

NORTH AND EAST PLANS PANEL

THURSDAY, 29TH NOVEMBER, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, A McKenna,
J Procter, E Taylor, B Selby and
B Anderson

21 Chair's opening remarks

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

22 Late Items

There were no late items

23 Declarations of Disclosable Pecuniary and other Interests

There were no declarations of disclosable pecuniary interests, however Councillor Macniven declared an other interest in application 12/01597/FU – 11 Old Park Road Gledhow LS8 through being a Ward Member for Roundhay and living in close proximity to the site (minute 26 refers)

24 Apologies for Absence

Apologies for absence were received from Councillor Wilkinson, who was substituted for by Councillor Anderson

25 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 1st November 2012 be approved

26 Application 12/01597/FU - Alterations to existing unauthorised residential annexe at 11 Old Park Road Gledhow LS8

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

Officers presented the report which sought approval for alterations which had been made to an existing unauthorised residential annexe at 11 Old Park Road Gledhow, which was situated in the Roundhay Conservation Area

The Panel noted the planning history and that several applications in respect of the annexe had been refused since planning permission was first granted in 2007, with enforcement proceedings being implemented culminating in appeals and a public inquiry, with the Inspector requiring the building to be demolished within 8 months of the date of his decision, this being by 19th April 2011. The Panel also noted that a further application had been submitted in December 2010 which was subsequently refused by Plans Panel East at its meeting on 6th October 2011 (minute 85 refers)

Members were informed that when comparing the 2007 approved scheme with the current application, the first floor level would be identical to that which was approved in 2007, although at ground floor level this would be 2.6m longer and slightly higher by approximately 10cm. The footprint of the proposed building would be 25% larger than that approved in 2007 but would be constructed narrower than that originally approved. The accommodation in the roofspace of the existing building would be removed; the gable roof of the annexe would be removed and lowered to a pitch roof and re-clad in clay tiles. In respect of the windows, the UPVC windows would be removed and replaced by timber frames

Alongside these alterations, Members were informed that the applicant had agreed to enter into a unilateral undertaking which would restrict occupancy of the annexe building solely to family members of the occupants of the main dwelling on the site. If minded to approve the application, Officers proposed that a timescale for the completion of the necessary works should be incorporated into the unilateral undertaking, which would also include timetables for the submission of details to discharge conditions

When considering the application, Officers advised Members that the main issues related to:

- the principle of development – and that an annexe to the main house had been accepted by the Inspector
- the impact on the Roundhay Conservation Area – that the Inspector identified a sense of spaciousness to the properties surrounding the Park and that as built, the annexe was too big and constrained this openness. The proposal before Panel had been reduced and to the front, now complied with the 2007 approval. It was the view of Officers that the proposed alterations helped address some of the concerns which existed and that on balance, it could be difficult to refuse on the grounds of the minor impacts on the Conservation Area which remained

Receipt of further representations were reported, these being from Gledhow Valley Conservation Group; a local resident; Leeds Civic Trust and local Ward Members Councillor Urry and Councillor G Hussain

If minded to grant the application, Officers recommended a further condition to set out that the development to be carried out in accordance with the approved and specified finished floor levels and ridge height. A amendment to condition no. 2 was also recommended to specify the development to be built in accordance with the most recently submitted plans

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

Members discussed the application and commented on the following matters:

- that the situation concerning this development, as described to Panel, brought the planning process into disrepute
- the length of time which had been spent on this development; Plans Panel East's concerns about the application which had been considered in October 2011; the fact that an Inspector had required the annexe to be demolished and why this had not been followed up by Officers
- the materials used and whether if approved, the building would remain the existing colour of whether it would be rendered to match the host property
- the applicant's agent's comments that a draft unilateral undertaking could be submitted to the Council within a few days and the possible timescales for Officers to deal with this

The Head of Planning Services stated that Officers had sought to pursue the enforcement matter but that where, as in this case, an applicant wished to submit a further application, on the grounds of reasonableness, this had to be considered. In relation to the application now being considered, there had been a substantial push by the applicant to retain more of the first floor and that the lengthy negotiations which had taken place were reflected in the time taken to bring a scheme before Panel which could be recommended for approval

