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NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 25th July, 2019
at 1.30 pm

MEMBERSHIP

Councillors

D Collins
R Grahame
D Jenkins
E Nash
K Ritchie (Chair)
N Sharpe
M Midgley
T Smith
S Seary

Agenda compiled by:
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Produced on Recycled Paper

A G E N D A

Item No	Ward	Item Not Open		Page No
			SITE VISIT LETTER	
1			**APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS** To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded) (*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)	
2			**EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC** 1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report. 2 To consider whether or not to accept the officers recommendation in respect of the above information. 3 If so, to formally pass the following resolution:- **RESOLVED –** That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information 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 press and public were present there would be disclosure to them of exempt information, as follows:-	

Item No	Ward	Item Not Open		Page No
3			**LATE ITEMS** To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	
4			**DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS** To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			**APOLOGIES FOR ABSENCE**	
6			**MINUTES - 20 JUNE 2019** To confirm as a correct record, the minutes of the meeting held on 20 June 2019.	3 - 14
7	Alwoodley		**APPLICATION 18/04236/FU - MOORTOWN GOLF CLUB, HARROGATE ROAD, MOORTOWN, LEEDS** To receive and consider the attached report of the Chief Planning Officer regarding an application for a greenkeeping facility (storage/workshop) and yard with ancillary office and sensor activated emergency lighting attached to proposed building	15 - 28
8	Harewood		**APPLICATION 18/06186/OT - 9 MANOR PARK, SCARCROFT, LEEDS, LS14 3BW** To receive and consider the attached report of the Chief Planning Officer regarding an application for a detached dwelling to garden area.	29 - 42

Item No	Ward	Item Not Open		Page No
9	Wetherby		**APPLICATION 19/00038/FU - RODNEY CINEMA, CAXTON STREET, WETHERBY, LS22 6RU** To receive and consider the attached report of the Chief Planning Officer regarding an application for an extension to side including alterations to frontage and replacement windows of existing cinema.	43 - 58
10	Garforth and Swillington		**APPLICATION 19/02842/FU - SWILLINGTON ORGANIC FARM, COACH ROAD, WAKEFIELD ROAD, SWILLINGTON, LEEDS, LS26 8QA** To receive and consider the attached report of the Chief Planning Officer regarding a retrospective application for the housing of animals within a detached agricultural building.	59 - 72
11			**DATE AND TIME OF NEXT MEETING** Thursday, 22 August 2019 at 1.30 p.m.	

Planning Services
Merrion House
Merrion Centre
Leeds

To all Members of North and East
Plans Panel

Contact: David Newbury
Tel: 0113 378 7990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: 16th July 2019

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 25th July 2019

Prior to the meeting of the North and East Plans Panel on Thursday 25th July 2019 the following site visits will take place:

Time	Ward	
9.55am		Depart Civic Hall
10.20am - 10.30am	Alwoodley	18/04236/FU - Greenkeeping Facility (Storage/Workshop) And Yard, With Ancillary Office And Sensor Activated Emergency Lighting Attached To Proposed Building. Moortown Golf Club, Harrogate Road, Moortown, Leeds, LS17 7DB (Site visit to take place from site access at The Fairway, Alwoodley, LS17 7QT)
10.50am - 11.00am	Harewood	18/06186/OT - Outline Application For A Detached Dwelling To Garden Area. 9 Manor Park, Scarcroft, Leeds, LS14 3BW
11.20am - 11.30am	Wetherby	19/00038/FU - Extension To Side Including Alterations To Frontage And Replacement Windows Of Existing Cinema. Rodney Cinema, Caxton Street, Wetherby, LS22 6RU
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 9.55am. Please notify David A Jones (Tel: 378 8023), as David Newbury will be on annual leave at the time of the Plans Panel, if you wish to take advantage of this and meet in the Ante Chamber at 9.50am. If you are making your own way to a site please let David A Jones know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager

NORTH AND EAST PLANS PANEL

THURSDAY, 20TH JUNE, 2019

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, R Grahame, E Nash, S Seary, N Sharpe, M Midgley, T Smith and P Wray

SITE VISITS

Site visits attended by Cllrs Ritchie, Grahame, Nash, Seary, Midgley and Smith.

