

NORTH AND EAST PLANS PANEL

THURSDAY, 12TH JANUARY, 2023

PRESENT: Councillor J Akhtar in the Chair

Councillors B Anderson, H Bithell, E Flint,
D Jenkins, A Lamb, M Midgley, N Sharpe,
R. Stephenson and P Wray

CHAIRS OPENING COMMENTS

The Chair welcomed everyone to the meeting and wished them a Happy New Year, as this was the first meeting of North and East Plans Panel of 2023.

He said how good it was to see Cllr Lamb back at Panel after his illness and wished him well on his recovery.

46 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

47 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

48 Late Items

There were no late items.

49 Declaration of Interests

Declarations of interest were received from:

- Cllr Sharpe in relation to Agenda Item 8 - 22/05836/FU - Part retrospective application for part two storey side and rear extension; part first floor rear extension; dormer windows to rear at 43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF. It was noted that Cllr Sharpe was a caseworker for Richard Burgon MP who had written in support of the families from 43 and 45 St Wilfrids Circus. However, Cllr Sharpe informed the Panel that she had not been part of the work on this matter and was attending the meeting for the consideration of this item with an open mind.
- Cllr Lamb in relation to Agenda Item 7 - 21/08506/RM Reserved Matters Application for 762 dwellings relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02594/OT) at Land off Racecourse Approach, Wetherby, LS22. It was noted that Cllr Lamb was a director and steering group member of the Better Wetherby Partnership. However, he had taken no part in the

discussions or deliberations on this matter and was attending the meeting for consideration of this item with an open mind.

50 Apologies for Absence

There were no apologies for absence.

51 Minutes - 17th November 2022

RESOLVED – That the minutes of the meeting held on 17th November 2022, be approved as a correct record.

52 21/08506/RM Reserved Matters Application for 762 dwellings relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02594/OT) at Land off Racecourse Approach, Wetherby, LS22

The report of the Chief Planning Officer requested Member's consideration on a Reserved Matters Application for 762 dwellings relating to scale, layout, appearance and landscaping pursuant to Outline Application (17/02594/OT) at Land off Racecourse Approach, Wetherby, LS22.

Members had attended a site visit earlier in the day and slides were shown throughout the presentation.

Members were provided with the following information:

- This Reserved Matters application related to a scheme for 762 dwellings at land off Racecourse Approach, Wetherby. This site was allocated for housing with the Site Allocation Plan (SAP) and was given outline approval by City Plans Panel at its meeting in August 2021. It was noted that two small parcels of land to the west and south-west of the site were not part of this application and would be presented by different landowners at a later date.
- The application had been subject to a Position Statement on 10th March 2022. At this meeting both Members and officers had raised concerns with the proposals these were listed at Paragraph 11 of the submitted report. Since then, officers had been working with the applicant and their representatives to address the issues.
- Discussions had also taken place with local community groups, including the Better Wetherby Partnership, Wetherby Civic Society, Town Council and local ward members all of which were now supportive of the amendments.
- The amendments included:
 - Large areas of green space created along Racecourse Approach and between some of the built form areas to enhance them.
 - Amendments had been made to an area formerly known as Innovation.
 - Levels of frontage parking have been reduced.

- Affordable housing plots, now spread throughout the site and the number of houses and apartments in line with current policy.
 - 10 N43 compliant bungalows now also proposed
- The development is aligned with the A1 motorway, and it was noted that existing dwellings have a 20 metre buffer it is proposed that the new development would have a 60 metre buffer made up of planted embankment, the existing bridleway and a 5 metre high bund. Members were advised that this had been dealt with at the outline application.
- The layout proposes primary and secondary routes through the development with the primary routes carrying buses for the development linking to other developments. Members were advised that these routes would be tree lined as per guidance outlined in the NPPF. The application also proposes a cycle lane which will run past the proposed primary school and retail unit. The proposal will also provide a puffin crossing across York Road.
- The development will have four character areas:
 - The Carrs – built of red brick with grey tiled roof with render to key areas. It was noted that these were bespoke to this development with larger windows.
 - The Avenue – Traditional in style with an artificial stone finish with chimneys to add character and interest to the roofscape.
 - Cockhott – Traditional style of stone with large windows and contemporary roof form.
 - Sandbeck previously known as Innovation. – This area would have 3 blocks of apartments in a contemporary design with wood panels forming a large part of the build. Space between the apartment blocks would be significant to allow sight of the landscape beyond and would have bin and cycle stores and incorporate green space.
- The proposal is for the development to have no gas but to have a community energy heat hub. This was explained in detail at Paragraphs 119 and 120 of the submitted report.
- The presenting officer read out a statement which had been received from the Chair of Better Wetherby Partnership.

