr N Brown attended as speakers in support of the recommendation and informed the Plans Panel of the following points:

- This land had not been allocated as part of the Site Allocation Plan and was a windfall site;
- This site was not accessible to the public and was not an informal recreation space;
- The site had a low ecological base line as demonstrated by the applicant’s survey work;
- There had been two and half years of negotiations with officers to get the development to this stage with discussions on design, with a limit to visual impact across the site;
- Residents would not loose privacy due to increased separation from the west wing and removal of some windows to the side adjacent to residential properties;
- Technical issues had been addressed in relation to parking ratios and ensuring a biodiversity net gain, which accorded with NPPF and Council requirements;
- The development would bring important housing and economic benefits for the City
- The height of the ball stop fencing had been increased from 8 metres to 15 metres at the insistence of Sport England.

Mr Everett and Mr Brown responded to Members questions providing the following information:

- They were confident that the development was suitable for those over 55 years of age who then lived for a number of years thereafter in the development with the size of the apartments, wider door frames and corridors etc.;
- The concept of net gain for biodiversity is calculated using the DEFRA Matrix. However, the DEFRA matrix is currently under refinement and development as the industry becomes accustomed to its practical implementation. The Council's stated biodiversity net gain percentage was not an established policy
- There was to be seating along the pathways throughout the amenity space;
- Having been subject to a flood risk assessment, it was clear this was not in a Zone 1 / high risk flood area and the onsite storage / detailed drainage designs would be able to cope with the run off and changes arising from climate change;
- Section 106 agreement or planning condition would control occupancy. However, it was expected that this could be flexible for carers and partners who were under 55 years of age;
- The size of units had been developed with regard to commercial demand and the Strategic Housing Market Area Assessment;
- Affordable housing was located on all levels of the development and would not be distinguishable from other units;
- Communal areas would be located in the central part of the building located between the two wings;
- Mechanical ventilation system would be used in the undercroft parking area to disperse car fumes.

Officers provided Panel Members with the following information:

- Housing need had tried to address a mix of larger and smaller properties on this site;
- Members were given an explanation of how policy relating to housing need was developed via the SHLAA and SHMA, such that this need was filtered down to individual development sites and related to individual applications, to ensure it was clearly established that a need for this type of housing accommodation exists – with a particular link (for this development) to Policy H8;
- In relation to the refusal for a previous application for 8 flats, it was noted that the site had previously been identified as green space, although it was not on the Site Allocation Plan. However, it is no longer identified as green space and this was an important material change in circumstances;
- A condition can be imposed that the units are occupied by those 55 years plus and can be added to the section 106 agreement. It was noted that if this condition was breached enforcement action could be taken and it could go into the court system;

- It was the view that there was sufficient parking for the development. However, colleagues in Highways could review with a view to imposing TRO's if required;
- Members were provided with a definition of 'windfall sites' and the change of use from green space to whiteland;
- It was noted that paragraph 17 of the submitted report provided detailed information on parking spaces designated for the care home;
- Officers had negotiated with the developers at the pre-application stage. Officers advised the developers at this stage to consult with local stakeholders including local councillors. It was noted that the consultation is encouraged, however cannot be enforced;
- Officers were not aware or had any knowledge of the 1995 agreement in relation to keeping the green fields at this site. Officers agreed to check the history for this site;
- Officers were of the view that on balance 14.8 metres was an acceptable distance between the development and the property at 98A;
- Officers were of the view that biodiversity was low at this site and did not fundamentally impact on the green corridor. The Legal Officer said that the net gain matrix employed within the sector at a national level was still becoming embedded and developed, such that there may result in being increases in likely biodiversity net gain as use of the matrix was refined. However, the 10% biodiversity net gain requirement stipulated on the Council's website was an aspirational figure and did not form part of policy, such that the application could not be refused on this basis;
- The development in relation to sustainability, access, and amenity was compliant with current policy;
- CIL monies could be spent on projects in line with CIL guidance and the Council's published list of projects (the Regulation 123 List, to be soon replaced with the Infrastructure Funding Statement). Projects added to / removed from any published list would be in consultation with local people and councillors. However, Members were reminded that the detail regarding CIL levy is included in the officer report for information only and this should not form a material consideration for Members in the decision-making process.

Member's discussions included:

- Impact on the green space and the biodiversity of the area;
- The mass and height of the proposed development;
- Housing need in the area;
- Light pollution.

At the conclusion of the discussions, a motion was moved to reject the officer's recommendation and to defer such that an extension of time be sought from the developers and further negotiations on the application be undertaken in respect of the following matters:

- Overlooking
- Biodiversity improvements
- A reduced scale and massing

- Demonstrate the local needs for the housing being offered
- Impact on the green infrastructure corridor function of the site
- Consideration of light pollution
- Review the potential need to fund local TRO's

. Further, the motion proposed that - if this was not acceptable to the developers – then officers be delegated to convert the reasons for deferral into reasons for refusal. This motion was seconded and voted upon.