1 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

2 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

3 Late Items

There were no formal late items. However there was supplementary information in relation to agenda item 11 – Application 18/01609/FU - Demolition of Bramham House.

4 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

However Cllr. Ron Grahame informed the Panel that his wife Cllr. Pauleen Grahame was the local ward member for Crossgates and Whinmoor and that she was due to speak on item 8.

5 Apologies for Absence

Apologies for absence had been received from Councillor Jenkins. Councillor Wray was in attendance as his substitute.

6 Minutes of meeting held on 16th May 2019

RESOLVED – That the minutes of the meeting held on 16th May 2019, were approved as a correct record.

7 APPLICATION 18/07752/FU CHANGE OF USE OF RESIDENTIAL GARAGE TO DWELLING 17 OAKSFIELD METHLEY LEEDS LS26 9AE

The report of the Chief Planning Officer set out reasons for refusal on an application for change of use of residential garage to dwelling on land at 17 Oaksfield, Methley, Leeds.

Panel Members had visited the site earlier in the day. Photographs and maps were shown throughout the presentation.

Members were advised of the following points:

- Oakfields Road is a private road not adopted by Leeds City Council;
- It is unmade and does not have a segregated pedestrian area;
- The plot currently has a garage and workshop on it;
- The garage door would be replaced with a window and door, the main garage would be used as the living area and kitchen with one bedroom and an en-suite bathroom;
- There are no proposals for changes to the shed / storeroom on the plot;
- 0.9 m high brick wall to the front is proposed as the boundary treatment with a timber gate;
- A neighbour had been refused permission for change of use from garage to form a dwelling house in 2018, it was also noted that this had gone to appeal, though the Inspector had dismissed the appeal on all grounds except for residential amenity;
- Concerns had been raised by Highways in relation to the opening from Pinfold Lane onto Oaksfield due to issues of visibility at the junction, and the junction does not allow for two way passing;
- In accordance with Leeds Design Guide private roads should serve no more than 5 properties. It was noted that once a road exceeds 5 dwellings it should be constructed and designed to an adoptable standard and offered for adoption. Oaksfield currently serves 28 dwellings;
- Former Cllr. Wakefield had requested that the application be brought to Plans Panel;
- There is no parking proposed as the applicant has indicated that they do not need a car. However, is was noted that future residents of the property may have a car.

The applicant and his agent attended the meeting and informed the Panel of the following:

- Mr Boby had lived and work in Methley all his life, currently as a caretaker of a school with a tied cottage and previously as a miner;
- He had recently had a cancer scare with cancer in his jaw and was looking to retire which meant that he needed a home;
- He had lost his confidence to drive and Oaksfield is close to amenities, and bus stops;
- There are 20 metre visibility splays at the junction of Pinfold Lane and Oaksfield;
- This is a type 2 connector street with 20mph signs;
- The hedges either side could be cut back and maintained.

In response to Members questions the Panel were provided with the following information:

- The whole plot including the garage and the shed are in the ownership of the applicant;

- All other properties on Oaksfield had car access;
- This application could set a precedent for other plots to be used for proposed dwellings;
- Not able to set a condition restricting access for cars to a property as it was not enforceable;
- This land had been historically used for allotments;
- The garage had been built on the plot in 2009;
- This plot was now a stand-alone plot and there was potential for others to become stand-alone plots in the future;
- There are no pedestrian facilities on the road, or a turning head;
- The design of the proposed dwelling would meet 'Lifetime Homes' standard.

RESOLVED – Members agreed the officer recommendation and resolved that planning permission should be refused for the reasons set out in the report (highway safety, no on-site parking provision and harm to the character of the area).

8 APPLICATION 19/01819/FU SINGLE STOREY EXTENSION TO THE SIDE/REAR AND BOUNDARY FENCE TO SIDE 8 WHITE LAITHE GROVE WHINMOOR LEEDS LS14 2EN

The report of the Chief Planning Officer requested Members consideration on an application for a single storey extension to the side/rear and boundary fence to side at 8 White Laithe Grove, Whinmoor, Leeds, LS14 2EN.

A site visit had taken place with Members in attendance earlier in the day. Photographs, maps and plans were shown throughout the presentation.