Mr Catton the Chair of Wetherby Civic Society attended the Panel and informed the Members that many of the concerns had been addressed. However, there was one outstanding item which had not been resolved that was of the houses which had false chimneys. It was acknowledged that the chimneys may add to the visual effect of the houses the Wetherby Civic Society did not agree with this view. It was the view that the false chimney pots should not be allowed on any of the houses for the following reasons:

- Materials used in chimney pots, bricks and pottery use a lot of energy to produce and give off significant carbon dioxide emissions. Approval of this for unnecessary purposes was against the declaration of the Council's climate emergency.
- The Panel had asked for an innovative and exemplar development the use of chimneys for no purpose other than aesthetics was against this aim. It was noted that a new estate close to the proposed development

was at least half a mile away and therefore would not blend in with the surrounding developments which have real chimneys. It was also noted that many of the houses built in the 1980's do not have any chimneys.

- It was the view that chimneys may be a source of maintenance in the future and could cause injury to the public if they fall into disrepair and fall to the ground. Mr Catton said deaths are recorded annually from falling chimney pots.

Mr Catton said that he had spoken to the developers, and they were not bothered if the chimney pots were not included on the dwellings, he said that it was officers who had insisted on them. Mr Catton said that Wetherby Civic Society and Better Wetherby Partnership did not want the chimneys included on the houses.

Attending the meeting to speak for the application were the agent and representatives for Taylor Wimpey. They informed the Panel of the following points:

- The proposed chimneys were to be used only as design character and would not be useable, this was to be a no gas development.
- The developers had been in discussions with officers and community groups for ten months and had come up with what in his view was an innovative development. It was innovative in design and the proposal of the community energy heat hub. He explained that the community energy heat hub would now be located where previously it had been proposed to have allotments. However, edible produce would be dispersed throughout the proposed landscaping known as incredible edibles for all to use. This development would provide three times more green space.

Cllr Lamb the local ward councillor for Wetherby thanked the applicants for their willingness to engage with the local community, it was his view that the approach taken by the applicant and the officers had worked well in creating this scheme. The agent said that it was appreciated the time taken by officers and the volunteers of the community groups in creating this development.

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

- It was noted that the proposed properties to have chimneys would be slightly less than 15%. Taylor Wimpey was not 'wedded' to the addition of adding chimneys. However, it would add to the design of the dwellings and breaks up the roof scape. It was noted that dwellings with chimneys did not bring in more money.
- It was noted that the development had blue areas which would be predominantly dry with only the basin remaining damp. These blue areas would only fill when there are volumes of water through heavy rainfall.
- There was disappointment that only 10 bungalows had been added to the development. The agent explained that bungalows were land hungry buildings and there was not a necessity to include bungalows to

the development. All bungalows and apartments were noted to be fully accessible.

- The proposal was for 240 affordable houses spread throughout the site of mixed types. Extensive research had been undertaken to check demand in the area.
- Members were advised that not all dwellings would be able to use solar panels, this was in part due to the orientation of the dwelling. The Panel acknowledged that this development would be a no gas development. The scheme would incorporate a central community heating hub which would provide heating to the whole development through heat source air pumps.

Member's comments included:

- The incorporation of chimneys on some of the dwellings and whether they were necessary. It was recognised that some people may find it aesthetically appealing and did offer different choices for buyers. Members noted that alternatives had not been considered, they also noted that the chimneys could not be adapted for use.
- Members were grateful that the bungalows and apartments complied with policy N42 and N43 in relation to accessibility. They also acknowledged that other dwellings could be adapted with lifts etc. if required.

RESOLVED – To defer and delegate to the Chief Planning Officer for approval subject to resolution of outstanding matters in relation to the Environment Agency, landscaping and boundary treatments around the central energy hub and subject to the specified conditions set out in the submitted report.

53 22/05836/FU - Part retrospective application for part two storey side and rear extension; part first floor rear extension; dormer windows to rear at 43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF.

The report of the Chief Planning Officer requested Member's consideration on an application for part retrospective application for part two storey side and rear

extension; part first floor rear extension; dormer windows to rear at 43-45 St Wilfrids Circus, Harehills, Leeds, LS8 3PF.

