

NORTH AND EAST PLANS PANEL

THURSDAY, 20TH FEBRUARY, 2014

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Grahame,
M Harland, C Macniven, J Procter,
G Wilkinson, J Harper, M Lyons and
J McKenna

99 Chair's opening remarks

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

100 Late Items

There were no late items

101 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interest, however in respect of application 13/04775/FU – Wetherby Golf Club, Councillor Wilkinson brought to the Panel's attention that he was a playing member of the club (minute 104 refers)

102 Apologies for Absence

Apologies for absence had been received from Councillor A McKenna who was substituted for by Councillor J McKenna

103 Minutes

RESOLVED – That the minutes of the North and East Plans Panel meeting held on 23rd January 2014 be approved

104 Application 13/04775/FU - Retrospective application for use of land as car park - Wetherby Golf Club, Linton Lane, Wetherby

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

Officers presented the report which sought retrospective approval for the use of land as a car park at Wetherby Golf Club, Linton Lane LS23, which was situated in the Green Belt and a Special Landscape Area. The proposed overflow car park was located within a tree belt which was covered by a TPO

Members were informed that four conifer trees had been removed, although it was the view of the Council's Tree Officer that the removal of the conifers had not led to a significant impact on the remaining trees

In respect of Green Belt policy, the justification for the scheme was the need for additional car parking at the Golf Club which would also prevent parking on Linton Lane, which was extremely narrow, therefore there would be highway safety benefits to the proposals

It was acknowledged that the conifers should not have been felled; that there were no proposals for further removal of trees and a condition was proposed to require replacement by replanting of appropriate species

Members discussed the application and commented on the following matters:

- the possible sanctions for the removal of trees on Green Belt land. The Head of Planning Services advised this was a prosecutable offence, with severe financial penalties if the person responsible has benefitted financially from their action. Members were informed this was unlikely to have been the case here
- evidence on site that the conifers which had been removed had been burned, with concerns raised about this. Members were informed that it would be for the Tree Officer to investigate the incident and decide whether to pursue a prosecution
- the location of two containers and a bottle bank in the car park, which were taking up several car parking spaces and what action could be taken to remove them. It was reported these did not have planning permission and that an enforcement case could be opened
- the fact that the clubhouse and car park were located on a SHLAA site, with local residents being concerned that any extension of the car park would be an extension of the SHLAA site
- the possibility of tying the consent for the car park extension with the re-siting of the bottle bank and the resiting/ removal of the containers
- the need for some boundary treatment to demarcate the parking area and prevent cars coming too close to the trees
- that the car park extension should be properly surfaced and that tarmac should not be used
- the need for conditions to be reworded to require the applicant to carry out the necessary works prior to occupation

The Panel considered how to proceed, with concerns continuing to be raised about the loss of TPO trees and that a strong stance against this should be taken. The Head of Planning Services reiterated the process for determining whether a prosecution should be brought and confirmed that the Panel's views would be conveyed to the Tree Officer and Wetherby Golf Club. The suggestion was also made that if storage was required for golf buggies,

then a type more appropriate within the Green Belt and Special Landscape Area should be considered

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, with the following amendments:

Condition 2 – The details of the trip fence to be submitted prior to the use of the overspill car parking commencing

Condition 4 – The re-planting scheme to be submitted prior to the use of the overspill car park commencing, together with a timetable for implementation

and an additional condition requiring the removal/resiting of the containers and the bottle bank prior to the use of the overspill car parking commencing

In addition, the Chief Planning Officer be asked to write to the Golf Club conveying the Panel's views on the unauthorised felling of the trees and stressing this serious offence should not occur again

(Under Council Procedure Rule 16.5, Councillor Wilkinson required it to be recorded that he abstained from voting on this matter)

105 Application 13/05716/FU - Variation of condition 16 of approved application 13/01857/FU (residential development of 11 detached dwellings with associated access, parking, drainage and landscaping) to remove two proposed islands on Wetherby Road, currently part of the approved Section 278 Works at Castle Mona Lodge, Wetherby Road, Scarcroft

