Leeds CITY COUNCIL


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| Originator: | David Jones |
| Tel: | 0113 2478000 |


**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date:** 23rd October 2014

**Subject:** 14/00575/FU – 4 bedroom detached house incorporating basement accommodation (part retrospective) at No. 56 The Drive, Cross Gates, Leeds

| APPLICANT | DATE VALID | TARGET DATE |
|---|---|---|
| Mr I Gordon | 27th January 2014 | 24th October 2014 |

**Electoral Wards Affected:**

**Crossgates & Whinmoor**

Yes — Ward Members consulted (referred to in report)

**Specific Implications For:**

- Equality and Diversity ☐
- Community Cohesion ☐
- Narrowing the Gap ☐

**RECOMMENDATION: GRANT permission subject to the terms of the unilateral undertaking regarding implementation and the following conditions:**

1. Implementation within 3 months
2. Approved plans
3. External materials (including any new) to match existing
4. No occupation unless off-street parking provided
5. Permitted development removed
6. No additional openings to be formed in side elevations. Those which are permitted to be obscure glazed and fixed
7. Total ridge height to be in accordance with approved streetscene plan
8. Landscaping scheme to be provided within 1 month
9. Tree protection measures during demolition and construction

Full details and wording of conditions (including any amendments and additions considered necessary) to be deferred and delegated to the Chief Planning Officer.

## 1.0 REPORT UPDATE SINCE THE JULY PLANS PANEL:

1.1 This application was previously considered by Members at the July Plans Panel meeting when a site visit was also undertaken. At that time the officer recommendation was that of refusal and was based on the applicant's failure to provide any formal commitments regarding implementation of the submitted application which sought to alter the unauthorised dwellinghouse present on the site.

1.2 Following consideration of the application and hearing from the applicant, a local resident and Councillor Gruen the Ward Member, the Panel resolved that subject to legal clarification, to refuse the application for the following reason:
*"The application proposes extensive alterations to an existing unauthorised building that has itself already been refused planning permission and dismissed at appeal due to the harm it has on surrounding residents' living conditions and also the character and appearance of the site and surrounding area. In the absence of any formal commitment relating to the implementation of the development subject to this application there is no mechanism in place to ensure the harm currently being experienced will be remedied. The application in its entirety therefore fails to address the site specific circumstances which exist would be contrary to Policies GP5, N12, N13 and BD5 of the Leeds UDPR (2006), residential design guide for Leeds 'Neighbourhoods for Living' and the advice contained within the NPPF which combined seek to ensure developments do not adversely impact on residential amenity or the character and appearance of an area."*

1.3 Legal advice subsequently confirmed that the Panel could have lawfully resolved to refuse the application on the grounds proposed if the applicant had been unwilling to provide an appropriate undertaking. However since that time there has been a material change in circumstances as a result of which it has been considered both appropriate and necessary for the application to be referred back to Panel for further consideration. Firstly, following the July Panel meeting it was confirmed that the applicant's solicitors had contacted Planning Services very shortly before the Panel meeting expressing a view that their client wished to submit a suitable undertaking. Secondly, and more significantly, in the intervening period the applicant through his solicitors has liaised closely with the Council and has submitted a signed and dated S106 undertaking which officers consider addresses the outstanding planning concerns relating to the implementation of the proposed development. The application is therefore before Members with an officer recommendation for approval.

1.4 A copy of the completed undertaking is appended to this report. The key terms of that undertaking are as follows:

- To Commence the Development within 4 weeks of the grant of the Planning Permission.
- To notify the Council in writing within no more than 7 days of the date of Commencement of Development.
- To undertake the Development in accordance with the Planning Permission and in particular:-
  - to agree the position of the exterior rear wall of the building on site with the Council at the point of implementation of that part of the Planning Permission;
  - to agree the alterations to the roof structure on site with the Council to ensure a total ridge height which is in accordance with the approved street scene plan is achieved; and

- Subject to force majeure and the Council in its reasonable discretion agreeing any extension, to Practically Complete the Development (defined as constructing the external shell and to a level to be certified by LCC Building Control) within 7 months of Commencement of Development.

- In the event that the Development has not reached Practical Completion:-
  - to demolish the building to ground level within 2 months of a written request by the Council so to do and for the avoidance of doubt, in effecting such demolition the existing basement shall be rendered incapable of use: and
  - in the event that demolition is not achieved, to permit the Council to enter onto the Land and effect the demolition and pay to the Council all its reasonable costs incurred.

1.5 Members will recall from the previous Panel report (which is appended) that in light of the fall-back position (the 2005 planning permission) officers are broadly supportive of the actual alterations proposed to the existing unauthorised dwellinghouse and it was only the absence of any formal commitments regarding the implementation and completion of the proposed works that brought about the refusal recommendation. The need to remedy the existing harm caused by the unauthorised dwellinghouse through its alteration in a timely manner was the reason given why these further requirements from those normally considered necessary was required.

1.6 The officer assessment of the merits of the scheme has regard to the fallback position of the 2005 planning permission in that some compromises have been made in terms of assessment against current policy and guidance regarding design and amenity impact. In short what is proposed is considered to represent a significant improvement over the 2005 planning permission. For these reasons the commitments regarding implementation are considered to be necessary and justify the compromises from current policy and guidance as the applicant's ability to undertake the 2005 permission would be removed by default therefore securing benefits overall.

1.7 At the July Panel meeting during public speaking the applicant indicated a willingness to offer formal commitments regarding implementation and has followed up initial discussions by advancing a signed unilateral undertaking which is appended to this report. In the light of this progress, officers have held off from formally refusing the application as ultimately an appropriately worded undertaking would address the reason for refusal. The site's complex planning history also warrants the full exploration of this matter providing it does not result in unreasonable delays as it is important to bring this long standing dispute to a conclusion and an approval is more likely to achieve this.

1.8 The unilateral undertaking now on the table as part of this planning application commits the applicant to a timetable of works which are designed to secure the timely implementation of the proposed alterations. The timetable secures a start on site within 4 weeks of issuing a planning approval and the subsequent completion of the external shell 7 months after the start. The undertaking also outlines the various requirements to achieve the timetable including the need to obtain a Completion Certificate from the Council's Building Control section which confirms compliance with building regulations. The applicant will also need to amend the existing

undertaking given to the High Court due to his current commitment to demolish all of the existing building but this will be done separately.

1.9 The timetable has been developed in consultation with officers, the applicant's legal representative and also the preferred contractor to ensure it is both reasonable and realistic. Notwithstanding this, in recognition the actual build will be relatively complicated a clause has also been included whereby changes to the timetable can potentially be agreed in the event of any unforeseen circumstances or events beyond the applicant's reasonable control which is the 'force majeure' reference (e.g. a prolonged spell of extreme bad weather or a shortage of external matching materials causing delays) providing they are suitably evidenced.

1.10 With respect to public consultation regarding the content of the unilateral undertaking, a further meeting has been held with Ward Members, local residents and officers. The general view expressed was that the proposed development if constructed according to the approved plans would provide a much improved end result compared to both the existing building and also what could be constructed pursuant to the extant permission (the fall-back). The timing commitments were welcomed as was the back stop provisions relating to demolition should the development not proceed as proposed However some concern still remained about how the building would actually be altered and that an Approved Building Inspector might be used again rather than a Leeds Council Building Control Officer.

