

## NORTH AND EAST PLANS PANEL

THURSDAY, 5TH JULY, 2018

**PRESENT:** Councillor N Walshaw in the Chair

Councillors S Arif, D Collins, M Dobson,  
R Grahame, D Jenkins, E Nash, K Ritchie,  
S Seary, A Wenham and G Wilkinson

### SITE VISITS

The site visits were attended by Councillors Walshaw, Grahame, Jenkins, Nash, Ritchie, Wenham, Collins and Seary, Councillor Wilkinson attended the site visit to Westwood Way, Boston Spa (application 18/00344/FU)

**13 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**14 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

**15 Late Items**

There were no late items.

**16 Declarations of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

**17 Apologies for Absence**

There were no apologies for absence.

**18 Minutes - 7th June 2018**

**RESOLVED** - The minutes of the meeting held on 7<sup>th</sup> June 2018 were approved as a correct record.

**19 Matters arising**

In relation to Minute 7 16/05185/FU – Appeal summary change of use of ground floor from doctors surgery/pharmacy to public bar, two storey rear extension; beer garden area; external alterations including new doors and windows, condenser and extraction equipment to roof; new fencing and parking to rear 39 Austhorpe Road, Crossgates, Leeds LS15 8BA. Cllr. Grahame raised concerns that matters became politicised during the meeting.

The Chair said that he would speak with the Legal Officer who attended the meeting on the 7<sup>th</sup> June and send a response to Cllr. Grahame.

**20 18/01769/FU - RETROSPECTIVE AGRICULTURAL BUILDING FOR THE STORAGE OF STRAW, FODDER AND FEED AND THE HOUSING OF**

## **CATTLE AND SHEEP, SWILLINGTON ORGANIC FARM COACH ROAD WAKEFIELD ROAD SWILLINGTON LEEDS LS26 8QA**

Prior to the start of the item Cllr. Dobson requested that he be recused from this item. Cllr. Dobson had written in support of the application prior to him becoming a member of the Panel. However Cllr. Dobson stated for the record and for the Legal Officers attention that his role in this matter had been called into question by the objector. Cllr. Dobson said that he wanted to make it crystal clear for all parties, as an elected member he was entitled to make an opinion on a planning matter. He asked that this be recorded in case discussions strayed into a non-material area and he said that he would like the right of redress.

The Group Manager for North and East Plans Panel informed the Panel that the speakers against the application intended to play a recording of cattle noise that they had made of cattle on the adjacent farm. The advice provided by officers to the Panel was that in this particular instance it was fine for the objector to raise this as it was part of their case but in terms of the recording itself the Panel were advised that they could apply very little weight to the actual noise recording in their deliberations. It was noted that noise recordings for the purposes of planning matters and for them to carry any weight, noise recordings should be carried out by an independent source and were normally undertaken and monitored by the Council's Environmental Health Team, using recognised equipment and using a standard methodology.

The report of the Chief Planning Officer set out an application which related to an existing barn which had been erected under agricultural permitted development rights in 2016, but from March 2017 had been used to house animals. The applicant now wished to use the barn for livestock and sought retrospective consent for this use of the structure.

The application had been referred to Panel as the structure lies close to a listed building and the applicant was leasing land from the St Aidan's Trust, which is managed by Leeds City Council.

The application had been the subject of a site visit earlier in the day and plans, maps and photographs were shown throughout the presentation.

The Panel was advised that the building on site had been constructed under agricultural permitted development. The regulations under which the barn was constructed did not allow the housing of animals within 400 metres of residential dwellings. Full details of the permission was set out in the submitted report.

Members were advised that the development was within the green belt. It was explained that the barn was originally constructed under Part 6 of section 2 of the General Permitted Development Order, which allows the construction of agricultural buildings subject to certain conditions and criteria. It was noted that one of these was that the structure would not be used to house animals.

The application presented was to extend the use to house animals as well as hay, fodder and equipment.

