

Plans Panel (East)

Thursday, 30th July, 2009

PRESENT: Councillor G Latty in the Chair

Councillors D Congreve, R Finnigan,
P Gruen, M Lyons, J Marjoram, K Parker,
A Taylor, P Wadsworth and D Wilson

34 Chair's opening remarks

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

35 Exclusion of the Public

RESOLVED - That the public be excluded from the meeting during consideration of the following part of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:

The report referred to in minute 40 under Schedule 12A Local Government Act 1972 and the terms of Access to Information Procedure Rule 10.4(5) and on the grounds that it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that if this information was in the public domain it could prejudice the position of the Council in subsequent legal proceedings. Whilst there may be a public interest in disclosure, in all the circumstances of the case maintaining the exemption is considered to outweigh the public interest in disclosing this information at this time

36 Late Items

The Chair admitted to the agenda a late report (minute 51 refers) which was not available at the time the agenda was despatched. The report required urgent consideration to establish the Panel's views to enable the Authority's case to be prepared for the impending planning appeal and had been circulated prior to the meeting

The Panel was also in receipt of the following additional information to be considered at the meeting

Application 09/00614/FU – 105 Old Park Road Gledhow LS8 – written representations from the objector

Application 09/01678/OT – 16A Church Lane Bardsey LS17 – a letter dated 6th March 1995 written on behalf of the Director of Planning

37 Declarations of Interest

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

Application 08/0118/FU/MIN – Land at Hook Moor Micklefield – Councillor Taylor declared a personal interest as a Life Fellow of the RSPB which had been consulted on the proposals (minute 39 refers)

Application 08/0118/FU/MIN – Land at Hook Moor Micklefield – Councillor Congreve declared a personal interest as a member of the RSPB which had been consulted on the proposals (minute 39 refers)

Application 06/07671/FU – Back Newton Lane Ledston LS25 - Councillor Congreve declared a personal interest as a member of the RSPB which runs the nearby Fairburn Ings Nature Reserve and had commented on the proposals (minutes 40 and 41 refer)

Application 06/07671/FU - Back Newton Lane Ledston LS25 – Councillor Taylor declared a personal interest as a Life Fellow of the RSPB which runs the nearby Fairburn Ings Nature Reserve and had commented on the proposals (minutes 40 and 41 refer)

Application 06/07671/FU - Councillor Latty and Councillor Finnigan declared personal interests through being British Waterways License holders and having an interest in canals and waterways, as this method of transportation of coal and minerals had been raised as an alternative to road transport (minutes 40 and 41 refer)

Application 09/00614/FU – 105 Old Park Road Gledhow LS8 – Councillor Taylor declared a personal interest as he knew the objector who was to address the Panel through his position as a Vicar (minute 43 refers)

Application 09/02943/FU – Land at junction of Catherine Grove and Lodge Lane LS11 – Councillor Congreve declared a personal interest through knowing the applicant who was a community leader in the neighbouring ward (minute 46 refers)

38 Minutes

Members considered the minutes of the Plans Panel East meeting held on 2nd July 2009

With reference to minute 31 – Application 06/07671/FU – Back Newton Lane Ledsham LS25 – Councillor Congreve stated that the minute should be amended to reflect his decision not to participate in the discussions or voting on the application

RESOLVED - That the minutes of the Plans Panel East meeting held on 2nd July 2009 be approved subject to the following amendment

‘Members noted Councillor Congreve’s comments that having not been present at the Plans Panel East meeting held on 4th June 2009 when the decision to refuse the application had been taken, he would not participate in the debate or vote on this matter’

Following on from this Councillor Lyons stated he had also not been present at the Plans Panel East meeting on 4th June 2009 but was aware of the discussions on the application and sought clarification from the Panel’s Legal Adviser who referred to paragraph 15 of the Council’s Code of Practice for Determining Planning Applications

39 Application 08/01118/FU - Erection of 5 wind turbines, improvements to highway access, underground cabling, access tracks, control building, temporary wind monitoring mast 80m high, temporary construction component and associated development - Land at Hook Moor Micklefield LS25

Further to minute 30 of the Plans Panel East meeting where Members received a position statement on proposals for five wind turbines and associated works on land at Hook Moor Micklefield LS25, Panel considered the formal application

Plans, drawings, photographs and graphics were displayed at the meeting

Officers presented the report and outlined the number of representations which had been received on the proposals, the nature of the issues raised and a geographical analysis of the letters of representation

