

## **NORTH AND EAST PLANS PANEL**

**THURSDAY, 24TH AUGUST, 2023**

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

Councillors B Anderson, D Jenkins,  
R Jones, J McKenna, M Millar and  
R. Stephenson

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

There were no appeals against the refusal of inspection of documents.

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

There were no exempt items.

### **28 Late Items**

There were no late items.

### **29 Declaration of Interests**

Cllr Stephenson informed the Panel of a non-pecuniary interest in relation to Agenda Item 8 - 21/08379/OT - Outline Application for up to 925 dwellings including means of primary vehicle access and central Spine Road and associated infrastructure works and a 2.6ha Community Hub facility (provisionally comprising primary school, convenience store and health provision) with all other matters reserved all on land pertaining to the Southern Quadrant of the East Leeds Extension (part of housing allocation site HG1-288).

He is a Director of the Multi-Academy Trust which is going to sponsor the primary school within the Community Hub facility element of the application. He advised the Panel that he would restrict his comments on this accordingly.

### **30 Apologies for Absence**

Apologies for absence were received from Cllrs Heselwood and Sharpe. Cllr Garvani attended the meeting as substitute for Cllr Heselwood.

### **31 Minutes- 27th July 2023**

**RESOLVED** – That the minutes of the meeting held on 27<sup>th</sup> July 2023, be approved as a correct record.

**32 22/04991/FU – Realignment of the existing stone wall to facilitate vehicle and pedestrian improvements to Bramham Road. Erection of two outbuildings. Replacement of an existing timber fence with a new stone boundary wall and gate pillars. Replacement of an existing single storey extension to Corner Cottage. Change of use of land to parking, with associated hardstanding/landscaping at Corner Cottage, 2 High Street, Clifford, Wetherby, LS23 6JF**

The report of the Chief Planning Officer returned this application to North and East Plans Panel following a deferral for further consultation with residents, local Ward Councillors and Clifford Parish Council.

The application had been previously heard at the North and East Plans Panel on 9<sup>th</sup> February 2023. The officer recommendation to grant planning permission subject to conditions as detailed (with amendments to conditions as deemed appropriate) was not accepted by Members and the application was to be revisited and return to the Plans Panel for formal determination.

The previous officer report was attached as Appendix 1 and this report therefore, focused on what has happened since the February meeting and included an assessment of the consultation work carried out and the revised scheme received.

Members were informed of the following points by way of an update on matters since the item was heard at February Panel:

- In relation to further consultation between the applicant and local community groups, a cover letter was submitted on 23rd May 2023 by the agent for the application which detailed the engagement with Clifford Parish Council and the Local History Group as set out at Paragraph 9 of the submitted report.
- The term 'cobble' to 'stone setts'. This change in wording was reflected in the conditions proposed, with condition 11 now relating to stone setts sample and specification, rather than cobbles. The 'Proposed Site Access Plan' had been amended to indicate the stone setts to the former position of the boundary wall, the threshold of the driveway, and to the pedestrian area between the dwellings at 1-6 The Greyhound. This removed reference to the term 'cobble'.
- It was noted that the application had been assessed by the LCC Access Officer, who had made comments in relation to the stone setts proposed as part of the scheme, finding no objection subject to these meeting the relevant building standard.
- The revised plans had also been assessed by LCC Conservation Officer, who provide no objection to the stone setts, subject to specifications of the material being secured via condition, to ensure appropriateness in terms of colour match and material. It was noted that the applicant was amenable to such a condition.
- There had been no changes to the proposed plans in relation to the other elements of the proposed works as detailed within the application description - i.e., to the existing boundary wall, erection of two outbuildings, replacement of existing timber fence with new stone

boundary wall and gate pillars, and replacement of an existing single storey extension to Corner Cottage, change of use of land to parking, with associated hardstanding/landscaping.

- Highways had confirmed that there were no recorded accidents in the area. It was the view that the visibility splays would be better.
- 2 further letters of representation had been received since the publishing of the report – from Cllr Lamb the Wetherby Ward Councillor and from Clifford Parish Council. Both were read out to the Panel. It was also noted that the letter from Clifford Parish Council had been sent direct to Panel Members. Clifford History Group endorsed the comments made.
- It was noted that no consensus had been agreed between parties. The LCC Conservation Officer considered that appropriate mitigation in relation to the wall had been taken. Moving the location of the wall would not be detrimental to character.