1.11 Residents concerns in relation to the Building Regulation process as opposed to the planning process are not relevant considerations in relation to this application. However, these concerns were drawn to the attention of the applicant who has confirmed that he does intend to appoint the Council's Building Control Services to oversee the works and the applicant has included the issue of the completion certificate by Building Control within the undertaking to reflect the sign off of Practical Completion. This, in conjunction with the other requirements of the unilateral undertaking and the commitment given by officers to regular monitor progress on-site are considered adequate to ensure the agreed process will be followed.

1.12 In the light of the above, the officer recommendation has been revised to that of approval and Members are formally requested to consider this revised recommendation.

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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date:** 24th July 2014

**Subject: 14/00575/FU – 4 bedroom detached house incorporating basement accommodation (part retrospective) at No. 56 The Drive, Cross Gates, Leeds**

| APPLICANT | DATE VALID | TARGET DATE |
|---|---|---|
| Mr I Gordon | 27th January 2014 | 24th March 2014 |

**Electoral Wards Affected:**

**Crossgates & Whinmoor**

Yes — Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: REFUSE for the following reason:**

1. The application proposes extensive alterations to an existing unauthorised building that has itself already been refused planning permission and dismissed at appeal due to the harm it has on surrounding residents living conditions and also the character and appearance of the site and surrounding area. In the absence of any formal commitment relating to implementation of the development subject to this application there is no mechanism in place to ensure the harm currently being experienced will be remedied. The application in its entirety therefore fails to address the site specific circumstances which exist and would be contrary to Policies GP5, N12, N13 and BD5 of the Leeds Unitary Development Plan Review (2006), residential design guide for Leeds 'Neighbourhoods for Living' and the advice contained within the National Planning Policy Framework which combined seek to ensure developments do not adversely impact on residential amenity or the character and appearance of an area.

## 1.0 INTRODUCTION:

1.1 This application is brought to Plans Panel for determination due to the site's complex planning history and for consistency in terms of the decision making process.

1.2 Members will recall that planning permission granted is 2005 for a house and detached garage. The garage was built in accordance with the planning permission but the house as constructed did not comply with that permission. The Council has served an Enforcement Notice to demolish the house and the matter has also been the subject of a number of hearings in the High Court. A chronology of events is set out in para. 1.6.

1.3 As a result of the above, a series of previous refusals on the site exists, the most recent of which was considered by Members at the July 2013 meeting. In accordance with the applicant's undertaking to the High Court this decision was appealed within a 28 day time period in order to bring a resolution to this long standing breach of planning control. The undertaking also committed the applicant to pursuing the appeal to a conclusion and timescales for implementing the scheme if the appeal was allowed or demolishing the building if it was dismissed. The appeal has recently been dismissed and accordingly the clock has started in terms of needing to comply with the 6 month demolition commitment which was triggered on 6th June 2014.

1.4 The original intention behind this current application was for it to be an alternative to pursuing the appeal scheme or implement the 2005 fallback scheme which has been protected through the partial construction of the detached garage. Progress on this current application has however been stalled due to the applicant's unwillingness to advance any formal commitments regarding implementation. In these circumstances implementation is important and necessary because the current application seeks to alter the existing building which has already been confirmed as being harmful to both local residents living conditions and also because of character and appearance issues. Although the applicant's solicitor has recently sought further guidance on this matter with the architect also requesting the application be deferred, officers are of the opinion sufficient time has been provided to enable this issue to be resolved. For this reason and following the recent receipt of the Inspector's decision letter which effectively closes off one of the applicant's options officers consider it is appropriate to bring this current application to a conclusion.

1.5 As with the previous applications Members should still have regard to the fallback established by the 2005 permission and the comments made in the most recent Inspector's decision letter are also pertinent as they clearly suggest it is reasonable to require the current application to achieve significant advantages over the fallback. The officer recommendation has considered these matters carefully and whilst the revised design clearly has merit from both visual and residential amenity perspectives, the absence of any formal mechanism regarding implementation is such that there is no guarantee that the harm currently being experienced will be remedied even if this application is approved. For this reason the current application cannot be supported.

1.6 For Members information, a brief summary of the history of the site is set out below for ease of reference and to provide context to this current proposal.

- Permission granted in 2005 to construct a detached dwelling (with granny annex) within the side garden of No. 56.

- Work commenced on site in 2007 but not in accordance with approved plans.
- Revised application submitted to retain what had already been constructed but Members resolved to refuse permission.
- Appeal against non determination lodged before the refusal was issued - appeal dismissed in April 2008.
- Enforcement notice requiring demolition served 2008.
- Notice appealed but also dismissed (notice required demolition of the dwelling by late March 2009)
- Applicant failed to comply with enforcement notice and was successfully prosecuted within the Magistrates Court.
- Injunction proceedings brought to require compliance with the enforcement notice and considered in the High Court.
- Injunction not granted - applicant gave undertaking that a fresh planning application would be submitted as an alternative to complete demolition. Declaration that permission authorises construction of a building which is 9.3m wide.
- Planning application submitted January 2010 but recommended for refusal. Decision to refuse deferred pending consideration of the Applicant's application to the court within the legal proceedings arguing that the Council was estopped from considering height.
- Further High Court hearing to consider applicant's application. Applicant unsuccessful on application for a declaration that the Council was estopped from considering the issue of height. Declaration given by the Court that a building constructed pursuant to planning permission 32/306/05/FU (the fall back) in such a manner that no part of the ridge thereof was more than 10.4m higher than the ground level adjacent to the footprint of the building at the time of the grant of the said planning permission would accord with the said planning permission in respect of its absolute height and it height relative No.s 50 and 56 The Drive.
- Planning application reconsidered by East Panel and formally refused in April 2012.
- Appeal lodged shortly afterwards in accordance with original undertaking but subsequently withdrawn.
- Planning application submitted in July 2012 and refused in September 2012.
- High Court of Justice Order of 16th April 2013 where the applicant gave another undertaking to submit another application (full details set out at para. 4.3).
- Revised application submitted in May 2013 but refused in July 2013.
- Appeal lodged in accordance with undertaking to the court and dismissed by Inspector's decision letter dated 6th June 2014.

## 2.0 PROPOSAL:

**Current Application:**

2.1 The application seeks to retain and make physical alterations to a substantially completed detached dwelling house situated within the side garden of No. 56 The Drive, Cross Gates.

2.2 The proposed dwelling house would have accommodation arranged over 4 floors albeit the top floor would now be largely contained within the roof space and the bottom floor is a full subterranean basement.

2.3 The dwelling is shown to be retained at its current width of 9.30 but the existing main depth (circ 13.30m) would be reduced by removing 1.7m from the rear of the building. The front wall would remain in its current position albeit a small bay measuring 0.75m(D) x 2.5m(W) would be added. As the existing building is constructed off the basement walls, alterations would be required to support the revised 'above ground' building including a cantilever type structure for the bay window.