The Panel was informed of the following points:

- The application had been brought to Plans Panel by Cllr Pauleen Grahame who was concerned about the increase in traffic in the area due to visitors to the property and also that the fencing would be unsightly and spoil the look of the area;
- The proposal was to make the dwelling into a six bed property the extension would provide two additional bedrooms and an additional bathroom;
- The extension would bring the property close to the rear boundary and there was a proposal that a 8 metre high fence would be erected to mitigate overlooking;
- The drive would be made wider to accommodate two cars;
- Email received from the applicant (LCC) 18th June 2019, stating the conifer hedge was to remain

Cllr. Pauleen Grahame and two residents were in attendance at the meeting and informed the Members of the following;

- Specifics on the proposed measurements;
- This is not a modest build;
- Most of the garden would be taken over by the extension and therefore the garden would not be sufficient for the proposed number of children to play in;
- No management construction plan was proposed;
- The construction noise and disturbance will affect all neighbours;
- There had been 23 complaints to the proposal – the main concerns were listed in the submitted report at point 6.4;
- This is not the area for a dwelling of this size;
- This property would decrease the value of the surrounding properties specifically the adjoining house.

A Principal Surveyor from Resources and Housing attended the meeting to answer questions from the Panel.

Members in considering the application discussed the following:

- Parking spaces
- Amenities within the area including bus stops, and schools;
- The size of the garden that would be available for use;
- If the living space would be adequate for a large family;
- Future occupancy of such a large house;
- Too large for the size of the plot;
- Character of the area and the size of proposed property.

At the conclusion of the discussions, Councillor Nash moved a motion to reject the recommendations as detailed in the submitted report, so that the application be refused. The motion was seconded by Councillor Collins. On being put to the vote, Councillor Nash's motion was passed.

RESOLVED – Not to accept the officer recommendation that planning permission be granted and resolved that planning permission should be refused for the following reasons:

- Parking insufficient for size of the extended dwelling;
- Impact of the development on the character and visual amenities of the locality;
- The proposal would result in an overdevelopment of the site with the resultant private amenity space being inadequate to serve the needs of the occupiers of the dwelling.

Councillor Collins moved to delegate to officers the final wording of the refusal this was seconded by Councillor Wray. On being put to the vote it was resolved that the final wording and issuing of the refusal of planning permission was delegated to officers.

9 APPLICATION 19/00835/FU ALTERATIONS INCLUDING RAISED ROOF HEIGHT TO FORM HABITABLE ROOMS; TWO STOREY PART FIRST

FLOOR SIDE/REAR EXTENSION 22 PARK LANE MEWS SHADWELL LS17 8SN

The report of the Chief Planning Officer requested consideration on alterations including roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, Leeds, LS17 8SN.

Members had attended a site visit prior to the meeting held on 16th May 2019 where the application had been due to be heard. However a procedural error had occurred and the application had to be withdrawn.

Photographs, maps and plans were shown throughout the presentation.

Objections had been received from No 20 and No 24 Park Lane Mews the comments were provided to the Panel alongside comments from officers in response to concerns as follows:

- Overlooking from bedroom windows on No 1, 2, and 5 to 20 Park Lane Mews.
    - The windows directly look over the applicants own property rather than neighbouring rear gardens and as such will not overlook No 20 Park Lane Mews
- The report does not mention the effect on the front garden or the sunlight enjoyed in the front living room
    - The existing dwelling already creates overshadowing to the neighbouring property to the front garden area. It is considered that the proposed extension will not negatively impact the front garden area of the neighbouring property.
- Condition 4 states no insertion of windows. Revised plans were received on 12th June with an additional window at ground floor and a fake window at first floor.
    - The additional window at ground floor will be screened by the existing boundary treatment facing onto Park Lane Mews. The fake window is to break up the amount of material on the side elevation. The condition will remain so that the LPA has control if any other openings are proposed in the side elevations at a later date.
- Overbearing and over dominant.
    - Discussed in officer's report
- Proposal will be overwhelming to neighbouring properties
    - Discussed in officer's report
- Out of character.
    - Discussed in officer's report
- Set a precedent.
    - Each application is assessed on own merit
- Increase pressure on parking, amenities and services
    - Discussed in officer's report
- The probability of the materials used on all four sides of the building will make this a prominent building and an eye sore.