Further to minute 41 of the North and East Plans Panel held on 5th September 2013, where Panel agreed in principle to an application for 11 residential dwellings, with associated parking, landscaping and access, the Panel considered a further report of the Chief Planning Officer seeking approval to a variation of condition no 16 of that approval, in respect of off-site highway works

Plans, drawings and photographs were displayed at the meeting

Officers presented the report and informed Members that the full application for the scheme had included two pedestrian refuge islands and a ghost island right turn. The applicant now sought to remove the proposed pedestrian refuge islands as due to the width of the A58, it was not possible to accommodate them or increase the width of the road to achieve the works. The Panel was informed that these works although desirable, were not an essential requirement of the development

Members discussed the application with concerns being raised that the view of the Highways Officers had changed as it was felt that in September 2013, Highways considered that the islands were necessary. The Highways Officer in attendance was not Mr Hodgson, the Panel's usual representative, as he was on leave, and in response to the comments made, advised that having reviewed the need for the islands, he was satisfied there was not a requirement for them when considering the guidance; that although accidents had occurred on the A58, these had been further along; that the average

speed in this area was 33mph during the day; that pedestrian crossing points to access bus stops did exist further along and that a ghost right turn was entirely appropriate and in line with highways arrangements in the area

The Panel continued to discuss the matter, with the following issues being raised:

- the possibility of the S106 Agreement being amended in view of the proposed alterations, with a contribution towards other highway safety measures in the locality
- the process for evaluating the highway implications of applications; concerns that despite being considered by Panel and a site visit undertaken, this matter had only come to light once planning permission had been secured
- that accurate information should be provided
- the need for Ward Members to be consulted and their views obtained on the proposals

The Panel considered how to proceed, with the Chair suggesting that Mr Hodgson e-mail Members with his response regarding a change of view about the provision of islands on Wetherby Road in relation to the approved development

RESOLVED - To defer and delegate approval of the application to the Chief Planning Officer subject to a satisfactory response from the Panel's Highways representative; consideration as to whether any other highway safety measures were required within the locality, subject to compliance with the CIL Regulations and the inclusion of a Deed of Variation of the S106 Agreement in view of this being a S73 application to amend a previous condition and to impose any conditions which may still be relevant, all of these matters subject to Ward Member consultation and comments

106 Application 13/02352/FU - First floor extension to side -10 Shadwell Park Court, Shadwell, Leeds

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

Officers presented the report and outlined the application which was for an extension over an existing garage being flush with the front elevation of the property and set in from the side boundary with the adjacent property. Members were informed that Officers had concerns about the design of the proposals and that an undesirable precedent could be set if the application was approved. Officers had advised that re-designing the application to provide a set back from the front elevation might be supported but the applicant required the application to be considered on its merits

The Panel heard representations from the applicant who provided information which included:

- the need for the extension due to a growing family
- the length of the time the application process had taken
- that indications had been made that the application would be approved by Officers
- errors in the report relating to the percentage increase the extension would afford

- relevant parts of the Householder Design Guide
- the shallow pitch of the roof and the problems this caused in trying to achieve what Officers now sought

Members considered the application and sought clarification from Officers on points made by the applicant

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

The Local Planning Authority consider that the proposed extension, owing to its overall width, lack of set back from the front elevation and lack of set down from the main ridgeline would result in an incongruous form of development which would fail to be subservient to the existing dwelling, would be harmful within the streetscene and detrimental to the character of the area, including the spatial separation of other dwellings in the locality. As such, the development is contrary to Policies GP5 and BD6 of the Council's Unitary Development Plan (Review 2006) and to Policy HDG1 of the SPD Householder Design Guide and to design advice contained within the NPPF

107 Application 14/00457/FU - Single storey side/rear extension - 477 Leeds Road, Scholes LS15

Plans, drawings and photographs were displayed at the meeting

Officers presented the report which sought approval to a single storey side/rear extension at 477 Leeds Road, Scholes LS15, which had been brought to Panel for determination as the applicant was an Officer who worked closely with Development Management Officers and administered Plans Panel meetings. Members were informed that the publicity period for the application had not yet expired but was being brought for determination to ensure the decision was issued in time

Members were informed that the property was located in the Green Belt and although being over the usual 30% threshold allowed in the Householders Design Guide, this limit was not definitive as the test was whether the increase was disproportionate. An appeal had been allowed for a similar form of development in close proximity to the subject site