Members were informed that the main concerns related to the impact of the proposals on the landscape character and visual amenity together with aviation issues. In terms of development within the Green Belt, whilst the proposals would be inappropriate development that would, by definition be harmful to the Green Belt, Officers were satisfied that very special circumstances applied in this case to outweigh this harm, so justifying the proposals

However, as the Ministry of Defence (MoD) had raised objections relating to the impact of the scheme on Primary Surveillance Radar at RAF Linton-on-Ouse and Precision Approach Radar at RAF Church Fenton and as the applicants had been unable to provide mitigation measures which would satisfy the MoD, then Officers were recommending to Panel that the application be refused, with possible reasons for refusal being included in the report

Due to the high level of representations which had been received on this application, the Chair allowed a representative of the applicants and a supporter of the proposals to address the Panel followed by representatives from the MoD and Micklefield Parish Council who were objecting to the development

Members discussed and commented on the following matters:

- whether very special circumstances had been proven by the applicant
- whether planning permission could be granted and the issue of aviation safety addressed by the imposition of a Grampian style planning condition requiring the formulation of suitable mitigation measures within a reasonable timescale
- concerns that permission was being sought on a prospective situation where no identified solution was in place or with a realistic expectation it would be delivered within a reasonable timeframe
- that the application should be determined on the basis of the information currently available and the comments of Officers that whilst technological advancements may be possible in future which could mitigate the radar problems, these were at test stage only and there was no certainty they could be delivered
- the need for climate change to be taken seriously and for Plans Panels to be consistent in their approach to applications which had a direct bearing on this issue
- the need to have consideration for the safety of people in East Leeds who would be most affected by any incident in the air space over the site

- to note the comments of the MoD representative that if planning permission was refused and the decision was subsequently appealed, that without acceptable mitigation measures being put forward by the applicant, the MoD's position on the application would remain unchanged

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

- 1 In the opinion of the Local Planning Authority, the proposed development would give rise to an unacceptable reduction in the capability of the MoD at RAF Church Fenton airfield due to the expected adverse impact upon the Precision Approach Radar. The applicant has not proven that the proposal would not have an unacceptable effect on aviation interests and the proposals are therefore considered to be contrary to the advice in PPS22 (Planning for Renewable Energy) and Technical Annex 8 (Wind) of Planning for Renewable Energy – A Companion Guide to PPS22
- 2 In the opinion of the Local Planning Authority, the proposed development would give rise to an unacceptable impact on the provision of air traffic services in the vicinity of the application site due to the potential adverse impact upon the Primary Surveillance Radar at RAF Linton-on-Ouse. The applicant has not proven that the proposal would have no unacceptable effect on aviation interests and the proposals are therefore considered to be contrary to the advice in PPS22 (Planning for Renewable Energy) and Technical Annex 8 (Wind) of Planning for Renewable Energy – A Companion Guide to PPS22

40 Application 06/07671/FU - Extraction of coal and other minerals and alterations to landform with restoration to agriculture, woodland and nature conservation at Newton Lane, Back Newton Lane and Claypit Lane Ledsham LS25

Further to minute 31 of the Plans Panel East meeting held on 2nd July 2009 where Panel received a report seeking clarification of Members' reasons for refusal of an application for coal and mineral extraction together with land restoration at Back Newton Lane Ledsham LS25, the Panel considered a further report of the Chief Planning Officer setting out detailed information regarding the possible reasons for refusal

The report was designated as exempt under Schedule 12A Local Government Act 1972 and Access to Information Procedure Rule 10.4(5), and was considered in private

Members discussed the procedure and sought further advice from the Panel's legal adviser regarding participation in the debate and decision making on this matter in view of some Panel Members having not been present when the original decision to refuse the application was taken at the meeting held on 4th June 2009 and others being absent from the meeting held on 2nd July 2009

(Prior to consideration of the report, Councillor Gruen joined the meeting)

Officers presented the report and outlined the reasons for refusal based on the Panel's concerns relating to

- Green Belt
- impact upon the character and amenities of the Special Landscape Area
- highways issues
- transportation sustainability issues
- the potential impact of the proposals on Fairburn Ings Nature Reserve

Members commented on the following matters:

- the impact on highways of a new railway station at Micklefield and whether this had been taken into consideration by Officers. Members were informed that it was the view of the Panel's Highways Officer that the new railway station would not impact on the open cast mining site; that the road used to access the open cast site would not be one of the significant routes to be used by those travelling to the new station and that this would not be relevant to any case put to the Planning Inspector
- concerns regarding the proximity of the proposals to the SSSI
- the high number of school children who visited Fairburn Ings and concerns on safety grounds that they would be in the vicinity of numerous HGVs
- the possible implications for the Council if the reasons for refusal were challenged and the need to focus on the strongest reasons, despite the wider concerns of some Members
- that standards of Green Belt land did not exist and that all sites within the Green Belt should be regarded as being equal

Members considered how to proceed

Councillor Congreve, who had not participated in the debate reiterated his intention not to vote on the application

Councillor Lyons, after taking legal advice also stated his intention not to vote on the application

Councillor Marjoram stated that as he had not been present at the Plans Panel East meetings held on 4th June 2009 and 2nd July 2009, he would abstain from voting on the application

Having considered the report, the Panel confirmed its decision to refuse the application

RESOLVED - To note the report and the comments now made

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

41 Application 06/07671/FU - Extraction of coal and other minerals and alterations to landform with restoration to agriculture, woodland and nature conservation at Newton Lane Back Newton Land and Claypit Lane Ledsham LS25

Having had regard to the discussions on the previous report (minute 40 refers) Members considered a report of the Chief Planning Officer setting out

possible reasons for refusal of the application for extraction of coal and minerals and land restoration at Back Newton Lane Ledsham LS25

Members noted the comments of Councillor Congreve, Councillor Lyons and Councillor Marjoram regarding participation and voting on this application

RESOLVED – That the application be refused for the following reasons:

- 1 The proposed development lies within the Leeds Green Belt. It is therefore the opinion of the Local Planning Authority that the proposed development would not meet Green Belt objectives during the period of working in terms of retaining attractive landscapes close to where people live and therefore the proposed development is considered to be contrary to policies EM9 (Coal Extraction and the Environment); N33 (Development in the Green Belt) of the adopted Leeds Unitary Development Plan (Review 2006); Planning Policy Guidance 2 (Green Belts) and Minerals Planning Guidance 3 (Coal Mining and Colliery Spoil)
- 2 In the opinion of the Local Planning Authority, the proposed development, which lies within a Special Landscape Area, would seriously harm the character and appearance of the landscape within the Special Landscape Area. The perimeter screening mounds and overburden storage mounds would be prominent features within the local landscape and would be visible from surrounding properties and public highways. These features and the presence of the proposed development would result in significant adverse visual impact and unacceptable harm upon the amenities of the Special Landscape Area and therefore the proposed development is considered to be contrary to policies N37 and N37a (Special Landscape Areas) of the adopted Leeds Unitary Development Plan (Review 2006)
- 3 In the opinion of the Local Planning Authority, the proposed development would result in an increase in Heavy Goods Vehicle movements on the local highway network which would be detrimental to road safety. Furthermore the proposed widening works to Back Newton Lane would exacerbate existing safety concerns and detract from the character of the locality. The proposal is therefore considered to be contrary to Policies GP5, T2 and LD2 of the adopted Leeds Unitary Development Plan (Review 2006)

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

42 Application 08/05880/FU - Part single storey part two storey side and rear extension and erection of stone wall to side and rear at 11 Davies Avenue Roundhay LS8

Further to minute 10 of the Plans Panel East meeting held on 4th June 2009, where Panel deferred determination of the application for side and rear extensions together with the erection of a stone wall at 11 Davies Avenue Roundhay LS8, Members considered a further report

Plans, photographs and graphics were displayed at the meeting

Officers presented the report and informed Panel that revisions to the scheme had been undertaken and that the size of the garden room had been reduced

Officers reported receipt of two additional letters of representation, with one of these being sent directly to Panel Members. An issue had been raised by an objector regarding non compliance for previous alterations to the property and Members were informed this would be investigated

The Panel heard representations on behalf of an objector who attended the meeting. Whilst the applicant was in attendance, he declined the opportunity to address the Panel but stated his willingness to answer any questions from Members

The Panel discussed the following matters:

- whether all of the revisions Members discussed at the meeting on 4th June 2009 had been minuted and that the amendments which had been made were sufficient
- the proposed materials and whether consideration could be given to using stone to match the existing building

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

43 Application 09/00614/FU - Change of use of existing ground floor flat and single storey extension to form two bedroom flats at 105 Old Park Road Gledhow LS8