2.4 In addition the total height of the dwelling house would be reduced to measure 9.45m from the ground level (set at 150mm below existing damp proof course level) to the top of the ridge. The existing roof structure would be altered to suit the dwelling's reduced depth through the removal of gabled sections and by changing the roof pitch. Velux type window openings are proposed front and back in addition to a rear, pitched roof dormer. The ridge height is identified as being reduced by 990mm from its current, as built position.

2.5 A street scene plan (proposed) has been provided as part of the application to show the existing/proposed relationship between the dwelling house and the neighbouring properties either side.

2.6 Internally, the dwelling would include the following separate rooms and a granny annex is no longer proposed:

Basement – Unspecified room uses but previous applications (showing the same layout) indicted this area would be used as a gym, sauna and stores.

Ground floor- Entrance hall, dining room, living room, kitchen, utility and cloak room.

First floor – 3 bedrooms all with en-suites and 2x dressing areas. A small linen/store cupboard is also shown.

Second floor – Master bedroom with en-suite.

2.7 A lift shaft is shown to provide access to all four floors (in addition to a main staircase) with final details understood to be subject to the contractor's specification. All main rooms have windows facing out either forwards or backwards and all the side windows are understood to be obscure glazed.

2.8 With respect to the dwelling's siting within the plot relative to its immediate neighbours, the main building would stay at its current depth of 7.60m into the site from the back edge of the footpath (when measured from its closest point and based on the site plan which is at a scale of 1:100) with the proposed bay projecting further forward. The same plan also shows a distance to neighbouring properties to be approximately 4.15m to No. 50 The Drive (at its closest and increasing to 4.65m) and 2.20m to No. 56 The Drive and the rear garden depth would be increased to at least 12.40m.

**Approved Application (32/306/05/FU) - The fallback:**

2.9 Erection of three storey, 3 bedroom detached dwelling house (with ancillary granny annex in the second floor) and detached garage. Basic external measurements for the dwelling as shown on the approved plans (hand drawn) are as follows and have been used for comparison purposes.

| | |
|---|---|
| Height: | 10.4m (no part of the ridge is to be more than 10.4m higher than the ground level adjacent to the footprint of the building as it existed at the time of the grant of the original planning permission) |
| Width: | 9.3m (in accordance with the High Court declaration) |
| Depth: | 11.6m reducing to 10.6m where it steps in at the front (in accordance with the undertaking given to the High Court) |

For the avoidance of doubt, both the height and width dimensions as stated above have been specified by the High Court itself through separate declarations.

## 3.0 SITE AND SURROUNDINGS:

3.1 The application site comprises of a section of land originally used as the side and rear garden of No. 56 The Drive, a large, period, brick built detached dwellinghouse, with first floor balcony and attractive stone detailing.

3.2 The front and side boundaries to No. 56 The Drive comprise of 0.3m high dwarf walls constructed in red brick with approximately 1.3m high piers. In between these piers are metal railings. Behind this boundary treatment is densely packed mature trees and hedges. One of these trees to the southwest corner of the site (in front of the application site) is a large London Plane that is now protected by a Tree Preservation order (Ref: 2005/60). There is a similarly protected tree in the northwest corner of the site at the junction of The Drive and Manston Gardens. The side boundary treatment with No. 50 consists of a brick wall with decorative railings on top. The rear boundary (separating the site from the private gardens associated with Park Avenue properties) comprises of a relatively low level close boarded fence with trellis above. Ground levels around the unfinished building now raise up towards its base when viewed from the side next to No. 56.

3.3 The surrounding area is entirely residential and a number of differing styles and sizes of properties can be found. The general character of the area is relatively spacious in terms of dwellings sitting comfortably within curtilages. The street is also noted to slope down from the north (No. 56) to the south (towards No. 50) and an approximate ratio of 1 in 48 is recorded relative to the application site. The actual site still steps down at the common boundary with No. 50 and is retained by the boundary wall. The step down in terms of ground levels appears to be in the region of 1m.

## 4.0 RELEVANT PLANNING AND LEGAL HISTORY:

4.1 The application site has been the subject of multiple planning applications, appeals, enforcement action and legal proceedings since work started on site constructing a dwelling house which was substantially different to the one which was approved under the original planning permission issued in September 2005 (Application No. 32/306/05/FU).

4.2 A brief summary of the site's legal history is set out in the following paragraphs:

**High Court (April 2013)**

4.3 Following the withdrawal of the appeal the Council applied to the court for a further hearing and at the hearing on 28 September 2012, renewed the Council's application for an injunction to seek the demolition of the dwelling constructed on the site. At the hearing on 16 April 2013, the applicant offered a further undertaking which was incorporated into a court order as follows (in summary):

The Applicant undertakes:

- Within 21 days to formulate and submit a planning application which seeks permission for such works as are necessary to:
    - Obscure glaze such existing windows as are considered to be necessary to be obscured glazed by the Council so as to protect the privacy of adjacent properties;
    - Reduce the depth of the building so as to coincide precisely with the approved permission in accordance with the determination of this Court. (the depth to be reduced by 900mm to the front and 800mm to the rear);
    - To carry out such works as are necessary to reduce the height of the building by at least 250mm. The height of the building to be calculated by reference to a notional ground level measured at 150mm below the existing damp proof course.
- Upon the grant of such an application(whether by the Council on or appeal) to complete such works within 4 months of such an approval;
- In the event that planning permission is refused by the Council to lodge an appeal with the Planning Inspectorate within 28 days of such refusal and shall pursue that appeal to final determination by the Secretary of State or an Inspector appointed by him;
- In the event that the appeal is dismissed to demolish the dwelling to ground level within 6 months of such a dismissal.

**High Court (January 2012)**

4.4 This action was brought by the applicant as he considered that the Council in determining the 2010 planning application was prohibited from considering the issue of the height of the dwelling house as this had not previously been an issue between the parties. The Court ruled that the Council could consider the issue of height and that the 2005 planning permission approved a dwelling of 10.4m high. The High Court also released the applicant from the obligation he had undertaken to demolish the building in the event of any eventual planning appeal being refused. The text of the main part of the order is set out below for Members information:

IT IS DECLARED that a building constructed pursuant to planning permission 32/306/05/FU in such a manner that no part of the ridge thereof was more than 10.4m metres higher than the ground level adjacent to the footprint of the building at the time of the grant of the said planning permission would accord with the said planning permission in respect of its absolute height and its height relative to Nos.50 and 56 The Drive.

1. The Defendant be and is hereby discharged from paragraph (4) of the undertaking given to the Court on 25th November 2010, namely that in the event that planning permission was initially refused by the Claimant and then the appeal to the Secretary of State was unsuccessful he would demolish the existing building on site within four months of such dismissal.