Following an officer site visit concerns had been raised relating to noise and odour. It was reported that neighbours had reported noise levels at 80 decibels, but this had not been substantiated and would need specific monitoring.

Mr Bullock of Swillington House informed the Panel that he had lived at Swillington House all his life and had tried to assist the farm as much as possible.

Mr Bullock told the Panel that two years ago the owners had built a barn without consulting with him, only 100 yards in front of his house. He said that the barn blocked his view in the winter time and was screened by the trees in leaf in the summer.

Mr Bullock said that they had raised concerns with the Council when they had noticed that the barn was being fitted out with animal fittings. The Council came when animals were put into the barn but were told that the animals there were in quarantine to stop the spread of disease, the next time they visited they were told that the animals were being held there due to the adverse weather.

Mr Bullock was of the view that the barn had been built with the specific intention to house animals. He explained that there had been a massive increase in the amount of stock on the farm. He said that they had never complained about the noise of the animals. However, this winter it had been intolerable, saying that it starts when they are feeding them, he said that mothers and weaning calves were housed in the barn.

Mr Bullock went on to inform the Panel that he suffered from illness and that he needed his rest. However, he was unable to sleep due to the noise. Mr Bullock played a recording of cows bellowing.

Mr Bullock informed the Panel that it was not a viable option to insert double glazing to his house due to the number of windows and because his property is listed. Mr Bullock was of the view that the suggestion by the planning officer to permit permission for a 12 month period was a good idea, as this would allow monitoring to take place. He informed the Panel that he had taken readings of noise at 90 decibels, this was not in the house.

Mr Bullock raised concerns including that Cllr. Dobson had written in support of the application. Cllr. Dobson set out that it was not necessary to comment further as the comments made were unreasonable.

Members asked questions and discussed the following points:

- The use of the building including the storing of fodder, hay, tractor and the fittings for cattle;
- Monitoring of noise;

- The position of a manure heap

Mr Cartwright the applicant was in attendance at the meeting, however, it was his agent Mr Warren who spoke to the Panel.

Mr Warren informed the Panel of the following points:

- The barn was being used for the isolation of sick animals
- The position of the barn provided good agricultural access
- The barn had been used to house animals over winter due to adverse weather conditions
- The barn was used for storing hay, fodder and supplementary feed.
- The barn was used for the temporary accommodation of animals because they are sick, birthing animals, newly born or for adverse weather conditions
- The 12 month permission was not an ideal solution for the business moving forward, the applicant was willing to accept this and thanked the case officer and the agricultural surveyor for their proposal of a 12 month temporary permission. An application would be resubmitted in 12 months' time to request that the structure for housing animals is made permanent
- The recording of the cows bellowing was unverified
- The increase in cows on the farm was from 70 to 110
- There had been some noise on the farm the previous day due to a visit from the vet
- The 'muck heap' was positioned where it was due to the amount of water courses on the farm in the shape of ponds and streams. The nitrate from the 'muck heap' could not be allowed to seep into the water course. It was noted that the 'muck' was spread every year after harvest.
- There were only a few bales of hay currently in the barn as hay making did not take place until August.

In response to Members questions and comments the Panel noted the following points:

- No animals had been weaned in the building since 2016 as the farm preferred to use a more natural way of calves being weaned, the process was explained for the Members benefit
- There was no specific rule as to where a 'muck heap' should be placed. It was noted that the applicant wished to work with the neighbour and place the 'muck heap' in a suitable location so long as there was no leaching into the water course. Currently the heap causes no odour but should it be removed it would cause a smell for a temporary period of time. It was noted that the moving of the 'muck heap' was not a material matter for the panel to consider.
- 'Hayledge' was currently being produced for winter and is wrapped in black plastic. When the hay is made it will be stored in the barn.
- The barn had been positioned where it is due to the siting of another barn which was already in that location. It was noted that there was

also a grade1 listed wall which had been part of the original Swillington Hall. There was limited area where the barn could be placed.