In terms of the Inspector's decision, some of the scheme was found to be acceptable and that proportionality also had to be considered when seeking an outcome

Concerning the unilateral undertaking, a completed document had not yet been obtained from the applicant as this was a relatively recent proposal and arose only when an acceptable scheme had been drawn up

The Panel's legal adviser stated that it would be possible to deal with the documents for the unilateral undertaking fairly quickly but this would require a willingness on both parties and for there not to be any problems arising out of the documentation

In respect of materials, Members were informed that the existing stone material would be retained and that this was considered to be acceptable by the Council's Conservation Officer

Members considered how to proceed with concerns continuing to be raised at the way the development had proceeded in this case; the time taken to deal with the issues it had raised and that what was being proposed was a material change from the original proposals

Discussions also took place on the recommendation proposed with Members requiring the application to be determined by Panel rather than delegated to the Chief Planning Officer, in the event that a satisfactory unilateral undertaking was not submitted by the applicant

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report, subject to an amendment to condition no.2 to state that the development to be built in accordance with the approved plans to refer to the most recently submitted

plans; an additional condition requiring the development to be carried out in accordance with the approved and specified finished floor levels and ridge height and the receipt of a completed and signed unilateral undertaking from the applicants restricting occupation of the annexe building to family members of the occupants of the main dwelling and tying the applicants into completion of the works to comply with the plans now submitted within a period of 8 months from the date of the decision

In the circumstances where the unilateral undertaking has not been completed within 3 months of the resolution to grant planning permission, that a further report be submitted to Panel for determination of the application

27 Application 12/03841/FU - Detached bungalow to side garden plot at 7 Brookside Alwoodley LS17

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

Officers presented the report which related to an application for a detached bungalow to a garden plot at 7 Brookside, Alwoodley LS17

The planning history of the site was outlined for Members who were informed that previous proposals for a residential dwelling on the site had been refused, with the most recent refusal being in October 2010

Members were informed that the development site was constrained due to an easement which ran across it which had to be kept clear, however the application before Panel sought to address previous concerns raised in relation to the proximity of the hedge and the width of the driveway which would now be 3.3m in width as requested by the highways officer

In terms of recent policy changes, it was stated that the changes to national planning policy, initially set out in PPS3, was relevant in this case as it removed gardens from the definition of previously developed land and in this case it was felt gave greater weight to the reason for refusal which was proposed in report before Members

The receipt of further representations was reported, with additional representations being received from Harewood Parish Council stating that its objection was to be withdrawn; the applicant who requested determination of the application to be deferred to enable Councillor Buckley, a local Ward Member, further consideration in view of a recent site visit he had undertaken with the applicant and from Councillor Buckley who had stated that some of his previous concerns about the proposal had been overcome but that some remained

As the recommendation within the report was to refuse the application, in line with the Council's Protocol for Public Speaking at Plans Panels, Members heard representations firstly from the applicant and then from an objector who attended the meeting

The Panel considered how to proceed and the Panel's Lead Officer suggested if minded to refuse the application, that the proposed reason be amended to include reference to a cramped and over-intensive form of development causing harm to the character of the area

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

The proposals, by reason of the size, scale and design of the proposed dwelling, including hardstanding and the loss of mature landscaping within the site, would fail to reflect the character and pattern of surrounding development and would result in the loss of a mature garden area which is considered to be a positive feature within the context of this established residential area and would lead to a cramped and over-intensive form of development causing harm to the character of the area. The proposed development is therefore considered to be of significant detriment to the character and appearance of the area, contrary to policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Review 2006 and the guidance in Supplementary Planning Guidance 13 and the National Planning Policy Framework

28 Date and Time of Next Meeting

Thursday 20th December 2012 at 1.30pm in the Civic Hall, Leeds

29 Chair's closing remarks

In closing the meeting, the Chair paid tribute to Mr David Marsh, the Local Government reporter with the Yorkshire Evening Post, who was to retire from the paper at the end of the week and commented on the fairness of his reporting of Council business and that he would be sadly missed