The Panel were informed that photographs had been sent by a resident of Park Lane Mews which showed parking issues these were viewed by Members at the meeting.

The Panel were advised that the parking on site was adequate for the size of the proposed property. It was noted that the garage cannot be classed as a parking space. However, it was the view that there was sufficient parking to the front of the property.

Two objectors were in attendance at the meeting and put their concerns to the Panel as follows:

- 16 residents out of 29 had raised concerns in relation to the proposals;
- The proposal was over dominant and overwhelming;
- It would spoil the character of the area;
- The house style on Park Lane Mews is in the Georgian with small panes of glass at the windows, the proposed dwelling is totally out of character with the area;
- The windows have already been changed and look out of character;
- The property should have 3 parking spaces;
- It will be 4 metres closer to numbers 11, 20, 26, 15, and 28;
- Overlooking of number 20 would affect privacy;
- It will be difficult to source the same materials for the build;
- The roof line will be higher than neighbouring properties.

The applicant was also present at the meeting and provided the Panel with the information relating to the proposals and responded to their questions with the following:

- No. 22 is a gable fronted property and this would remain the same, there are other properties within the development that are also gable fronted;
- There will be no impact on 18,16 or 20 with overlooking;
- The majority of light into the upper floor would be through velux windows;
- The properties are not identical;
- There is sufficient parking for 2 ordinary cars to the front of the property and the garage is used for an oversized vehicle;
- The front canopy is to be removed, therefore there will not be cars parked on the pavement as shown in photographs;

In reconsidering the application the Members discussed the following points:

- Parking spaces, with a suggestion that parking be considered to the rear of the property;
- Received clarification on guidelines in relation to garages;
- Height of proposed property in comparison to surrounding properties;
- Overlooking.

Towards the end of the discussions Councillor Wray moved a motion to defer for further negotiations but then withdrew this motion.

Councillor Collins moved a motion to reject the officer recommendation as detailed in the submitted report, so that the application be refused. The motion was seconded by Councillor Nash. On being put to the vote Councillors Collins motion was passed.

RESOLVED - Not to accept the officer recommendations that planning permission be granted and resolved that planning permission be refused for the following reasons:

- Parking insufficient for size of the extended dwelling;

The final wording and issuing of the refusal of planning permission was delegated to officers.

10 APPLICATION 19/01375/FU DEMOLITION OF EXISTING PROPERTY AND REPLACEMENT NEW DWELLING 165 ALWOODLEY LANE ALWOODLEY LEEDS LS17 7PG

The report of the Chief Planning Officer set out an application for the demolition of exiting property and replacement new dwelling at 165 Alwoodley Lane, Leeds, LS17 7PG

Members had attended at site visit earlier in the day, photographs and plans were shown throughout the presentation.

Members were advised that since the publishing of the report there had been 3 additional objections to the proposal submitted from the occupiers of 141 Alwoodley Lane, the property to the west; the occupiers of The Barn, 167 Alwoodley Lane, the property to the east of the application site and from the occupiers of 139 Alwoodley Lane the property to the west of 141 Alwoodley Lane.

The comments raised were provided to Members as follows along with the comments from officers in response:

- Still represents an over dominance;
- Makes reference to previous appeal decision and reference to the footprint of the current proposal being 11% larger than the building that was the subject of the appeal decision
    - This simplistic comparison of floorspace does not take into account the significant changes to the form of the proposal. The previous proposal that was subject to the appeal was a much blockier, modernist approach proposal with a flat roof whereas this proposal with a pitched roof and garage at ground level rather than undercroft. Parking which would help reduce the footprint, the scheme has to be assessed in the round rather than simplistic mathematical interpretation of the proposal;
- Reference is made to the Householder Design Guide;
    - This document is written primarily to guide existing householders as to what is acceptable in terms of extending exiting properties, it is more proper to apply the advice of the

SPG Neighbourhoods for living which has been applied in the assessment in the report;

- Reference made to lack of consultation by developer with local residents;
    - There is no absolute requirement for this to take place as desirable as such consultation is the lack of it prior to submission does not weigh heavy in the decision making process;
- Amendment seek to hide blatant disregard to planning taken from outset;
- Increase in height although reduced is still 2.0 metres higher than existing dwelling currently on site;
    - This is addressed in the assessment in the report. The proposal has been assessed on its own merits;
- Creation of an overbearing gable facing 167;
- Re-iteration of the loss of privacy to 167;
- Impact on vegetation
- The planning officers report is a subjective interpretation which is contrary to every other interpretation of material planning consideration
- Most recent submission so not alter view of objector and simply reinforces that the building will cover and unacceptably large area of the plot;
- Building projects beyond the rear elevations of neighbouring property
- Given the case officers obvious support for this development is seems all neighbour comments have been entirely disregarded.