**High Court (November 2010)**

4.5 Proceedings were brought by the Council to enforce compliance with the enforcement notice requiring demolition of the unauthorised dwelling. As part of these proceedings, the applicant put forward a case to show that there was an alternative to complete demolition and that alterations could be made to the as built structure to bring it largely into conformity with the 2005 planning permission. The interpretation of the existing permission therefore became an important issue. A number of discrepancies between the approved plans for the 2005 planning permission were noted, primarily in respect of the width and depth of the property. Agreement was reached between the Council and the applicant on the depth of the property (see para. 2.8) but not on width. The Judge heard arguments on the interpretation of the width of the approved dwelling and concluded that the 2005 planning permission granted approval for a dwelling of a width of 9.30m. A declaration was therefore given that the 2005 permission authorised a building which was 9.3m wide and on this basis the applicant has not sought to alter the width of the existing building. Height was not considered by the Court.

4.6 The Court did not grant an injunction requiring complete demolition, and accepted the applicant's undertaking to the High Court that a revised planning application would be submitted in an attempt to regularise the situation. The undertaking comprised of the following:

1. to apply for planning permission within 21 days seeking permission to undertake such works as are necessary to:

   i) render the basement of the premises incapable of use
   ii) obscure glaze such existing windows as are considered necessary so as to the protect the privacy of adjacent occupiers
   iii) reduce the depth of the building to coincide with the approved permission (900mm to the front and 800mm to the rear)
   iv) carry out such works to the roof as are considered reasonably necessary to facilitate the matters detailed in section iii above.

2. upon the grant of permission (either by the Council or through the appeal process), to compete such works as are authorised within 4 months of the date of any approval.

3. in the event permission is refused by the Council, to appeal the decision within 14 days.

4. in the event the application is initially refused by the Council and the appeal is unsuccessful, to demolish the existing building on site within 4 months of the appeal decision (the applicant was subsequently released from this particular element as a result of the January 2012 application)

4.7 Below is a brief summary of the site's planning history (provided chronologically) which is considered to be relevant:

32/306/05/FU - One 3 bedroom detached house incorporating a second floor ancillary granny annex with detached garage – Granted 08/09/05.

07/03979/FU – One 4 bedroom detached house incorporating basement level, second floor ancillary granny annex and detached garage – Committee resolution to refuse but non-determination appeal submitted – Appeal dismissed 17/04/08 on the grounds the dwelling would adversely affect residents living conditions in terms of overlooking, dominance and overshadowing issues and it would also adversely

affect the character and appearance of the area due to its design, height, scale and massing.

07/00432/NCP2 – Enforcement Notice requiring demolition of existing building – Appeal dismissed and notice upheld on 27/11/08 (4 Month compliance period for demolition specified)

Prosecution proceedings (Magistrates Court) – brought for non compliance with the Enforcement Notice requiring demolition. Applicant pleaded guilty but advanced mitigating circumstances in his defence - Court decision dated 01/07/10 and resulted in a fine of £2,500 and the applicant was ordered to pay £10,000 towards the Council's costs.

Injunction proceedings (High Court) – brought to require compliance with the Enforcement Notice that required complete demolition. Judge's decision dated 25/11/10 - see para. 4.5 onwards for details.

10/05670/FU – 3 bedroom detached house incorporating second floor ancillary granny annex – Refused 20/04/12 – Decision initially appealed but withdrawn once revised application was validated.

12/02738/FU - Three bedroom detached house incorporating second floor ancillary granny annexe to garden plot (part retrospective) – Refused 07/09/12

13/01649/FU - Alterations and revision of partially constructed dwelling to include revised elevation and roof details, retention of existing floor plans including basement – Submitted 10/04/13 - Application returned

13/02080/FU - Three bedroom detached house incorporating second floor ancillary granny annexe and basement level – Refused 12/07/13. Decision appealed but dismissed on 06/06/14 with the Inspector concluding significant harm would occur to the character and appearance of the site and surrounding area and the proposal did not offer any significant benefits over the fallback scheme.

4.8 Application relating to No. 56 (for information only):

06/02972/FU - Change of use of a detached house to 2 one bedroom flats and 3 two bedroom flats including 2 second floor front extensions, 1 first floor rear extension and 1 two storey rear extension – Refused 07/07/06

## 5.0 HISTORY OF NEGOTIATIONS:

5.1 Prior to the formal submission of this scheme officers did offer pre-application advice which focused on reducing the visual impact of the development primarily by reverting to a more traditional two storey design which would reduce the total height (ridge and eaves) of the building and be more reflective of other properties within the area.

5.2 Further feedback was provided during the application process highlighting the concerns of many residents about the extent of the rear projection in particular and that to help lessen the impact of the development on the immediate neighbours living conditions, the alterations could focus more on reducing the rear projection rather than splitting the reductions evenly between the front and rear elevations. This

advice was followed and revised plans have been received which seek to leave the front elevation in-situ (subject to the introduction of a bay window) and for the rear wall to be set back a total distance of 1.7m from its current position. Requests have also been made to correct a number of minor plan errors.

## 6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was originally advertised by individual neighbour notification letters (sent to immediate neighbours or those who have previously commented) on 04/02014. Site notices dated 14/02/014 have also been displayed around the site.

6.2 31 letters of representation received which in conjunction with the comments from the Cross Gates Watch Residents Association make the following main points:

- Building was erected without permission and should be demolished as others are made to.
- Have been objecting for 7 years. Time to end it.
- Many inaccuracies and misleading dimensions
- If there can be strict conditions imposed legally and stringent supervision of the building work would reluctantly accept the new proposal
- Concerned about the role the building inspector has played
- Numerous plan errors which need correcting which is worrying as this is the 5 set of application plans by the same architect.
- Concerned about the applicants longer term intentions due to the method of construction and if flats might be proposed.

6.3 Following the receipt of revised plans, the application was re-advertised by letters and site notices dated 19/03/14. The following additional 18 representations have been received.

- Lowering the roof and changing the style is helpful but the bay window should be taken off.
- Restrictive covenants indicate 6m of separation to No. 50 should occur which is the same as Neighbourhoods for living.
- Impact of the side wall for No. 50 will not really alter and is overwhelming.
- Providing assurance is given by the Council and associated legal agreement so there is no room for manoeuvre concerning implementation then no objection.

6.4 Ward Members have kept a close eye on the application and as part of this facilitated a residents meeting where officers were able to explain how the current application fitted into the appeal proceedings and also for residents to feedback directly on the application. Members supported the residents request for the entire depth reduction to be achieved at the rear and have requested a copper bottomed commitment to implementation to be secured if the application is to be recommended for approval.

## 7.0 CONSULTATIONS RESPONSES:

7.1 **Non-statutory:**

Highways: No objection subject to conditions

## 8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Development Plan for the area consists of the adopted Unitary Development Plan Review (UDPR) and the Natural Resources and Waste DPD, along with relevant supplementary planning guidance and documents.

8.2 The application site is not allocated within the UDPR proposals map. Nevertheless, the following policies are considered to be of relevance:

GP5: Seeks to resolve detailed planning considerations including highway safety and loss of amenity.
BD5: All new buildings should be designed with consideration given to both their own amenity and that of their surroundings.
N12: Urban design principles
N13: Principles of good building design.

Adopted Supplementary Planning Guidance: A guide for residential design in Leeds 'Neighbourhood for Living' (Dec 2003)

Emerging Local Development Framework Core Strategy

8.3 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications although its relevance to this particular proposal is limited due to its small scale.

