

Plans Panel (East)

Thursday, 19th April, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors R Finnigan, R Grahame,
P Gruen, G Latty, M Lyons, C Macniven,
K Parker, J Procter and D Wilson

195 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

The Chair announced that this would be Councillor Parker's last Plans Panel East meeting as he was standing down from the Council in May having served as a Councillor for 26 years and sat as a member of Plans Panel East for over 20 years

The Chair paid tribute to the extensive work Councillor Parker had undertaken in his Ward and his help on planning and stated that he would be greatly missed

Councillor Parker thanked the Chair for his tribute and said that his time on Council and Plans Panel East had been most enjoyable

196 Declarations of Interest

The following Members declared personal/prejudicial interests for the purposes of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Application 10/05670/FU – 56 The Drive Crossgates LS15 – Councillor Grahame declared a personal interest in view of his wife, Councillor Pauleen Grahame's involvement in this case (minute 201 refers)

Councillor Lyons made a general declaration through being a member of West Yorkshire Integrated Transport Authority

(A further declaration of interest was made later in the meeting, minute 203 refers)

197 Apologies for Absence

Apologies for absence were received from Councillor Pryke

198 National Planning Policy Framework

The Head of Planning Services provided an update on the National Planning Policy Framework (NPPF) which had been published on 27th March ahead of a fuller briefing at the next Joint Plans Panel meeting scheduled in June 2012

Members were informed that LPAs should be taking a proactive and positive approach to growth. There was a general presumption in favour of sustainable

development, with 'sustainable' being defined in terms of three dimensions, these being:

- economic
- social
- environmental

The NPPF contained 12 core planning principles, with reuse of brownfield land being encouraged; good design was also recognised within the Framework

In terms of housing land supply, reference was made to holding a 5 year land supply with an additional buffer of 5% to ensure choice and competition in the market for land. However, where there had been a record of persistent under delivery of housing, LPAs should increase this to 20%. In respect of town centres, these were being prioritised

Members were informed that the NPPF was brief and broadbrush, with some detailed Planning Policy Guidance being replaced by a few lines and that as this was now a material planning consideration, reference to the NPPF would begin to be included in reports before Panel

In response to a query, the Head of Planning Services stated that minerals planning was covered in the NPPF

199 Minutes

RESOLVED – That the minutes of the Plans Panel East meeting held on 22nd March 2012 be approved

200 Application 11/05251/FU - Double garage to side with room over and single storey link extension to main house; first floor extension with portico; two dormer windows to front and enlarged area of hardstanding to front - Pine Lodge 18 Bracken Park Scarcroft LS14

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a double garage with living accommodation above and a range of extensions and alterations, including the provision of two dormer windows to Pine Lodge, Bracken Park Scarcroft LS14. Members were informed of an error in the report at paragraph 8.5 and confirmed that the property was not sited within the Green Belt

The Panel heard representations from an objector – Councillor Rachael Procter – and from the applicant's agent who attended the meeting

Members discussed the following matters:

- the level of neighbourhood consultation which had taken place by the applicant
- whether trees had been felled on the site, with the applicant's agent stating that no tree felling had taken place within the site
- the prominence of the site with concerns the proposal was excessive
- the possibility in the future, of the garage being converted wholly to living accommodation. Officers stated that planning permission would be required for this
- that a previous garage had been converted to ancillary living accommodation for occupation by member of the owner's family and

that enforcement could look at any alleged breach of this, if formally made

- the inclusion of dormers in the scheme and that rooflights might be more appropriate

The Panel considered how to proceed. A proposal to refuse the application was made and seconded. Further discussions took place with the proposal to refuse being withdrawn in favour of deferring for further negotiations

RESOLVED – That the application be deferred to enable further negotiations and consultation with neighbours and Ward Members on the proposals and particularly the removal of the dormers within the scheme and a reduction of the development to address concerns about the impact of the proposals on the overall character of the area, with the Chief Planning Officer being asked to submit a further report in due course for the Panel's determination