It was noted that the LPA do take into account the local plan and this had been addressed within the submitted report.

Members were provided with the following information:

- The proposal is for a one and a half storey building of traditional design;
- The rear of the property has been reduced in size and massing;
- Alterations have been made to the balcony at the rear so that there is no overlooking onto neighbouring properties;
- The rear looks out onto open vistas of the golf course;
- Skylights to be used in the bedrooms;
- Windows to the side elevation to conditioned that these are obscure glazed;
- The current screening of vegetation to the side boundary to remain.

The Chair informed the Panel that he had been contacted directly by 2 objectors to the scheme prior to the meeting.

Members noted that consultation closed after the date of publication of the agenda for the meeting.

Two of the neighbours were present at the meeting and provided the following points to the Panel:

- 3 planning applications for this site have previously been refused and there is no difference to this one;
- 11% larger than previous application;
- Overbearing and foreboding development;
- Their agent had tried to make contact with the applicant but had no success;
- The proposed property would impact on the lives of the neighbours and their children;
- 17 residents have objected and feel that their objections have been ignored;
- Of the view that this application is in contradiction with a number of policies.

Responding to Members questions the Panel were given the following information;

- The garage is not a problem it is the size of the house that is of concern as it will be so prominent;
- The size of the property will take away the character from Alwoodley Lane;
- They do accept that the applicant has made significant changes, however they would suggest that the property is be brought in line with neighbouring properties;
- There has been no consultation with neighbours.

Mr Taylor the applicant attended and spoke to the Panel advising them of the following points:

- The vegetation to the east side boundary will remain;
- He had received a torrent of objections since his next door neighbour had sent a letter to other neighbours, some of the objections are duplicated;
- Mr Taylor said that he had received no request for their agent if he had he would happily have met with him;
- Mr Taylor said that he had engaged with the local ward Member Cllr. Buckley and with the Parish Council with a positive outcome;
- Mr Taylor said that he had in the Alwoodley area all his life.

Responding to Member questions Mr Taylor informed the Panel of the following:

- The size has been reduced, alterations made to the balcony so as not to overlook neighbours, the build will be energy efficient and the hedges will be staying;
- The balcony will be used to sit and watchers the golfers and the sunset;
- His wife is also an artist and would paint sunsets and scenery from the balcony;
- Needs a large house as he has a large family who all gather together on Friday evenings;
- He would be happy to fill in any gaps of vegetation to the east side boundary.

Member's discussions focussed on the following points:

- Design of the house
- Height of the house
- Boundary treatment
- Character of the area

RESOLVED – Members agreed the officer recommendation to grant planning permission subject to the conditions set out in the report with the imposition of an additional condition:

- Enhancement of planting to the common boundary with No. 141 Alwoodley Lane (to fill in the gaps in planting along that boundary)

11 APPLICATION 18/01609/FU DEMOLITION OF BRAMHAM HOUSE, RETENTION OF FRONT FACADE AND REDEVELOPMENT TO FORM CARE HOME, WITH 8 CLOSE-CARE DWELLINGS, 6 CLOSE-CARE APARTMENTS AND 10 DETACHED HOUSES, LAYING OUT OF ACCESS ROAD AND NEW VEHICLE ACCESS TO FREELY LANE BRAMHAM HOUSE BOWCLIFFE ROAD BRAMHAM WETHERBY LS23 6QY

The report of the Chief Planning Officer for an application to demolish Bramham House, retention of front façade and redevelopment to for care home, with 8 close care dwellings, 6 close care apartments and 10 detached houses, laying out of access road and new vehicle access to Freely Lane at Bramham House, land between Bowcliffe Road and Freely Lane, Bramham, which had previously been reported to Panel and been recommended for approval.

