

SOUTH AND WEST PLANS PANEL

THURSDAY, 31ST OCTOBER, 2024

PRESENT: Councillor P Wray in the Chair

Councillors N Manaka, A Rontree, S Firth,
M France-Mir, A Parnham, P Stables,
Campbell, D Cohen, J Garvani and M Millar

SITE VISITS

Councillors C Campbell, J Garvani, N Manaka, A Rontree, P Wray, M France-Mir and P Stables attended the site visit held prior to the meeting.

42 Appeals Against Refusal of Inspection of Documents

There were no appeals.

43 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

44 Late Items

There were no formal late items.

45 Declarations of Interests

Although Councillor Garvani did not declare an interest in Agenda Item 8 – 24/03902/FU – 1 New York Cottages, New York Lane, Rawdon, LS19 6JH, he informed the Panel of his intention to withdraw from the meeting during the consideration of this item, as he submitted objections to the application.

46 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors B Anderson, R Finnigan, R Jones and Z Hussain.

Councillors C Campbell, D Cohen, Garvani and M Millar were in attendance as substitutes.

47 Minutes - 3 October 2024

RESOLVED – That the minutes of the meeting held on 3rd October 2024 be approved as an accurate record.

48 22/06370/FU - Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds

The report of the Chief Planning Officer for demolition of the existing buildings and construction of a new building for residential use (Use Class C3), provision of internal roads for vehicular and pedestrian access and servicing, car parking, landscaping, a substation, new pedestrian infrastructure and modifications to existing vehicular and pedestrian access at the Former Weetwood Police Station, 300 Otley Road, Weetwood, Leeds.

The application had been considered as a position statement in August 2023. The report recommended to Members that the application be deferred and delegated to the Chief Planning Officer for approval subject to the conditions and s106 agreement as outlined in the submitted report. It was noted that alterations to the conditions include:

- Condition 31 removed.
- Condition 55 re-worded to include reference to removal of vegetation.
- Addition of a condition relating to full balcony and balustrading details.

Panel Members (referenced above) had attended the site visit prior to the meeting.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Objectors to the application attended the meeting. A Ward Councillor B Anderson addressed the Panel. Following this, Cllr B Anderson provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Estimated costs of houses nearby which is believed to be between 250,000 – 600,000k.
- Concerns regarding the lack of parking but there is a bus stop immediately outside of the development so on balance, that is considered acceptable. The main concern is affordable housing policies not being met.

The applicant's representative attended the meeting. Mr Waring addressed the Panel. Following this, Mr Waring provided responses to the questions raised by Panel Members, which in summary, related to the following:

- Viability being an on-going issue and the offer of a dynamic section 106 to re-evaluate the financial situation 6 months before completion of the development.
- The applicant is an investor and looking at the longer-term gain.
- There is a covenant on the property that it cannot be sold, and the building can only be held by one company, and the properties must be rented out.
- The build to rent product has evolved over the last 10-15 years and it is a new suburban product. It is considered that the rental costs are different of properties in the city centre. However, construction costs are the same.

- The 700k commuted sum offer will not be made available should the application be refused and decided at an appeal hearing. Further to this, it was confirmed the scheme is currently un-viable and the commuted sum offer is a good will gesture.
- The viability assessments carried out by the applicant and District Valuer are based on assumptions and both demonstrate the scheme cannot offer a commuted sum at present.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Concern regarding the design / amenity element of two ground floor flats, particularly the light levels which are constrained by the construction of a car park wall. It was confirmed the wall is approximately 6-7m away from the properties. Members requested clarity on how the developer will mitigate against substandard flats and incorporating other design elements.
- Clarity on Policy H5 which sets the aspirations for affordable housing. It was confirmed that the applicant is yet to decide whether they will provide 20% build to rent units onsite, or whether they will opt for the 700k commuted sum option with a clause. It was confirmed that the applicant must provide one or the other, and figures will be checked with the district valuer before completion to look at sums. Details are finalised in the Section 106 Agreement but there is a risk of the council only receiving the 700k commuted sum as a baseline.
- Confirmation that there is a 15-year covenant on the properties that they cannot be sold, or there will be a financial penalty.
- It was confirmed that there are other schemes where a Section 106 Agreement of a similar nature has been used to get closer to policy compliancy. Albeit some of those developments are still being built out.
- Confirmation that there will be improvements to Lawnswood Roundabout in 2025 and it is fully funded and will help the development with connectivity.
- Legal clarity on the weight decision makers apply to viability. Members were informed that there are some assurances provided by the overage clause in enabling real costs to be considered nearer completion.
- The risk of not agreeing to the officer recommendation and not receiving a commuted sum and any affordable units.
- There is no factual evidence of build to rent properties in suburban areas. Albeit it was noted that Adel is a highly desirable suburb of Leeds and the financial output of what has been estimated by the District Valuer may be higher.
- Members collectively highlighted the importance of providing affordable housing for the people in Leeds.
- The residual value of the properties has not been considered, and after 15 years the applicant can sell the properties.
- Panel Members are content with the basic design principles of the development.