Plans and photographs were displayed at the meeting

Officers presented the report which sought permission for the conversion and extension of a ground floor flat to form two 2 bedroom flats at 105 Old Park Gledhow which was situated in the Roundhay Conservation Area

Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable clarification to be obtained in relation to the number of dwellings to be accessed off a private drive

Members were informed that Highways Officers had considered this matter and had not raised any objections to the proposals

If minded to approve the application, an additional condition regarding the provision of secure cycle parking was proposed

The Panel heard representations from an objector who attended the meeting

RESOLVED - That the application be granted subject to the conditions set out in the submitted report and an additional condition requiring the provision of secure cycle parking

44 Application 08/04016/FU - Application for demolition of 8 semi-detached houses, laying out of access road and erection of 9 houses at 7 - 14 Moor End Boston Spa LS23

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

Officers presented the report which sought permission for the demolition of 8 semi-detached houses, the laying out of a new access and erection of 9 four bedroom dwellings at 7-14 Moor End Boston Spa LS23

Members were informed that the principle of development was acceptable; that the proposed scheme would improve the character of the area and that good

amenity space was being provided within the development. No protected trees would be affected by the proposals and subject to conditions, Highways Officers had no objections to the application

Reference was made to the concerns raised by local residents, as set out in the submitted report. Whilst Boston Spa Parish Council had suggested that some affordable housing could be provided within the scheme, this could not be achieved as the size of the development did not reach the threshold for affordable housing provision

Members discussed the level of car parking being provided and whether this would be allocated. Officers stated that a minimum of 20 spaces, including garages would be provided and that there was no need for the car parking to be allocated

Concerns were raised at the speed of vehicles passing the site into Boston Spa and that it could not be assumed that motorists would be travelling at 30mph. The Panel's Highways Officer stated that a proposed condition regarding the provision of visibility splays had been included which should address these concerns

RESOLVED – That the application be granted subject to the conditions set out in the submitted report

45 Application 09/00499/FU - Single storey side extension to veterinary surgery at Holly House Veterinary Surgery - 468 Street Lane Roundhay LS17

Plans, drawings and photographs were displayed at the meeting. Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable full notification to Ward Members of the application being considered by Panel and to enable further consideration of the proposed conditions to be attached to an approval

A site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a single storey side extension to the existing veterinary surgery at 468 Street Lane LS17, which would house the x-ray facility which was currently sited in a container adjacent to the surgery - for which retrospective planning permission had been refused and the decision appealed - and to provide treatment areas and overnight accommodation for sick animals

Members were informed that concerns had been raised regarding the need to provide 24 hour treatment which was a requirement of the veterinary professional body. However 24 hour access to treatment would be for genuine emergencies only, with the period January to March 2009 seeing only 3 cases of animals being admitted as emergencies outside of normal working hours. A condition covering opening hours would address these concerns

To address the possibility of noise nuisance a condition had been included requiring the provision of sound proofing to the extension

The Panel heard representations on behalf of the applicant and an objector who attended the meeting

Members commented on the following matters:

- the untidiness of the site; the amount of debris requiring removal and the need for the surgery to improve its relationship with neighbours
- the number of extensions which had been made to the property

The Head of Planning Services who attended the meeting suggested

an amendment to condition No 4 to monitor the number of emergency treatments which were provided, an extra condition be imposed requesting submission of a site management plan and that an informative should be attached to any permission stating that any further extensions to the property were unlikely to be granted

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, subject to an amendment to condition No 4 to require details to be submitted in writing on a 3 monthly basis setting out the number of cases where emergency treatment outside of the prescribed opening hours had been necessary and an additional condition requiring submission and approval of a site management plan

46 Application 09/02943/FU - Full application for erection of a mosque and community centre to existing depot site with new vehicular and pedestrian access and basement car park at Land at the junction of Catherine Grove and Lodge Lane Beeston LS11 - Position Statement

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

Officers presented the report and stated that the proposals for a mosque and community centre would replace an existing facility on Hardy Street

Members were informed that the building would be three and a half storeys high in a traditional Islamic design. Officers had considered the scale of the building and had expressed some concerns at the height of the minarets with the Panel's views being sought on this

The site was in a densely populated residential area, with the nearest properties being situated 13.5m – 17.5m from the proposed building; this relationship being considered acceptable by Officers. Immediately opposite the site was the Holy Spirit Church which was a Grade II Listed Building