8.4 National Planning Policy Framework: (NPPF, March 2012) gives a presumption in favour of sustainable development and has a strong emphasis on high quality design.

## 9.0 MAIN ISSUES

9.1 The main issues for consideration as part of this application are:

1. The scheme's visual impact on the character and appearance of the street scene
2. The scheme's impact on surrounding residents living conditions

3. Implementation commitment
4. Third Party comments

## 10.0 APPRAISAL

10.1 Members are aware that the site's planning history is long and complex however as with all planning applications the starting point should be the scheme's compliance or otherwise with the statutory development plan. The pertinent policies as contained within the UDPR are detailed in section 8 of this report and in respect to the consideration of this application seek to ensure the appearance of the dwelling house is acceptable bearing in mind the character and appearance of the surrounding area and also that residents living conditions (both existing and proposed) are not adversely affected. The fallback position as provided by the 2005 permission (including the declarations by both High Court Judges) and the Inspectors appeal decisions are also important material considerations.

**1. Impact on character and appearance:**

10.2 A key issue to consider in respect of the current application's acceptability or not is its impact on the character and appearance of the area. As part of this assessment it is however necessary to also consider what impact the approved 2005 application would have as this does represent a potential fallback position - albeit previously stated this scheme would not be considered acceptable if it were proposed today. For this reason the Inspector's latest decision letter is of considerable relevance as although he accepted the fallback as being a significant material consideration, he didn't consider the appeal scheme to offer any significant benefits over what had already been approved and accordingly there was no merit in accepting the revised scheme. The inference therefore being that only a scheme which offers significant benefits over the fallback scheme should be contemplated. The basis for the Inspector's conclusion being that since 2005 planning policy has been revised to place an increased importance on achieving good design.

10.3 The stance taken by the Inspector as regards to the fallback is welcomed and supports the approach officers have taken when dealing with this site. UDPR policies GP5, N12, N13 and design advice provided by 'Neighbourhoods for Living' therefor remain fully relevant and require all residential developments to have a high standard of design and appropriate regard to the character and appearance of the surrounding area. The NPPF also includes design advice which seeks to achieve the same basic aims as specified by the more detailed local plan policies and guidance.

10.4 In considering the above context, the current application is the first time major alterations relative to the fallback position have been proposed. In particular the three storey design has been amended to a more traditional two storey proposal which has considerable benefits in terms of lowering the total height of the building and reducing its overall scale and massing. Whilst second floor accommodation is still proposed it would now be genuinely contained within the roofspace unlike previous schemes.

10.5 The visual impact of the change to a two storey design would be significant as not only is the total ridge height of the building shown to be reduced relative to the fallback position by approximately a full metre, but the eaves line is also lowered to bring it more into line with the neighbouring properties and in particular relative to No. 50 The Drive which has been a major concern previously. The removal of the

second floor gables by reverting to a simple pitched roof with a central ridge line also has a considerable positive impact on how the building reads within the wider streetscene and importantly relates to the immediate neighbouring properties either side.

10.6 The alterations as described above are substantial and genuinely help to reduce the overall scale and massing of the building. They are also of such significance that previous disputes about where ground levels should be measured from in terms of establishing the fallback position become less critical as there is no doubt the current proposal represents a very different proposition. Accordingly these aspects of the scheme can be assessed more on their own merits with an eye on the fallback rather than it being a straight comparison between the two which has been the case historically.

10.7 Notwithstanding the above, the revisions do still need to be considered in their entirety which also includes retention of the frontage in its current position and the introduction of the bay window feature which would be a further forward projection.

10.8 The original plans for this latest application proposed to rebuild both the front and rear walls at a reduced depth to achieve the same basic siting within the plot as allowed for by the fallback. However, in seeking to respond positively to the comments made by many local residents about reducing the impact of the scheme from a residential amenity perspective the entire depth reduction is now focussed to the rear thereby leaving the front elevation in its current position. The consequence being the building would be more prominent within the streetscene.

10.9 Previous applications and negotiations have always involved rebuilding the front elevation on the same line as the fallback scheme as this was considered necessary due to the building's three storey design. The switch to a two storey design makes this requirement less essential to the point that retention of the front elevation in its current position can now be contemplated.

10.10 In considering the acceptability of this change, the revised design is considered to address the building's existing poor appearance and overly prominent nature relative to the neighbouring properties and within the streetscene in general. For these reasons and observing that a notional building line between the properties would generally be retained along the street frontage officers consider the relationship now proposed can be accepted.

10.11 With respect to the introduction of the bay window feature which is referenced by many local residents as being unacceptable and providing additional floorspace over and above the fall back position, as a fresh planning application the applicant is entitled to propose whatever alterations he considers appropriate. Whilst the residents concerns about potential gains in floorspace are understood, the useable area created is minimal (less than 2sqm per floor) and the bay's main purpose is as a positive design response to the altered roof form and the detailing found on No. 56 The Drive. For these reasons and noting the relatively modest nature of the bay feature, officers are of the opinion this design intervention can be accepted and to require its removal would be to the detriment of the building's overall appearance.

10.12 The existing side walls would be retained in their current position and amended to suit the repositioned rear wall and roof form including a lowering of the eaves height. In the round these alterations are also considered to represent an improvement over the fallback position so can also be supported.

10.13 For all of the above reasons, the amendments now proposed to the existing building through this current application are considered to amount to the significant improvements over the fallback position which the appeal Inspector refers to as being necessary. Accordingly no objection is raised to the visual amenity implications of the proposed development.

**2. Impact on living conditions:**

10.14 As with the consideration of previous applications, the existence of the fallback position created by the original approval is acknowledged and accordingly the main method of assessment in respect of residential amenity issues has been to undertake a comparison between the impact of the 2005 approval and that of the current proposal. As part of this assessment, the declarations from the High Court are clearly relevant. The appeal Inspectors comments are also relevant although the most recent appeal focused more on design issues so is of less significance. In terms of consideration against UDPR policies, those to be addressed under this heading are GP5 and BD5 which both seek to ensure the development does not adversely affect the living conditions of existing or proposed residents. Guidance contained within the Council's adopted residential design guide 'Neighbourhoods for Living' also considers these same issues and is therefore relevant.

Overlooking/Visual Dominance:

10.15 As part of an earlier planning appeal, the Inspector confirmed unacceptable overlooking of the Park Avenue properties and their gardens would occur due to a relatively short separation distance that would be provided and the three storey nature of the property was no doubt an important factor in reaching this view. The most recent appeal scheme proposed to return the rear elevation back to the fallback position and whilst still being three stories high did not attract a residential amenity reason for refusal. The current application is considered to offer substantial improvements for the neighbours relative to this previous position from an overlooking perspective as the building would be moved 800mm further away than the fallback and would now also be two storey with the exception of a dormer window (which would be set back into the roof slope). The change in the internal layout is also helpful as the top floor is proposed to serve a bedroom rather than a second floor lounge (associated with the granny annex) as before.

10.16 Overlooking from the remaining side windows is not considered to be problematic as obscure glazed could be used as has been proposed previously. The requirement for obscure glazing could be secured by condition if the application were to be approved.