201 Application 10/05670/FU - 3 bedroom detached house incorporating second floor ancillary granny annexe to garden plot (part retrospective) - 56 The Drive Cross Gates LS15

Further to minute 56 of the Plans Panel East meeting held on 11th August 2011, where Panel refused a revised application, Members considered a further report of the Chief Planning Officer in light of the recent Court judgement on this matter

Plans, drawings and photographs were displayed at the meeting

Officers presented the report and informed Members that the Inspector's letter on the most recent appeal was not attached as stated but had been when the Panel had previously considered the matter in August 2011

The Deputy Area Planning Manager drew the Panel's attention to paragraph 5.4 of the submitted report which explained that during the recent court hearing, consideration to altering the appearance of the dwelling, particularly the roof form had been discussed. As Officers were not seeking further revisions to the scheme, the applicant's request for this to be put formally in writing to him had not take place. On this matter, a representation had been received from the applicant's solicitor expressing concern and requesting that the application be removed from the agenda to enable discussions to take place. As a result of this request, Panel was asked to take a view on this with Members being informed there was no obligation to seek further amendments to the submitted scheme

Members were informed that the Court's view of the original site plan which had been submitted was that it was so inaccurate, (as it showed the street to be level, which is not the case) that it could not be relied upon. A survey had been carried out which confirmed this with Officers being satisfied on the accuracy of the latest street survey

In respect of the height, Members were informed that the applicant was of the view that this was correct at 10.4m. Whilst the Judge had confirmed the maximum height should be 10.4m, he had not come to a decision on where this would be measured from, with Officers of the view that the height of the property could be considered in the round and therefore, due to the inaccuracies in the original street plan submitted with the application, they would no longer support the fall back position

Photographs showing alterations which had been made to the ground levels to achieve a height of 10.4m were displayed

The current proposal was outlined, which contained some design differences from the previous scheme and was set back 0.9m to the front and 0.8m at the rear, although Officers were recommending the application be refused as set out in the report before Members

Having considered the report and the Officer's presentation, the Chair was satisfied that the Panel was in receipt of all the information needed to determine the application

The Panel heard representations from the applicant's agent and an objector who attended the meeting

The agent's comments that his client sought an amicable solution to the situation were noted as was the length of time – 7 years – this matter had been ongoing

Tribute was again paid to the tenacity of the local residents in seeking to resist an illegal development in their community

RESOLVED - That the application be refused for the following reason:

The proposed retention and modification of the dwelling house would by reason of its excessive height and resulting scale, mass and bulk relative to its immediate neighbours, in conjunction with the uncharacteristic vertical emphasis of the overall design appear obtrusive and represent a discordant feature in the street scene to the detriment of the character and appearance of the area. As such, the development would be contrary to Policies GP5, N12 and N13 of the Leeds Unitary Development Plan (Review), residential design guide for Leeds 'Neighbourhoods for Living' and the design advice contained within the National Planning Policy Framework

202 Application 12/00324/RM - 29 dwellings - land off Whitehall Road Drighlington

Plans, photographs and drawings were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to a Reserved Matters application for 29 houses on a greenfield site off Whitehall Road Drighlington; the Outline planning permission having been granted on appeal

Members were informed that the scheme had been revised down to 29 properties, these being a mix of terraces, semi-detached and detached dwellings of two storey and two storey with rooms in the roof; the layout of which was largely fixed by the access arrangements and the topography of this sloping site. Officers were satisfied that the proposed density was acceptable and allowed for adequate separation distances between properties. In terms of parking, 34 garages were proposed together with 51 open parking spaces, with Highways being satisfied on the level of parking provision

A further representation from Councillor Leadley was reported with his concerns being outlined. Members were informed that discussions were taking place about the pedestrian refuges on Whitehall Road as were negotiations about a strip of land between the site boundary and the land beyond, which would form part of the landscape management plan