Members were advised that the proposal was the same. However, there had been a change in policy for green space provision within the Core Strategy and the contribution for the developers had been calculated wrongly.

Members were informed that 4 additional representations had been received 3 from local residents with one resident sending in multiple comments and 1 from Aberdeenshire from a relation of the owners of Bramham House.

The issues raised were provided to the panel as follows:

- Site has poor accessibility, has steep gradient, particular to public transport; New residential gardens backing onto an existing garden and do not agree with officer that it would have an extremely limited impact on living conditions, and thus would result in loss of privacy;
- People would be able to walk past the front of the house due to a new footpath;
- Increased traffic and pollution;
- Impact on pedestrians using Freely Lane and accessing the playground;
- Freely Lane should become one way, have a 20mph limited with speed bumps;

- Bramham House should be restored and converted to a private house, apartments, or hotel or offices. Being derelict is not a case for demolition;
- Impact on ecology and biodiversity;
- Concerns over extent of tree loss;
- Impact from noise and inconsistencies contained within the applicants noise report, with particular concern over noise levels in the garden of Braham House, Care home should be on northern part of site and orientation change;
- Increase in surface water run-off;
- Concerns whether the right mix and homes meet current and future needs;
- Concerns over use of condenser gas boilers in every house. A wood chip fuel heating system should be used;
- Concerns whether the development will be well designed;
- Does the village have enough people who ned this facility;
- Close care housing is no substitute for affordable housing.

Supplementary information had been circulated to all Panel Members prior to the meeting in relation to comments received from one local resident and in addition to 35 separate representations listed on public access.

Cllr. Lamb attended the meeting and spoke to the Panel advising them of the following points:

- He was a supporter of this scheme and was of the view that it would meet the needs of the community. However, he explained that the area was challenging which was why the building and land had stood empty for so long;
- The area needs the contribution to green space;
- The type of residents who would be using this development would find the topography difficult to access;
- The community had already been asked to consider improvements to the village on the previously suggested amount. To find that they were now only going to receive a quarter of the amount was a ‘slap in the face’.

Mr Windress the agent was also at the meeting and explained that the scheme was policy compliant.

Members noted that the error in calculating the contribution was on the part of the Council not the applicant.

Members as part of their considerations discussed the following points:

- The loss of trees
- Planting scheme
- Log burners
- Community Infrastructure Levy (CIL)
- H10 accessibility
- Green space provision

- Affordable housing provision
- Energy efficiency

RESOLVED – Members resolved to agree the officer recommendation to defer and delegate approval to officers subject to:

- The prior completion of a legal agreement to secure 58% affordable housing provision, a greenspace contribution of £29,222.61, a bus card contribution of £4,950 and local employment initiatives;
- The conditions set out on pages 71 and 73 of the submitted report.

In addition Members resolved that:

- The condition to secure use of 10% of renewable energy sources be amended to include a requirement to achieve CO2 emissions of 20% below the requirements set out in the Building Regulations;
- Add a condition to require compliance with water standard in respect of individual usage;
- A condition be imposed requiring details of the design and access arrangements to the on-site greenspace to be submitted and agreed.

Ward Members are to be consulted on details submitted pursuant to the on-site greenspace provision condition. If ward members raise objections to the details submitted pursuant to that condition those details, and the discharge of the condition, shall be reported to Plans Panel for determination.

12 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 25th July 2019, at 1.30pm.

Leeds CITY COUNCIL

Originator: Glen Allen

Tel: 0113 3787976

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 25th July 2019

Subject: 18/04236/FU - Greenkeeping facility (storage/workshop) and yard, with ancillary office and sensor activated emergency lighting Attached to proposed building at Moortown Golf Club, Harrogate Road, Moortown, Leeds

APPLICANT	DATE VALID	TARGET DATE
Mr Peter Rishworth Moortown Golf Club	16/07/2018	19/04/2019