RESOLVED – To defer for an extension of time to be sought and, subsequently, further negotiations undertaken with the developers such that if this was proved to not be acceptable to the developers, to delegate authority to officers to set out reasons for refusal of the application based on the stated reasons for deferral.

17 18/04343/RM - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS TO PROVIDE A NEW PATHOLOGY FACILITY INCLUDING PARTIAL BASEMENT, NEW EXTERNAL WASTE COMPOUND, ASSOCIATED HARD LANDSCAPING AND ACCESS ARRANGEMENTS LEEDS TEACHING HOSPITALS NHS TRUST ST JAMES HOSPITAL, BECKETT STREET, BURMANTOFTS LEEDS

The report of the Chief Planning Officer presented an outline planning application for the demolition of existing buildings to provide a new Pathology Facility including partial basement, new external waste compound, associated hard landscaping and access arrangements, at St James University Hospital, Beckett Street, Burmantofts, Leeds.

This application was presented to the North and East Plans Panel following an earlier pre-application presentation to Members at a meeting held in November 2019. Members had made a number of comments at that meeting and had also requested that the formal planning application be brought to North and East Plans Panel for consideration.

The scheme was submitted in outline and seeks to demolish the existing vacant buildings to provide a new Pathology Facility. Only the means of access had formally been applied for at this stage. However indicative plans had been provided.

The site is located to the rear of the main site of St James Hospital with a residential area of terraced houses located adjacent to the north side of the site.

The Panel were shown photographs, maps and drawings throughout the presentation. Members had been on a site visit at the pre-application stage in November 2019.

Referenced in the submitted report were a number of listed buildings which form part of the NHS Trust's property portfolio. It was noted that the proposed site was not near these buildings. It was also noted that an oak tree within the proposed site had been referenced within the report.

Members were provided with the following information:

- Adjacent terraced houses have gables some of the these gables do have windows which face directly on to the site;
- The site slopes downwards and so some elements would be used as an undercroft for the proposed building;
- There will be spaces provided for deliveries to the facility;
- The elevations indicate a two storey building with part of the building to be single storey;
- The Coach House to the side of the proposed building would be retained;
- The proposed building is indicatively shown to be circa 27 metres away from existing houses which is much more than existing;
- Officers had expressed no serious concerns in relation to parking;
- There would be some tree loss on this site;
- This application would require a section 106 agreement;
- There were no third party comments to the proposal;
- Cllr Grahame, the Ward Member had made comments as referred to at paragraph 12 of the submitted report. These comments had been addressed in the report.

There were no speakers for this application. However, Jonathan Standen (the agent) and Mike Bacon (from the Trust) and Javid Hussain (highway consultant) attended the meeting to answer any questions from Members.

In response to Members questions to officers, the Plans Panel were provided with the following information:

- The green wall suggested by Members at the November 2019 meeting was acknowledged and officers would continue to negotiate on this alongside details for landscaping;
- Members requested that a Tree Preservation Order (TPO) be put on the large oak tree within the site. It was noted that this would be dealt with outside of this application. Advice was provided to officers that the cypress tree should be removed so as not to impact on the oak tree;
- The noise and dust would be dealt with by way of a condition which would require adherence to a Construction Management Plan, including outlining construction hours of work and damping down to restrict dust;
- There had been two consultation events and a leaflet drop to the surrounding area at the pre-application stage. There had also been a second leaflet drop to local residents providing contact details. It was noted that residents in the area may not have English as a first language and leaflets should be provided in different languages in any future consultations;
- For each tree moved from a development site, three more trees should be planted in accordance with the Council's 3:1 tree replacement policy. The Agent assured Members that this part of the site was currently 'unloved', such that the development proposed would bring benefits and added value with landscaping and planting of trees;

The Chair suggested there was a need to keep quality assets and that a Capital Asset Value for Amenity Trees (CAVAT) be carried out on the oak tree.

It was noted that a condition giving clear direction for a green wall can be added to the decision. A direction can also be included to provide clear guidance regarding the design of the building.

Members were advised that the TPO would be pursued.

Members were advised that the area already has TROs, but that these can be reviewed and the s106 Agreement could be used to secure further contribution(s) from the applicant if there was a need for further restrictions.

RESOLVED – To defer and delegate to the Chief Planning Officer as set out in the summited report with additional guidance as follows:

- A CAVAT assessment be undertaken in respect of the oak tree and that it be retained as part of the detailed scheme;
- A green wall to be detailed within the landscaping condition;
- Review of parking requirements (with introduction of further off-site restrictions if required);
- Direction added to ensure the development to be of good quality design and build.
  In addition, the Panel instructed officers to progress a TPO for the Oak tree

18 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 10th September 2020, at 1:30pm.

The meeting concluded at 17:50