Members discussed the application and commented on the following matters:

- the arrangements for car parking and concerns that a car parking plan had not yet been submitted
- that the photographs displayed showed that cars were parked partially and in some cases, wholly on the street
- the volume of the extension, which Officers confirmed as being just over 50% increase on the original house
- the poor quality of the plans which had been submitted
- that similar schemes had been granted approval

RESOLVED - To defer and delegate approval to the Chief Planning Officer subject to the expiry of the publicity period and no objections being received that raised new planning issues and subject to the conditions set out in the submitted report

108 Application 13/03029/FU - New section of wall, increase in height to part of existing wall and timber pedestrian gate - Dene Cottage, Linton Lane, Linton LS22

Further to minute 55 of the North and East Plans Panel meeting held on 3rd October 21013, where Panel approved an application for a new section of wall, increase in height to part of existing wall and timber pedestrian gate at Dene Cottage Linton, LS22 subject to conditions including one requiring the new section of wall to be a dry stone wall, to consider a further report of the Chief Planning Officer

Plans and photographs were displayed at the meeting. Members had passed the site on their site visits prior to the meeting

Officers presented the report and informed Members that the applicant had undertaken works to the wall and had advised that although the wall appeared to be dry stone, this was not the case and that the mortar had crumbled away. As the applicant had re-pointed the existing section of the wall, its mortar joints were evident. Officers were seeking agreement not to enforce the dry stone condition as the new section of wall would not match and there would be visual discontinuity between the two elements

Members discussed the report and commented on the following matters:

- that the images shown on the photographs did not reflect what was on site
- that there was a planning history to the site
- the need for clarity on what was being agreed upon
- that a sample panel had not yet been provided by the applicant in order to discharge the planning condition
- the difference in the type of stone being used to construct the wall
- that lime mortar should be used
- that Ward Members should be consulted in respect of the sample panel to be agreed

RESOLVED - To note the report and to accept the recommendation to not take enforcement action against the non-compliance with condition 5 of the planning approval, as the use of mortar was considered to be acceptable instead of dry stone walling and to note the use of lime mortar was specifically requested. In respect of the consideration of a sample panel of walling, this to be deferred and delegated to Officers, subject to consultation with Ward Members

109 Application 13/00293/NCP3 - Appeal against enforcement notice requiring the dismantling of the development as built and its reconstruction in accordance with the plans and elevation drawings to planning permission 12/01887/FU - 41A Stainburn Crescent, Leeds

Members considered a report of the Chief Planning Officer setting out an appeal against an enforcement notice in respect of unauthorised development at 41A Stainburn Crescent LS17

It was the decision of the Inspector to allow the appeal as it was the view of the Inspector that the difference between the approved planning application and the partially built structures were not harmful. In reaching the decision a further condition was imposed

RESOLVED - To note the report and the appeal decision

110 Application 13/02873/FU - Appeal decision against refusal of planning permission for an amendment to the length of the first floor and window positions and window materials of the approved annexe building under planning application 12/01597/FU - 11 Old Park Road, Roundhay

Members considered a report of the Chief Planning Officer which set out the Inspector's decision following an appeal lodged against refusal for amendments to an approved scheme at 11 Old Park Road Roundhay

It was the decision of the Inspector to dismiss the appeal

Members were informed that the applicant had until 18th August 2014 to complete the 2012 permission and in view of the issues which had occurred on the site, Officers had written to the applicant to encourage him to complete the works and reiterating the approved dimensions. In the event the works had not been satisfactorily completed, the Council could consider serving an injunction. Members were informed that regular visits by Officers would be made to the site to monitor progress

The Panel discussed the report; commented on the costs incurred in dealing with this matter and queried whether these could be recouped. The Head of Planning Services advised that in planning appeals, only the cost of the appeal could be recouped. For this appeal, the matter had been dealt with by written representations and that for a costs claim, unreasonable behaviour in respect of the appeal would need to be demonstrated

RESOLVED - To note the report, the appeal outcome and the comments now made

111 Date and Time of Next Meeting

Thursday 27th March 2014 at 1.30pm in the Civic Hall, Leeds