Visual Dominance:

10.17 The proposed removal of the existing rear elevation and its rebuilding 800mm further away from the fallback in order to address overlooking concerns also has the added benefit of offering improvements over the existing relationship from a visual dominance perspective. The separation distance to the common boundary would now be in the region of 12.40m or more which is considered appropriate and exceeds the guidelines specified in Neighbourhoods for Living.

Overshadowing/Loss of Light:

10.18 The background to overshadowing and loss of light considerations is that previous applications caused problems for the occupiers of Nos. 56 and 50 The Drive due to the existing dwelling's close proximity to the common boundaries combined with its orientation, height and bulk. The previous application was on balance not considered

to give rise to any issues over and above those raised by the fallback position and accordingly no residential amenity reason for refusal was attached.

10.19 For the same reasons already discussed, the current application would offer improvements over the fallback position for the neighbours and accordingly no objection is raised on these grounds.

10.20 In terms of retention of the basement area and its potential use, whilst a number of residents consider this element of the application to be unacceptable, officers do not feel this part of the building generates any specific amenity issues providing it is only used for domestic purposes. Accordingly it is not considered appropriate to refuse the application on the basis the basement area is shown to be retained as part of this latest application.

**3. Implementation commitment**

10.21 As is clear from the site's planning history, the planning position for this site is both long and complex. All previous attempts by the applicant to avoid complete demolition through the grant of a revised scheme have failed. The requirements of the last undertaking given to the High Court have therefore been enacted and which require demolition of the existing building by early December this year. The main objective of the undertaking was to bring some finality to this long running matter and was offered to the court so as to avoid having to consider the Council's re-instated request for an injunction.

10.22 At the time the current application was submitted it was intended to be another option for the applicant. If the application was approved the applicant could then go back to the High Court and replace the commitment to build the appeal scheme with the approved application. Obviously this would have been done with the support of the Council as planning permission would already have been granted. It would have also removed the need for the appeal.

10.23 The dismissal of the appeal scheme has changed this intended route and accordingly it is necessary for the current application to address the existing breach of planning control that exists on the ground. The only way of doing this is through the implementation of any permission granted which therefore requires the applicant to offer further commitments than are normally required to make this happen.

10.24 Officers have sought these commitments for some time and despite verbal assurances being given as part of the appeal proceedings as far back as February nothing formal has ever been tabled. Even the most recent correspondence from the applicant's solicitor's is very vague on the issue and requests further guidance on what might be deemed acceptable should the applicant be willing to offer such commitments.

10.25 The lack of progress on this issue is the reason why this application has not been progressed following the receipt of the revised plans in March and it is clear from this report officers would otherwise be recommending approval. However, in the absence of any formal mechanism to secure implementation and remedy the harm currently being caused the application should not be supported.

**4.Third party comments**

10.26 The local resident's association in conjunction with a number of individuals who have been involved with this site over the years have commented on the submission documents. These comments also refer to various drafting errors on the plans which have largely been corrected. Unfortunately the continuing dispute regarding grounds levels means agreement on all dimensions is unlikely but officers are satisfied the critical ones shown on the revised plans are now correct.

10.27 With the exception of the very first application which was approved, all previous schemes on this site have attracted considerable local opposition. A substantial number of representations have again been submitted in respect of this application but the tone of the comments made is very different and much more moderate. Although not all residents are supportive of the revised plans, there is a general sense of agreement that the scheme is a much better proposition that the fallback. Accordingly if anything is to be built on the site then it would be preference. This view is however heavily caveated by the requirement for the applicant to offer formal commitments regarding implementation. Ward Members have also expressed similar views.

## 11.0 CONCLUSION

11.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant policies in this particular case are considered to be GP5, BD6, N12, N13 and supplementary guidance 'Neighbourhoods for living' which all seek to ensure dwellings are appropriately designed and pay due regard to residents living conditions. The fallback position as established by the 2005 permission (including the High Court declarations which accompany it) and the previous appeal decisions are also material considerations.

11.2 Having carefully considered the current application, including against the 2005 permission and the findings of the appeal Inspectors, in recognition of the current proposal's reduced depth to the rear and the revised design which alters the dwelling to a more traditional two storey property, it is considered to offer improvements over the fallback position in terms of both the impact on local residents living conditions and also the character and appearance of the area. For these reasons no objection is raised to the physical alterations proposed and its resulting impact.

11.3 Notwithstanding the above, the absence of any formal mechanism relating to implementation means there is no guarantee the existing harm associated with the current building will be remedied. Such commitments have been offered to the High Court previously to ensure this long running issue is finally resolved but have not been forthcoming as part of this current applicant.

11.4 Members are therefore recommended to refuse the application for the reason specified.

**Background Papers:**
Application file 14/00575/FU
Certificate of Ownership: Signed by applicant

10th October 2014

# UNILATERAL UNDERTAKING

GIVEN BY

Mr Ian Gordon
To
Leeds City Council

Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)

IN RESPECT OF

56 The Drive, Crossgates, Leeds, LS15 8EP

**THIS DEED** is made on the

**BY** (1) Mr Ian Gordon of 56 The Drive, Crossgates, Leeds, LS15 8EP ("the Owner") to (2) Leeds City Council of Civic Hall, Calverley Street Leeds LS1 1UR

**WHEREAS**

(1) The Owner is the registered proprietor at HM Land Registry under title number WYK68039 of the Land

(2) The Council is the Local Planning Authority for the purposes of the Act for the City of Leeds within which the Land is situated

(3) The Owner has by the Application applied to the Council for permission to develop the Land

(4) The Council has indicated that it considers it expedient in the interests of the proper planning of its area having regard to the Development Plan and all other material considerations that provision should be made for regulating the Development in the manner hereinafter appearing

(5) The Owner has determined to enter into a unilateral planning obligation by way of this Deed as hereinafter set out with the intent that the covenants by the Owner contained in Schedule 2 hereto shall be planning obligations for the purposes of Section 106 of the Act in order to give effect to the intentions of the Council referred to above

**NOW THIS DEED WITNESSES** as follows:

## 1. Definitions and interpretation

In this Deed:

1.1. "the Act" means the Town and Country Planning Act 1990 (as amended)

1.2. "the Application" means a written application registered on the 27 January 2014 and numbered 14/00575/FU applying to the Council for planning permission in respect of the Land

1.3. "Commencement of the Development" means the carrying out of a material operation as defined in Section 54(6) of the Act in relation to the Development and "Commence the Development" shall be construed accordingly

1.4. "Completion Certificate" means the completion certificate issued by the Council's Building Control Services confirming compliance with the Buildings Regulations

1.5. "the Council" means the City Council of Leeds and its successors in title as the Local Planning Authority for the City of Leeds

1.6. "the Development" means such development as may be authorised by the Planning Permission

1.7. "the Land" means the land described in the First Schedule hereto against which this Deed may be enforced

1.8. "the Planning Obligations" means the covenants by the Owner contained in the Second Schedule hereto

1.9. "the Planning Permission" means a planning permission granted (whether by the Council or otherwise) in respect of the Application

1.10. "Practical Completion" means that the Development has been substantially finished so that the building appears as shown on the approved elevations detailed on drawing No. 828.PL.02 and that the Council's Building Control Services acting reasonably has issued a Completion Certificate for the building and "Practically Complete" and "Practically Completed" shall be construed accordingly.