Site photographs were shown throughout the presentation.

The Panel were advised that there was no public speaking for this item as the application had already been heard previously and the public and the agent had presented their cases. However, the Agent Mr Johnson was available to answer questions from the Panel.

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

- It was the view that the wall had to be re-sited as visibility at the access to the application site was already substandard, it would make the development site slightly smaller but would allow it to incorporate the proposed garage and enhance visibility splay.
- The re-siting of the wall had not been undertaken at the request of Highways Officers, but the applicant acting on his own initiative. The application had therefore been submitted and presented with the proposal to re-site the wall as part of it.
- The pattern and aging characteristics of the wall would not be affected as the cleaning of the stones was not part of the methodology for rebuilding the wall. If it was felt that the pattern and aging characteristics would be adversely affected by cleaning, this would not be done.
- The corner garage would form part of the containment of the scheme.
- It was noted that in the phone call to Cllr Lamb highlighted at Paragraph 11 of the report, that each party had concerns about the wall and no agreement had been reached. It was noted that if the wall was to remain as it is the visibility splay would be made worse, and the agent was of the view that the development could not move on, and a different scheme would be required.
- The Highways Officer confirmed that the application as presented had raised no objections from Highways. However, if the wall was not removed and rebuilt further back there would be concerns as the visibility splay would be worse and the closing of the other access

would intensify access at this point. It was the view of the officer that moving the wall back would improve visibility by approximately 50%.

At this point in the proceedings Members of Panel requested that Cllr Lamb and the representative of Clifford Parish Council be asked to the table, so questions could be put to them. Utilising his discretion, the Chair agreed that questions could be put to Cllr Lamb and the Parish Council representative.

In response to questions from the Members the Panel were provided with the following information:

- Cllr Lamb said it was a matter of planning balance. It was his view that overall, the scheme was a good one. However, the wall should not be moved as this could be harmful to the character of the area.
- The representative of the Clifford Parish Council was also of a similar view saying that the wall had been shown on historic maps for 200 years and currently mirrors the wall on the opposite side of the road. He had concerns that with the proposal to block the use of the access to the High Street would increase traffic using the access onto Bramham Road. He set out that the use of the Bramham Road access had caused problems for local road users.
- It was noted that discussions had taken place with the Local Ward Members and the Parish Council.
- The Highways Officer clarified that if the wall was not moved back then Highways would be minded to raise an objection. Although, there were no recorded accidents, it did not mean that there had not been any near misses.

The Planning Officer, Area Team Leader, reminded Members that decision-making in planning is about balance and a judgment has to be made. If Members felt that there would be harm to the character of the area and conservation concerns regarding the re-siting of the wall, this had to be balanced by the benefits of the proposal, overall acceptability of the scheme, and Highways considerations noted.

**RESOLVED** – To grant planning permission subject to the conditions set out in the officer report (with amendments or additions to the same as deemed appropriate).

**33 21/08379/OT - Outline Application for up to 925 dwellings including means of primary vehicle access and central Spine Road and associated infrastructure works and a 2.6ha Community Hub facility (provisionally comprising primary school, convenience store and health provision) with all other matters reserved all on land pertaining to the Southern Quadrant of the East Leeds Extension (part of housing allocation site HG1-288)**

The Chief Planning Officer presented a report to Panel which provided information that Members had requested at a meeting held on 22<sup>nd</sup> September 2022. Members had been requested to consider an application for

outline planning permission for up to 925 dwellings including means of primary vehicle access and central Spine Road and associated infrastructure works and a 2.6ha Community Hub facility (provisionally comprising primary school, convenience store and health provision) all on land pertaining to the Southern Quadrant of the East Leeds Extension (part of housing allocation site HG1-288). This application seeks detailed approval for means of access, but with all other matters reserved.