The Panel heard that there was additional representation from neighbours (Bullock and Davis) noting that mitigation measures proposed are insufficient and that they recognise they live next to a farm, and had only complained at the point the impact upon them became unreasonable.

Members discussed the following points:

- The farm was also used as a visitor centre with car parking – this was located within the green belt and Members requested an investigation as to whether the car park was in breach of planning control.
- In the event that permanent permission is recommended to be granted, whether a condition could be imposed removing some or all of the agricultural permittee development rights.
- Costs made by the neighbours in relation to the impact on them would not be made against the Council.

**RESOLVED** – To grant planning permission in accordance with the recommendation (12 month temporary permission for the use of the building for the housing of animals).

In addition Members requested that:

- Officers investigate whether the car parking area constitutes a breach of planning control, and
- Officers to give consideration, in the event that a permanent permission is recommended to be granted, whether a condition can be imposed removing some or all of the agricultural permitted development rights.

An application for the permanent use of the building for the housing of animals shall be reported to Panel for determination.

Under the provision on Council Procedure Rule 16.4 Councillor Collins required it to be noted that she had abstained to vote on the decision as resolved by the Plans Panel.

**21 18/01883/FU - RAISING RIDGE HEIGHT, TWO STOREY AND SINGLE STOREY EXTENSIONS TO FRONT, SIDE AND REAR WITH JULIET BALCONY TO REAR, DORMER WINDOWS TO FRONT, ALTERATIONS TO BOUNDARY TREATMENT, 50 ROPER AVENUE, GLEDHOW, LEEDS, LS8 1LG**

The report of the Chief Planning Officer set out an application to raise ridge height, two storey and single storey extensions to front, side and rear with Juliet balcony to rear, dormer windows to front, alterations to boundary treatment at 50 Roper Avenue, Gledhow Leeds LS8 1LG.

Members had visited the site earlier in the day and plans, maps and photographs were shown throughout the presentation.

The application proposed to convert the existing bungalow to form a two storey dwelling. The extensions would increase both the height and the width of the bungalow with some of the original building being retained. It was noted that other houses on the street were two storey dwellings.

Members were informed that the drive was to be made wider to allow parking for two cars.

It was noted that concerns had been raised by officers that the first floor windows in the rear elevation would overlook the dwelling beyond the rear boundary. After discussions with the applicant the depth of the first floor had been reduced so that a gap of 7.5m was retained from the rear boundary of the neighbouring dwelling. Members were informed that written representation had been received from the occupant of no. 55 Denton Avenue (located directly beyond the rear boundary of the site). The occupant of No. 55 had no concerns with the scheme.

It was noted that a request to view the development from the main objectors' site had been received.

Mr Cook of 48 Roper Avenue attended the meeting, he said that he was speaking on behalf of 46 and 51 Roper Avenue and 57 Denton Avenue and 59 The Drive.

The following points were made by Mr Cook:

- Proposal was too large for the site
- The current dwelling was set back in the plot
- The property should be 5m from the rear boundary
- The proposed dwelling would be over dominant and overbearing
- Extensions to the side boundaries meant that there was no access to the rear
- Minimum distances were being disregarded
- Front facing dormer was over prominent
- No garden area for a property of this size
- Would cause issues of parking on the street

Mr Swinney the agent for the applicant attended the meeting and informed the Panel of the following points:

- The applicant had bought the property for its plot size and location in an area that was known to them and that they loved.
- The property was prime for development and acceptable within the street scene
- The applicant did not want to alienate new neighbours and had worked closely with planning officer making amendments to the original plans
- Consultation had taken place with neighbours in relation to the side boundaries

- The dwelling would be in line with other properties in the street
- A neighbouring property had a large extension

In response to questions from the Members Mr Swinney said that the maintenance of the street scene in his view was subjective as there was an eclectic mix of houses on the street.