1.11. "Force Majeure" an event or circumstance which is beyond the control and without the fault or negligence of the party affected and which by the exercise of reasonable diligence the party affected was unable to prevent. This includes but is not limited to:

1.11.1. Riot, war, invasion, act of foreign enemies, hostilities (whether war be declared or not) acts of terrorism, civil war, rebellion, revolution, insurrection of military or usurped power, requisition or compulsory acquisition by any governmental or competent authority;

1.11.2. Earthquakes, flood, fire or other physical natural disaster, including severe weather conditions;

1.11.3. Strikes or industrial disputes, or strike or industrial disputes by labour not employed by the affected party, its subcontractors or its suppliers and which affect an essential portion of the works.

1.12. Words importing one gender shall be construed as importing any other gender

1.13. Words importing the singular shall be construed as importing the plural and vice versa

1.14. The clause and paragraph headings in the body of this Deed and in the Schedules hereto do not form part of this Deed and shall not be taken into account in its construction or interpretation

1.15. This Undertaking will be registered as a Local Land Charge and is entered into pursuant to Section 106 of the Act

## 2. Legal Basis

2.1. This deed is made pursuant to S106 of the Act

2.2. The covenants, restrictions and requirements imposed upon the Owner under this Deed:-

(a) are planning obligations for the purposes of Section 106 of the Act;

(b) are entered into with intent to bind the Owner's interest in the Land and each and every part thereof into whosoever hands the same may come;

(c) are enforceable by the Council as local planning authority; (d) relate to the Land; and

(e) are executed by the Owner as a Deed

2.4 In this deed the expressions "the Council" and "the Owner" shall where the context so admits be deemed to include their respective successors in title and assigns

## 3. Date of Deed Coming Into Force

3.1 This Deed is conditional upon the grant of the Planning Permission save for the provisions of clauses 6.1 and 8.1 which shall come into effect immediately upon completion of this Deed

## 4. The Owner's Covenants

4.1 The Owner on behalf of itself and its successors in title covenants with the Council to perform the obligations as set out in the Second Schedule.

## 5. Miscellaneous

5.1 No person shall be liable for a breach of covenant contained in this Deed after he shall have parted with his entire interest in the Land but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.

5.2 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

## 6. Council's Legal Costs

6.1 The Owner shall pay to the Council upon the date hereof its reasonable legal costs incurred in connection with the assessment of this Deed and its registration as a Local Land Charge of £750.

## 7. Force Majeure

7.1 Neither party is responsible for any failure to perform its obligations under this Deed, if it is prevented or delayed in performing those obligations by an event of force majeure.

7.2 Where there is an event of force majeure, the party prevented from or delayed in performing its obligations under this Deed must immediately notify the other party

giving full particulars of the event of force majeure and the reasons for the event of force majeure preventing that party from, or delaying that party in performing its obligations under this Deed together with appropriate proof to substantiate and that party must use its best endeavours to mitigate the effect of the event of force majeure upon its or their performance of the contract and to fulfil its or their obligations under the Deed.

7.3 Upon completion of the event of force majeure the party affected must use best endeavours to recommence the performance of its obligations under this Deed. Where the party affected is the Owner, the Owner must use best endeavours and in any event within 14 days, propose to the reasonable satisfaction of the Council a revised programme rescheduling the works to minimise the effects of the prevention or delay caused by the event of force majeure.

7.4 For the avoidance of doubt, an event of force majeure does not relieve the Owner from the requirement to comply with the Obligations set out in the Second Schedule. The Council may at its reasonable discretion agree an extension of time for such compliance.

**8. Delivery**

8.1 This Deed is delivered on the date written at the start and the provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

**IN WITNESS** whereof this instrument has been executed as a Deed by the Owner the day and year first before written

**EXECUTED** as a Deed by [redacted]

Mr Ian Gordon

**In the presence of**

Witness Signature [redacted]

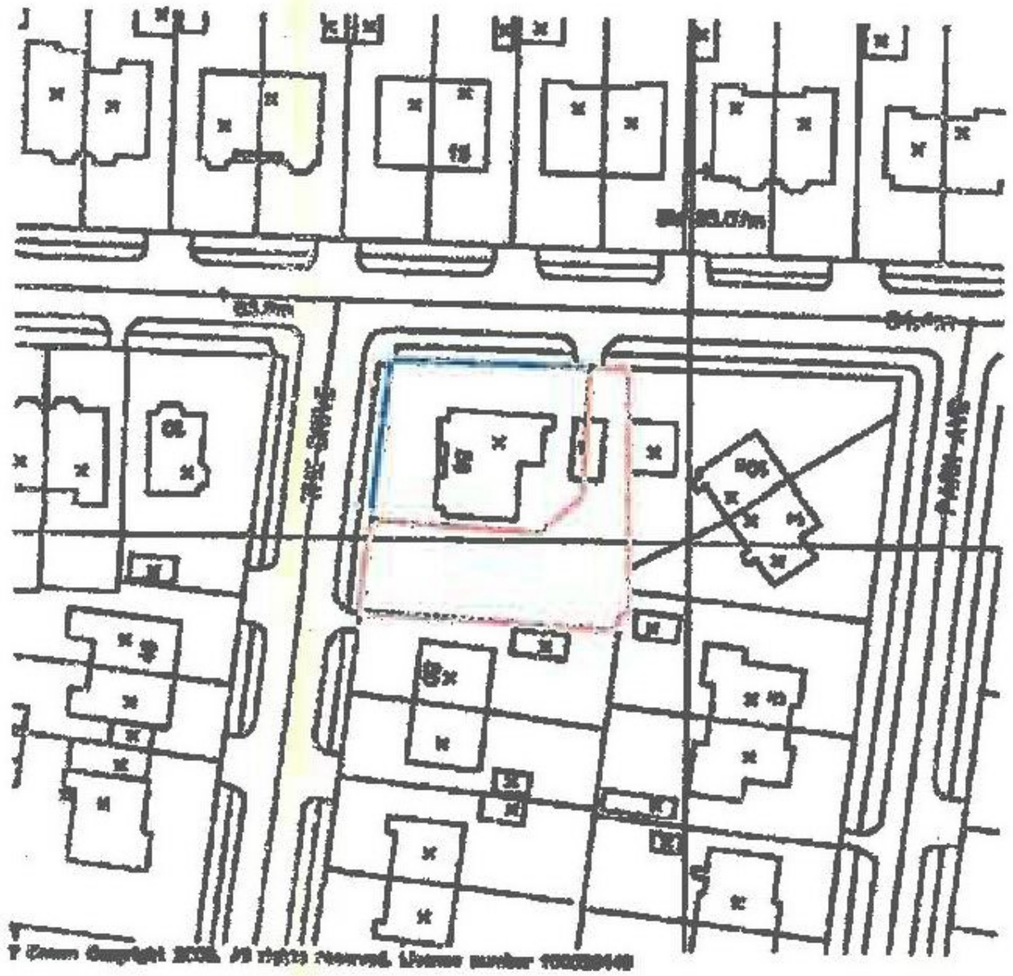
Witness Name KAYE WILLIS

Witness address c/o COHEN CRAMER SOLICITORS
SUITE 1B, JOSEPH'S WELL
HANOVER WALK
LEEDS
LS3 1AB