Further to discussions and clarity on non-availability of the District Valuer to attend the meeting, a member moved and another seconded a motion that the application be deferred until the District Valuer is available to attend a future South and West Plans Panel meeting to answer questions to enable Panel Members to be fully informed of and understanding of the viability issues, with regard to understanding the significant divergence between the applicants and District Valuers assessment of profitability. This was seen of particular importance as it would aid Members understanding of why the application was not policy compliant regarding Affordable Housing delivery and the applicant's reluctance to accept an overage clause.

Upon voting, the application was deferred to enable the district valuer to attend a meeting.

RESOLVED – To defer the application as per above.

49 24/03902/FU - 1 New York Cottages, New York Lane, Rawdon LS19 6JH

The report of the Chief Planning Officer set out an application seeking planning permission for the demolition of existing garage/outbuildings and erection of two dwellinghouses with associated hard and soft landscaping works at 1 New York Cottages, New York Lane, Rawdon, LS19 6JH. The report recommended to the Panel that the matter be deferred and delegated to the Chief Planning Officer for approval subject to the specified conditions as outlined in the submitted report and appendices.

Panel Members (referenced above) had attended a site visit prior to the meeting.

Cllr Garvani left the room prior to the commencement of this item as per Minute No.45, as he had submitted an objection to the application.

Slides and photographs of the site and proposals were presented by the Planning Officer who outlined the application and contents of representations received as detailed in the submitted report.

Questions and comments from Panel Members then followed, with officers responding to the questions raised, which included the following:

- Members raised concern regarding the risk of microplastics within a plastic grid, to make improvements to the lane. It was requested that the applicant seek alternatives. Panel Members agreed that alternative options should be discussed with the applicant, and any alternative solutions regarding materials be agreed by the Chief Planning Officer in consultation with the Chair on behalf of Panel Members.
- It was noted that the car park sits within green belt land but already exists. There is a certificate of lawful use for the car park and use of the gardens.
- Clarity was provided regarding conditions 8 and 10. It was confirmed that any damage created because of construction will be repaired.
- Cragg Wood Conservation Area is approximately 200m away.

- Members acknowledged that the site is within brownfield land and not in a Conservation Area and appears to be in-keeping with the local area.

A motion was put forward to move the officer recommendation, with the addition of a condition regarding non-plastic subsurface system being used. This was moved and seconded, and it was

RESOLVED – To approve the application in principle but defer the decision to the Chief Planning officer and discussion with the Chair following further discussion with the applicant to ensure that the subsurface system employed to stabilise the access track did not use plastics.

(Cllr Garvani re-joined the meeting at this point, and Cllr Cohen left the meeting at 16:05)

50 23/07393/FU - Newall Church Hall, Newall Carr Road, Otley, LS21 2AF

The report of the Chief Planning Officer set out reasons for refusal of the above application, following Panel's previous resolution it was minded to refuse for five reasons. The application was for the conversion of Newall Church Hall to form 2 dwellings and residential development of land to the rear for 4 dwellings with associated greenspace, landscaping and infrastructure at Newall Church Hall, Newall Carr Road, Otley, LS21 2AF. The report recommended to the Panel that the application could be refused for two reasons and explained why the Chief Planning Officer considered other matters previously raised by the Panel were not considered to be defensible reasons for refusal.

The application was brought before the Plans Panel at the South and West Plans Panel Committee held Thursday, 3rd October 2024 and at that meeting, the Panel resolved not to accept the officer recommendation and were minded to refuse the application.

The Area Planning Manager presented the update regarding the reasons for refusal which were based on 5 concerns raised by Panel Members at the previous meeting and as set out in the submitted report. It was noted that Panel's concerns are not included in the reasons for refusal due to:

- The application is exempt from specific Biodiversity Net Gain (BNG) requirements. Further to a BGN assessment, the application is in compliance with Core Strategy Policy G9 and ONP Policies GE2, GE5 and GE8.
- West Yorkshire Archaeological Advisory Service (WYAAS) confirmed that the Written Scheme of Investigation for Archaeological Evaluation (WSI) is acceptable.

The report therefore sets out 2 reasons for refusal as presented at 1 and 2 of the head of the submitted report.

A motion was put forward to move the officer recommendations, as per the submitted report. This was moved and seconded, and it was

RESOLVED – That the application be refused on the defensible grounds of reasons 1 and 2 at the head of the submitted report.

51 Date and time of the next meeting

RESOLVED – To note the date and time of the next meeting as Thursday, 28th November 2024 at 1.30pm.

The meeting concluded at 16:11.

52 Webcast of the Meeting

Please [ctrl+click](#) to access the link to view the webcast of the meeting.