Mr Swinney said that the hedges on the boundaries would be maintained.

**RESOLVED** – To grant planning permission in accordance with the officer recommendation.

**22 18/00344/FU - DEMOLITION OF FORMER CARE HOME AND CONSTRUCTION OF NEW BUILD EXTRA CARE HOUSING SCHEME COMPRISING 44 APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES, PARKING AND EXTERNAL AMENITY SPACE, WESTWOOD WAY, BOSTON SPA, LS23 6DX**

The report of the Chief Planning Officer set out an application for the demolition of former care home and construction of new build extra care housing scheme comprising of 44 apartments with associated communal facilities, parking and external amenity space at Westwood Way, Boston Spa, LS23 6DX.

It was noted that there was a typo in the report at 10.9 referring to the shifting of the proposal by approximately 1.5 metres to the north. This should refer to the west.

2 additional comments received one highlighting the typo and also referred to the shift as a 'measly' 1.5 metres'

The second comment re-iterating the earlier objection and expressing that the shift of the proposal from the rear of 34 Church Street does not alleviate their concerns relating to loss of light and overbearing impact on their amenities.

Members had visited the site earlier in the day with plans, maps and photographs being shown throughout the presentation.

The Panel were informed of the following points:

- The proposed footprint was 'S' shaped and longer than the building currently on that site
- There were two storey properties around the site with open space surrounding
- The proposal tried to minimise the height of the building by use of the roof space for additional rooms
- Extra Care provision was lower than that of a standard C3 use building
- The scheme was deemed to have a neutral impact on existing issues in the area including permissive parking with 3 schools and an allotment within the vicinity
- Improvements had been made to the original design

- The proposed living space meet and exceed minimum requirements
- There was a need for this type of development within the area as set out in the Neighbourhood plan
- There was no architectural merit in the current building on the site. However there was a boundary wall which needed protecting and was to be retained. This would be checked during and after construction.

Ms Douglas of 30 Church Street spoke to the Panel informing them of the following points:

- The proximity and the height of the proposed development were a concern as it would reduce light levels to the rear gardens of neighbouring properties
- 32, 34 and 36 Church Street would have issues of showing if the development was to go ahead these properties had small rear gardens
- Residents of the new building may also not be happy that people would be able to look into their property
- The eastern side of the proposed building would be in shade
- The size of the proposed building would set a precedent in the village
- Ms Douglas was of the view that the rules had been changed to suit the plans as set out at 10.4 of the submitted report
- Ms Douglas was not against the building of this type of property although, she did not think that it should be built at the detriment of those already living in Church Street

In response to a question with regard to the height of the hedges on the boundary Ms Douglas said that she was unable to comment on how much shade the hedges gave in the gardens at 32, 34 and 36. Ms Douglas said that the gardens to those properties were small and it was noted that 32, 34 and 36 had no front garden. In response to the height of the hedges Ms Douglas said that hedges and trees dependent on preservation orders could be cut down, but brick walls could not.

Clare Hemmingway of Housing Care 21 and Nick Langtran –Architect attended the meeting and provided the Panel with the following information:

- Housing Care 21 bid for the scheme through a competitive process in response the Leeds City Council who had identified a need for extra care provision on this site
- Housing Care 21 is a leading care and retirement housing for older people of modest means they are a charitable not for profit organisation, been established 50 years
- Work with 150 local authorities across the country with 130 extra care schemes
- 100% of services in the north were rated ‘Good’ by Care Quality Commission
- They assist people to live independently with their own front door within a safe and secure environment
- Enable couples to remain together
- Tailored care packages