The scheme provided 8 car parking spaces. Whilst the applicant acknowledged this would be insufficient to cater for peak demand on Friday lunchtime, the site had excellent public transport links and worshippers would be encouraged to use these facilities to reach the mosque along with car sharing and walking. Highways comments on the proposals had not yet been received as they were awaiting the submission of a Transport Statement, Travel Plan and parking survey from the applicants

Receipt of a letter of support from Councillor Kabeer Hussain was reported
Members provided the following comments:

- that the facility would provide a range of uses which should be welcomed
- if there was a religious significance to the height of the minarets which might mean the height could not be amended
- that the architect would be invited to a future meeting to explain to Members the way in which mosques were designed
- that Christian churches often included a spire or bell tower and that the design features of religious buildings should be welcomed
- mixed views on possible highways issues, with some Members of the view that many people would walk to the mosque, so limiting the impact of the development on the local road network and others raising possible concerns relating to congestion and increased on-street car parking

- whether the existing facility at Hardy Street would be retained
- that the design of the building would enhance the church opposite and contribute towards the need for good architecture in the area
- concerns at the request for a public transport contribution from the applicant given their charitable status. Members were informed that an SPD had recently been adopted where developments above a certain threshold attracted a contribution towards public transport, however the concerns raised on this matter would be taken into account
- that a site visit to a mosque prior to further consideration of this application could be useful to assist in understanding the layout and function of the building

RESOLVED - To note the report and the comments now made

(During consideration of this item, Councillor Gruen left the meeting)

47 Application 07/04625/FU - Redevelopment of existing petrol filling station comprising new shop, canopy, car wash, underground fuel storage tanks and fuel pumps at Moortown Filling Station - 401 Harrogate Road LS17

Plans and photographs were displayed at the meeting. Those Members who had attended the site visits earlier in the day had viewed the site en route

Officers presented the report which sought permission for the redevelopment of the existing petrol filling station at 401 Harrogate Road which would include a larger and re-sited retail kiosk, an additional fuel island, new canopy covering the forecourt, new car wash and realigned vehicular access

The proposals would lead to the loss of one tree which was covered by a TPO, however this would be compensated for by the provision of several trees which would be planted in a similar location together with additional planting adjacent to the amended access and the rear of the site

Officers reported the receipt of an additional letter of objection

If minded to approve the application Officers suggested an additional condition relating to delivery hours and an amendment to condition 9 relating to noise control from the car wash

The Panel heard representations on behalf of the applicant and from an objector who attended the meeting

Members discussed the following matters:

- the proposed planting and concerns this could be so high that it could encourage anti-social behaviour
- the provision of litter bins and that one should be provided for recycling
- the possibility of conditioning the car wash to require it to be eco-friendly
- provision of 'in' and 'out' signing on the petrol forecourt

The Head of Planning Services stated that further information on the car wash could be requested but that it would not be possible to insist that it was the highest specification in terms of the use of recycled water

RESOLVED - That the application be granted subject to the conditions set out in the submitted report, an amendment to condition 9 to require the submission of a scheme to control noise emitted from the car wash to be approved and implemented and extra conditions specifying delivery times, including refuse

collection to be 0800hrs to 18.00hrs Monday – Saturday with no deliveries or collections on Sundays and Bank Holidays and the provision of road markings on the vehicular access within the site

(During consideration of this item Councillor Congreve left the meeting)

48 Applications 09/00845RM/09/00846/RM/09/00848/RM and 09/00849/RM - Reserved Matters applications for detached livestock building, detached agricultural building for the purpose of stock rearing, detached storage and general purpose agricultural building and detached agricultural workshop and machinery building - Land off Common Lane East Ardsley WF3

Plans and drawings were displayed at the meeting

Officers presented the report which sought Reserved Matters approval for agricultural development on land off Common Lane East Ardsley following the granting of outline planning permission on appeal

The applications had been brought to Panel at the request of a local Ward Member who also addressed the Panel

The Panel queried the level of local representations which were made at the public inquiry

RESOLVED - That Reserved Matters applications 09/00845/RM, 09/00846/RM, 09/00848/RM and 09/00849/RM be approved

49 Application 09/02620/FU - 5 bedroom detached house with integral double garage with office over at land rear of 2 and 4 Langwith Valley Road Collingham LS22

(Prior to consideration of this item Councillor Marjoram left the meeting)