Members had attended a site visit earlier in the day and slides were shown throughout the presentation.

The Planning Officer provided the following information:

- This application had been submitted in part to rectify works retrospectively which had been undertaken without planning permission, in addition to further proposed extension work. The retrospective works included two rear dormer windows, hip to gable extension on either side and a two storey wrap around extension to number 45. It was proposed to rectify works by reducing the two rear dormer windows, altering roof of the existing two storey rear extension

and construction of a first floor side extension above the existing side extension.

- Ward Members supported the application and had requested that the retrospective application for part two storey side and rear extension, part first floor rear extension, dormer windows to rear at 43 and 45 St Wilfrids Circus be considered by the Plans Panel.
- It was noted that this pair of semi-detached houses were located in a residential area, of properties of a similar type. Members were advised that the internal layout of the dwellings were entirely separate.
- Plans of the existing extension were shown. It was noted that the house holder design guide says that roof forms should match the existing dwelling. Proposed plans were also shown to the Panel and showed a slight reduction to the dormer windows but still remain a dominant feature of each roof and retain the three storey influence. The roof of the two storey rear extension protrudes into the face of the dormer windows and this type of development would not normally be support by planning given the poor design. The Panel were advised that the floor plans showed that the proposed application would provide two more bedrooms to each property. The main concerns with the proposal were the scale of the dormer windows, the impact of the integration of the two storey rear extension with the dormer windows and the impact on the character of the surrounding area.
- It was acknowledged that had the application come to Planning, officers would have had concerns about the scale of the dormer windows. Officers suggested that the dormer windows should be removed, or the scale be significantly reduced.

Mr Khan a family friend and Cllr Arif were present at the meeting to support the applicant and informed the Panel of the following points:

- The applicants are two separate families who get on well and decided to have the work done at the same. They have 4 children each so need 5 bedrooms.
- An architect had drawn up the plans for the extensions and the dormer windows. The work had been undertaken during the pandemic and the families had been misled. When it was realised that they did not have the correct permission they had tried to get retrospective planning permission. They had been advised that the extension was within Permitted Development, but the dormer windows were not correct as they were too big. However, Mr Khan said lots of houses in the area and around Leeds have similar style dormer windows.
- The families have already spent thousands of pounds doing the work and it would be costly for them to remove the dormer windows. It was unfair as they had not done this intentionally and they had been living in the rooms for a number of years.
- Mr Khan was able to provide examples of similar work undertaken. He said that the example provided at Paragraph 25 of the submitted report setting out the refusal of St Augustine's Road was because the dwelling was on a main road, whereas 43 and 45 St Wilfrids Circus are not.

Member's discussions included:

- The fact that the family had been misled by the architect to believe that they had planning permission.
- The size of the dormer windows and the character of the surrounding area.
- The family's circumstances and the need to provide adequate room for the families.
- The effects of removing or reducing the size of the dormer windows on the dwellings and on the financial impact to the families.
- Consideration of refusal and subsequent appeal and whether the reasons and policy were enough for the Council to defend any such appeal.
- The Legal Officer provided clarification on issues surrounding personal circumstances in planning application and materiality.
- Clarification on planning history and enforcement action was provided to the Panel. It had been noted that enforcement action was due to start on 4th February 2023.
- Recognised the culture of extended families in dwelling in the Harehills area.

Member's comments included:

- The struggle to find a suitable solution to this application given the circumstances of the families and any financial impact or move that there may be on the families.
- On the site visit Members said they could see the extensions from the front of the properties but acknowledged that the rear of the properties was not overlooked from public vantage points.
- In answer to a question from Members officers confirmed that the proposal was clearly contrary to the policies and guidance set out in the Householder Design Guide.
- Members acknowledged recent training which had covered planning matters, material matters, and social demographics and that the application was unacceptable in its current form.

Cllr Stephenson moved the officer recommendation for refusal, it was seconded by Cllr Lamb, this was put to the vote, and it did not receive a majority.

Legal advice was provided by the officer as to options available to members, to defer, approve or leave undetermined.

RESOLVED – Defer the application for one cycle in order that the application be revisited and returned to plans panel for determination.

54 Date and Time of Next Meeting

To note the next meeting of North and East Plans Panel on Thursday 9th February 2023 at 1.30pm in Civic Hall.

The meeting concluded at 15:40