- The housing scheme is open for the use of neighbours and the community and they encourage the community to use their amenities including the café bistro, and participate in any activities or social functions
- They promote inter-generational work and would engage with local schools
- It was proposed that there would be a management team of 4, care staff team, domestics, repair contractors etc. During the build period the contractor would take on apprentices locally
- All schemes comply with secure by design
- Housing Care 21 is for people over 55 however, the average age of residents are in there 80's a majority do not own cars
- Parking on the site had been addressed in the travel plan. A detailed survey had been undertaken in relation to parking and car ownership in other schemes in Yorkshire which showed only between 3 and 7 residents owned a car on any one scheme
- Staff are recruited locally where possible
- Funding was being provided by Homes England. It was noted that the funding was at risk if the contractor did not start on site in October

The Panel discussed the following points:

- Transport links to and from Boston Spa
- Parking
- Disrepair of the building currently on site
- Construction traffic

**RESOLVED** – To defer and delegate approval of the planning application in accordance with the officer recommendation, pending the expiry of the publicity period, and subject to the imposition of the following additional planning condition:

- Details of a scheme for the use and implementation of renewable energy to be submitted to and approved by the local planning authority.

Condition 8, details of a construction management plan, to include restrictions on delivery hours, hours of construction and provision for contractors parking.

Chair to write to Asset Management expressing Members concerns about the condition of the existing building on the site.

**23 17/04368/FU - RETROSPECTIVE APPLICATION FOR DWELLING WITH DETACHED OUTBUILDING TO REAR, WIGTON COURT, WIGTON LANE, ALWOODLEY**

The report of the Chief Planning Officer set out a retrospective application for dwelling with new detached outbuilding to rear at Wigton Court, Alwoodley, Leeds.

It was noted that this application had been heard at the meeting held in the previous municipal year on 22<sup>nd</sup> March 2018, Minute 115 refers. At this meeting the resolution made was to defer and delegate approval subject to conditions set out at 1.2 of the submitted report.

It was also noted that the Panel has new Members and therefore a brief background and a reminder to the application was provided.

Following discussions with officers the applicant had decided that they wish to retain the scheme as originally presented to the Plans Panel and had requested that the 'fall-back' position regarding what could be achieved under Permitted Development rights for the original scheme be presented for comparison. A copy of the original report was appended to the submitted report.

Within the submitted report at paragraphs 2.2 and 2.3 the advantages and disadvantages for both schemes were set out.

Members discussed the following points:

- Permitted Development Rights
- 'Fall-back' position
- The metal super structure currently on site and if or how this would be affected
- Noise and lighting from the proposed pool impacting on neighbours
- Planting to the boundary

**RESOLVED** – To grant planning permission in accordance with officer recommendation.

Under the provisions of Council Procedure Rule 16.5, Councillors Collins, Jenkins and Wenham required it to be recorded that they had abstained to vote on the decision to grant permission as resolved by the Panel.

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**16/06911/FU- APPEAL SUMMARY CHANGE OF USE OF LAND TO TRAVELLER PITCH WITH DETACHED UTILITY BLOCK AND ASSOCIATED WORKS, RETROSPECTIVE APPLICATION FOR LAYING OUT OF HARDSTANDING LAND OFF HOLLINHURST ALLERTON BYWATER WF10 2HY**

The report of the Chief Planning Officer provided Members with the outcome of appeals by Mr T Doran against the decision of the City Council to refuse planning permission for the change of use of land to create a single travellers pitch and against the decision of the City Council to serve an enforcement notice to cease the use of the site and restore it to its former condition at land off Hollinhurst, Allerton Bywater, Leeds.

The appeal against the refusal of planning permission was allowed subject to conditions and the appeal against the serving of the enforcement notice was allowed in part on grounds (g) with modifications made to the notice.

A claim for the award of full costs against the Council was dismissed.

It was noted that future consideration should be given to personal circumstances and ethnicity of applicant on similar applications.

Members were informed that the Inspector had presented his report on a revised planning application. Members were amazed that the appeal had been granted when the application had been different to the one that they had considered.

**25 RESOLVED – To note the report  
Date and Time of Next Meeting**

The next meeting of the North and East Plans Panel to be held on Thursday 9<sup>th</sup> August 2018, at 1:30pm.