Plans, artist's impressions and photographs were displayed at the meeting

Officers presented the report which sought permission for the erection of a single dwelling house with garage and office to the rear garden of 2 and 4 Langwith Valley Road LS22

Members were informed that sustainable features would be incorporated into the property, ie harvesting grey water, installation of a ground source heat pump to produce electricity and provision of a sedum roof

Whilst such features were commendable the scheme was considered to be backland development; it would site the property close to the Green Belt and would have an adverse impact on the streetscene and for these reasons Officers were recommending that the application be refused

The Panel heard representations from the applicant's agent and two objectors who attended the meeting

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

- 1 The siting of the proposed dwelling to the rear of the established frontage of development on Langwith Valley Road is considered to be a backland form of development which would be out of character with the area. The development would be inappropriate in its context, and would not be well integrated with, or complement the neighbouring buildings and the local area more generally in terms of the layout and

access to the site. The proposal is contrary to Policies GP5 and N12 of the Unitary Development Plan (Review 2006) together with guidance contained within Neighbourhoods for Living, PPS1 and PPS3

- 2 The Local Planning Authority considers that design, scale, height and siting of the proposed development would be harmful to the open character of the Green Belt, contrary to Policies GP5, N12, N13, N24 and BD5 of the Leeds Unitary Development Plan (Review 2006) and the guidance contained within Planning Policy Guidance Note 2: Green Belts

50 Planning Appeal Decisions

The Chief Planning Officer submitted reports on decisions of the Secretary of State, Department for Communities and Local Government, on appeals following refusal of planning permission by this Panel:

- i) Application 08/03263/FU – Appeal against refusal of planning permission for the demolition of a bungalow and the erection of 14 dwellings with on-site public open space, Tingley Hall Bungalow Bradford Road Tingley, considered by Panel at the meeting held on 25th September 2008 (minute 111 refers). It was the decision of the Inspector to allow the appeal in a letter dated 30th June 2009, subject to a number of conditions being imposed
- ii) Application 08/04152/FU – Appeal against refusal of planning permission for the erection of a wind monitoring mast at 60m in height for a temporary period of two years at Chahal Grange Farm York Road, considered by Panel at the meetings held on 25th September 2008 and 23rd October 2008 (minutes 107 and 124 refer). It was the decision of the Inspector to allow the appeal in a letter dated 15th July 2009, subject to the imposition of four planning conditions

51 Application 09/01678/OT Outline application for a detached dwelling seeking approval for siting and means of access at land adjacent to 16a Church Lane, Bardsey - appeal against non-determination

(Prior to consideration of this item Councillor Parker left the meeting)

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

Members had agreed to consideration of the report being deferred at the Plans Panel East meeting held on 2nd July 2009 to enable a site visit to take place and for Officers to consider matters raised by objectors in relation to access and the Street Design Guide. Since that meeting the applicant had lodged an appeal against non-determination of the application. As Panel could no longer determine the application the report sought to clarify what stance the Authority should take in the forthcoming appeal hearing

Officers presented the report and briefly outlined the planning history, including the most recent dismissed appeal decision following the Panel's decision to refuse an application for the erection of a detached house (07/07117/OT) at the Plans Panel East meeting held on 10th April 2008 (minute 263 refers)

Members were informed of two main changes since the previous application was considered, these being the extension of the Bardsey Conservation Area (CA) which had resulted in the site now being bounded on two sides by the CA where previously it was one and the status of the Council's SPD 'Street Design Guide' which was currently still in draft form but was expected to be adopted by the time of the appeal hearing and would state that no more than five dwellings could be served off a private drive unless designed to adoptable standards

Officers reported the receipt of two further written representations

The Panel heard representations from the applicant's agent and a local Ward Member who attended the meeting

Members discussed the following matters:

- whether the proposals could be regarded as backland development
- vehicular access arrangements, particularly for refuse collection vehicles
- siting of the property
- drainage

The Panel discussed how to proceed

RESOLVED – That had the Panel had the opportunity to do so the application would have been refused and that the following concerns be presented to the Inspector at the appeal on behalf the City Council:

- access to the site and the status of the Street Design Guide and its guidance on private drives
- drainage, in particular problems of flooding from surface water discharge further down the hill near the Bingley Arms
- siting of the dwelling and its effect on the adjoining Conservation Area

(During consideration of this item Councillor Taylor left the meeting)

52 Date and time of next meeting

Thursday 27th August 2009 at 1.30pm