Following the advertisement of the revised plans, four letters of objection from local residents had been received. In terms of the level of representation on the

application, it was confirmed that 39 letters of representation were originally submitted

As a result of the reduction in the number of units proposed, the Greenspace contribution had been recalculated and would now be £49,800

If minded to approve the application, an additional condition was recommended regarding provision of obscure glazing in the north west facing openings to Plot 17

Members discussed the application and commented on the following matters:

- the position the Council had found itself in on applications on greenfield sites following recent appeal decisions, with concerns that this situation would be repeated as developers continued to seek to develop greenfield sites ahead of brownfield sites
- that the site was not considered to be sustainable as set out in the NPPF
- possible flooding issues, with Officers stating that this was considered at Outline stage and a contribution extracted for improvements at Lumb Wood Beck
- that determination of the application should be deferred and delegated to Officers to enable further dialogue with Ward Members and residents on aspects of the scheme, particularly the impact on No 85 Whitehall Road
- that the density of the scheme had been reduced and now provided good separation distances between dwellings

The Panel considered how to proceed

A proposal to approve the scheme was made and seconded after which a brief discussion took place on the Council's housing land supply; the role of Neighbourhood Plans on such schemes and the importance of negotiations with Ward Members and local residents when trying to resolve outstanding issues

RESOLVED - That the application be granted subject to the condition set out in the submitted report and an additional condition in respect of provision of obscure glazing in the north west facing openings to Plot 17

(Under Council Procedure Rule 16.5, Councillor Finnigan required it to be recorded that he voted against the matter)

203 Application 12/00450/FU - Detached garage with first floor office - The Coach House Carr Lane Thorne LS14

Plans and photographs were displayed at the meeting. A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to an application for a detached garage with first floor office at The Coach House, Carr Lane, Thorne LS14 which was situated in the Green Belt and a Special Landscape Area

Members were informed that despite a slight reorientation of the garage from the plan before Panel, Officers were of the view that the application should be refused as set out in the submitted report

(Councillor Procter declared personal interests through being friends with residents at two nearby properties, although the application did not affect either of these properties)

The Panel heard representations from the applicant who attended the meeting Members discussed the following matters:

- the increase in development within the Green Belt which, taking into account previous extensions would be 133%
- the access arrangements to the proposed garage
- planning policy in relation to development within the Green Belt
- that no objections had been raised by neighbours to the proposed garage
- the possibility of further development of the building in the future, in view of its siting and whether imposing a condition restricting the use to a garage could be considered
- the need to review the policy relating to the level of permitted extensions

The Panel considered how to proceed

RESOLVED – That the Officer's recommendation to refuse the application be not accepted and that a further report be submitted to the next meeting setting out suggested conditions to be attached to an approval

204 Application 11/03228/FU - Installation of one detached 15.5m high wind turbine to field - Blackhill Farm Black Hill Lane LS16

Further to minute 190 of the Plans Panel East meeting held on 22nd March 2012 where Panel resolved to grant permission for the installation of a wind turbine at Blackhill Farm, LS16, the Panel considered a further report of the Chief Planning Officer providing an update to the previously submitted report

Officers presented the report which had been resubmitted to Panel following receipt of a letter on behalf of Alwoodley Parish Council, the contents of which had been considered by Planning Officers and Legal Services. Whilst the letter did not raise any new material considerations, it highlighted that the report before Members in March did not accurately set out all of the representations which had been received in respect of the application. As such, the report before Members set out the Parish Council's comments in full and had been updated to reflect the implementation of the National Planning Policy Framework

RESOLVED - That the application be granted subject to the conditions set out in the report submitted on 22nd March 2012

205 Dates and times of next meetings

Thursday 17th May 2012 at 1.30pm in the Civic Hall Leeds

Thursday 7th June 2012 at 1.30pm in the Civic Hall Leeds