## THE FIRST SCHEDULE

### The Land

Land at 56 The Drive, Crossgates in the City of Leeds shown for the purposes of identification only edged red on the plan attached hereto



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PLAN
27 JAN
DEVELOPMENT

14/00575

MJP

PROJECT — Proposed Dwelling
98 The Drive
Crossgates
Leeds

DRAWING DESCRIPTION — Site Location Plan

CLIENT: — Mr & Mrs Liberdon
SCALE: — 1:1250 @ A4
DRAWN/CHECKED BY: —
DRAWING NUMBER: — 828·PL·04

## THE SECOND SCHEDULE

**Covenants by the Owner – the Planning Obligations**

The Owner hereby covenants with the Council so as to bind the Land and each and every part thereof as follows:-

1. To Commence the Development within 4 weeks of the grant of the Planning Permission.

2. To notify the Council in writing within no more than 7 days of the date of Commencement of Development.

3. To undertake the Development in accordance with the Planning Permission and in particular:-

   3.1 to agree the position of the exterior rear wall of the building on site with the Council at the point of implementation of that part of the Planning Permission;

   3.2 to agree the alterations to the roof structure on site with the Council to ensure a total ridge height which is in accordance with the approved streetscene plan is achieved; and

   3.3 Subject to force majeure and the Council in its absolute discretion agreeing any extension, to Practically Complete the Development within 7 months of Commencement of Development.

4. In the event that the Development has not reached Practical Completion in accordance with paragraph 3.3 above:-

   4.1 to demolish the building to ground level within 2 months of a written request by the Council so to do and for the avoidance of doubt, in effecting such demolition the existing basement shall be rendered incapable of use: and

   4.2 in the event that demolition is not achieved in accordance with paragraph 4.1 to permit the Council to enter onto the Land and effect the demolition and pay to the Council all its reasonable costs incurred.

14/00575/FU

LEEDS CITY COUNCIL
12 MAR 2014
REVISED

Notes.

Drawing and design are copyright of the practice unless specific consent in writing has been given

All works arising from the information contained on the drawings are to be in accordance with the statuary approvals/planning, building control, and relevant codes of practice and/or British Standards unless specific direction is given

All works to be carried out in accordance with C.D.M. regulations for health and safety unless exemption is specifically given

Do not scale or take digital dimensions from this drawing

All constructional dimensions contained in the drawings should be checked on site

All discrepancies are to be notified to the practice without delay

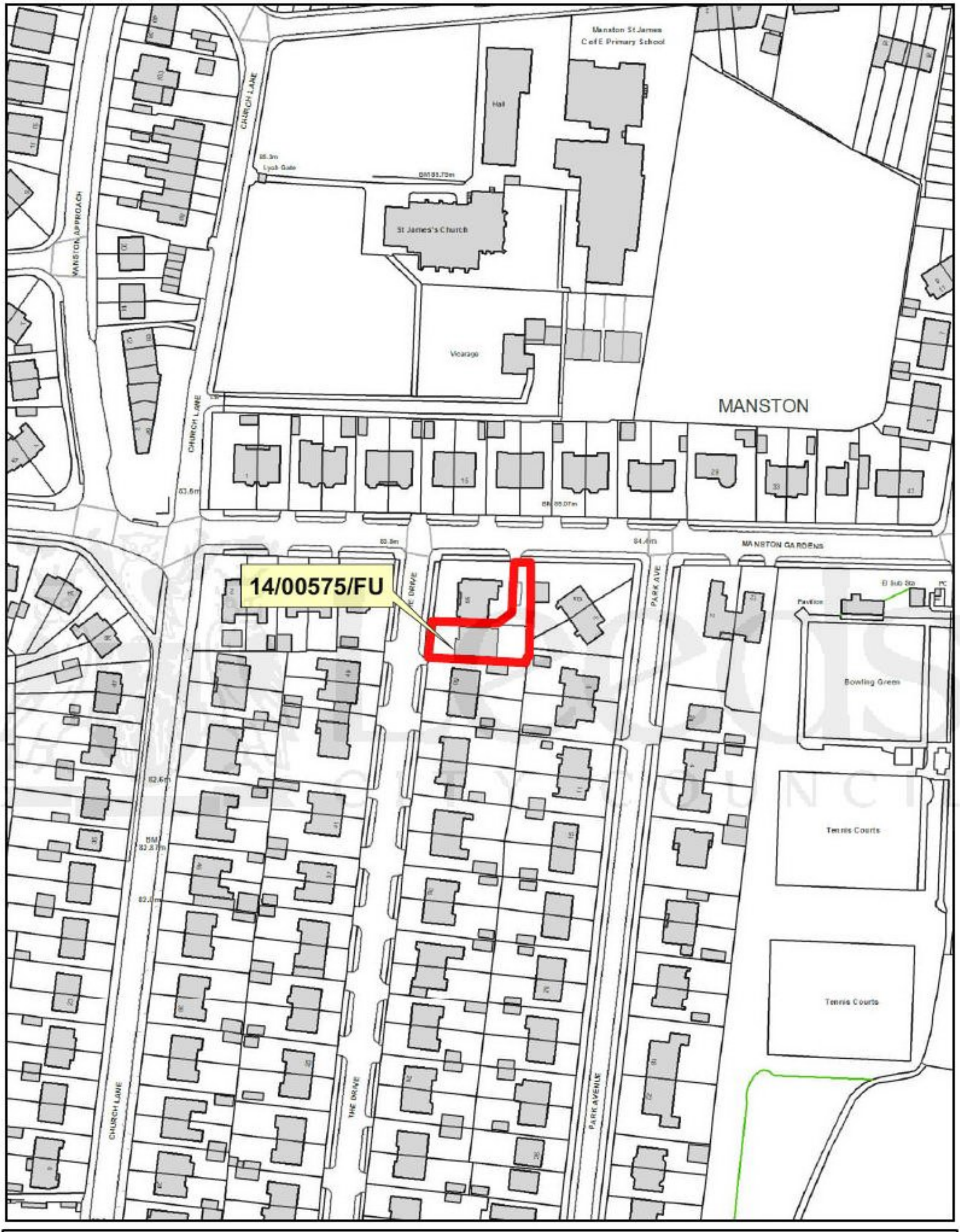
| Date | Revision Description |
|---|---|

659a Roundhay Road
Oakwood
Leeds
LS8 4BA
Tel: 0113 2400012
Fax: 0113 2492765
MJF Architects Ltd

**Project** ~ Proposed New Dwelling
56 The Drive
Crossgates
Leeds

**Drawing Description:** ~ Site Plan

**Client:** ~ Mr & Mrs I. Gordon
**Scale:** ~ 1:100 @ A1
**Drawn/Checked By:** ~ DJH/SJ
**Drawing number:** ~ 828-PL -03




# NORTH AND EAST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500