A copy of the position statement report was attached at Appendix 1. At the meeting on 22<sup>nd</sup> September 2022, Members had resolved to note the content of the report, provided views in relation to the questions posed, and to defer and delegate approval to the Chief Planning Officer, subject to a list of conditions relating to the outline application being put before Panel Members at a future Plans Panel meeting.

The purpose of this report was to fulfil the second part of that resolution and provided details of the proposed conditions, as listed at Appendix 2. The report also provided details of the proposed planning obligations to be secured by way of a Section 106 Agreement and provided an update on matters since the 22<sup>nd</sup> September Plans Panel which were set out at Paragraph 4 of the submitted report.

Members were informed that the Environment Agency still had objections and were still in consultation with the developers. The concerns related to flood risk and nature.

In relation to Condition 36, Yorkshire Water were now confident they could deliver what would be required for the site and that proposed condition could be deleted.

There were no speakers for this item but the agent, Mr Johnson was available to answer questions.

In response to questions from Members, the agent and officers provided the following information:

- It was noted that Condition 2 set out a time limit of 10 years for the submission of Reserved Matters which was consistent with the approach taken for planning permission granted for the North and Middle Quadrants and the sheer scale of the development proposed. Members did have concerns about the 10 year time limits as this could affect speed in which much needed housing is delivered. The agent clarified that a change to Condition 2, to 3 years would not be a cause for concern to the developers as they were ready to submit Reserved Matters details.
- It was noted that Highways had requested work to Dumbbell Roundabout, and this had been conditioned as it was necessary for both the South and Middle quadrants.
- It was noted that the new primary school was to be located in the Local Centre hub of the development and it would require alternative provision to be made for some of the existing playing pitches before the

school opens in 2026. There was a pressure to bring this forward from a school's perspective, but a keenness to ensure that the conditions do not stymie the timely delivery of the school.

- Members were advised that the scheme was compliant with policies in relation to climate change. There would be no gas boilers on this scheme. This would reduce carbon emissions and be 50% better than Building Regulations requirements.
- Cllr McKenna advised the Panel that Cllr Grahame the Local Ward Member and Chair of the East Leeds Extension (ELE) Consultative Forum had raised some points in relation to the scheme and had requested that she and the Forum be involved in discussions when future details are released (i.e. through pre-application and reserved matters submissions).
- Members were advised that Condition 13 in relation to the Spine Road would be relevant to each phase of development incorporating the Spine Road.
- It was noted that colleagues in the Council were in negotiation with Sport England in relation to conditions relating to playing pitch provision. Members comments in relation to Condition 69 were noted to facilitate timely delivery of the primary school.
- The scheme would include a Construction Management Plan to ensure that any noise and dust is kept to a minimum and no mud is left on the roads. This was mandatory and enforcement action could be undertaken.

The Legal Officer clarified to Members that conditions can only be attached to a permission to mitigate the otherwise adverse impact(s) of a development at the time the permission is granted and in accordance with current policy 'asks'. Conditions should not be worded so as to seek more at some stage in the future. Members must rely on the professional expertise and judgement of officers to ensure conditions are robustly worded so they are later enforceable, and then the professional expertise and judgement of enforcement officers in ensuring compliance.

The Legal Officer also clarified for Members that there was no motion to be voted on, given the resolution of 22<sup>nd</sup> September Plans Panel. However, comments could be provided for officers in relation to the proposed conditions. A number of Members expressed the view that they preferred applications to come back to Panel in full, contrary to what had previously been resolved at the 22<sup>nd</sup> September Plans Panel – so asked officers to note this for the future.

Members requested the following:

- Condition 2 be amended to 3 years.
- Reserved Matters applications be brought to Plans Panel.
- Discussions to be held with Sport England in relation to Condition 69.
- A Condition be added to ensure that the ELE Consultative Forum Chaired by Cllr Grahame is advised and involved in discussions.

**RESOLVED** – To note the information provided with the submitted report.

**34 Date and Time of Next Meeting**

**RESOLVED** – To note the next meeting of the North and East Plans Panel would be on Thursday 21<sup>st</sup> September 2023, at 1.30pm.

*The meeting concluded at 15:10*