Electoral Wards Affected:	Specific Implications For:
Alwoodley	Equality and Diversity ☐
	Community Cohesion ☐
Yes — Ward Members consulted (referred to in report)	Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1 Standard 3 year time limit
2 Submission of materials
3 Hours of use restriction
4 Acoustic report
5 All mechanical works including maintenance of vehicles and machinery to take place within the building and not on the hard standing outside of the building
7 Drainage conditions
8 Standard land contamination conditions relating to a low risk site.
9 Bio diversity condition relating to integral bat roosts within building
10 Standard tree protection measures

1.0 INTRODUCTION

1.1 This application is brought to Plans Panel at the request of Councillors Cohen, Buckley and Harrand, their reasons for referring the proposal for consideration to Plans Panel extend to the loss of trees that has taken place, the potential impact of security lighting, proximity of office windows and the impact on local residents

amenity. Concerns have also been raised in respect of flooding and the storage of fuel on the site. As some of these matters that are material planning considerations which give rise to concerns affecting more than neighbouring properties it is appropriate for the Plans Panel to consider the proposals based upon the content of the report below.

2.0 PROPOSAL

2.1 The proposal is for the erection of a green keeping facility in the form of a storage/workshop space with ancillary office space. The structure is proposed to be located in the north west 'corner' of the golf course with a means of access from The Fairway. The site forms part of the golf club curtilage but not part of the golf course which is immediately adjacent to it.

2.2 The development is for the construction on site with a building that is two storey in height with an asymmetrical roof design for the main workshop part of the building and a symmetrical roof deign for the lower storage element of the building. The foot print of the overall structure is "L" shaped. The lower roof sits near to the common boundary of residential properties that front The Fairway the base of the eaves height of which is 3.6 metres above ground level (agl). The opposite side of the building has an eaves height the base of which is 6.0 metres agl. The apex of the main part of the building measures 7.7 metres agl. This max height of the building is proposed sited at circa 16 metres from the common boundary with residential properties that front onto The Mount.

2.3 The proposed materials are profiled metal cladding for the sides and rear elevation of the workshop with profiled wood cladding for that front elevation of that workshop. The proposed store is profiled steel cladding on all elevations. Skylights in the roof offer natural illumination into the building. The offices are proposed at first floor level and include 2 office spaces, male and female wash space and a staff room.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located on the edge of the Golf Course in close proximity to the rear boundaries of properties that front onto The Fairway and The Mount. The wider area is one of significantly residential development with small pockets of retail and small commercial/leisure type uses such as corner shops, community buildings and places of worship.

3.2 A significant group of trees exist to the south of the application site and a reasonable density of trees exist on the boundaries of the golf course and the residential properties although this is not uniform along the entire length of that boundary and some trees have already been cleared in order to facilitate the development proposed. The trees that are in this north east corner do not form part of the wider Tree Preservation Order that exists elsewhere on the Golf course site.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions have taken place with the applicant through the course of the application for planning permission in order to establish basic facts and information. Most recently discussions have taken place surrounding the landscaping issue which is referred to in the body of this report and also as a result of these discussions the lighting scheme that was originally proposed has been drastically reduced so that it involves the installation of emergency lighting only to be attached to the building. The freestanding lighting columns that form part of the original submission have been removed.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice and newspaper advert. As a result of this publicity 38 representations have been submitted. Comments made include:

- Increase in traffic as a result of the development
- Increase in pollution
- Proposed building is planned to an industrial scale
- Has a larger footprint than the dwellings nearby
- Should be sited further into the golf course site
- Disturbance due to proposed hours of operation
- Removal of large area of grassland and Birchwood already undertaken
- Currently groundsmen commence work at 5:00 am and start using heavy machinery right away
- Impact on wildlife
- Loss of privacy
- Use of private gardens will be spoilt
- Potential for light pollution
- Concern over drainage
- LCC should refuse plans due to lack of regard that the Golf Club has shown its neighbours
- Lighting of fires and leaving them unattended causes nuisance to residential occupiers

6.2 Since the submission of the amendments that remove the lighting columns the following response have been received consisting of 16 letters of objection and 1 letter of support:

- Residents specific requests in earlier objections have not been answered
- References to the removal of extensive amounts of woodland
- Impact on drainage/potential flooding
- Storage of fuel and chemicals
- Changes are no more than cosmetic
- Rather than address the concerns of the local population the applicant is not taking the concerns of the local population worse
- Introduction of sensor lighting will only make things worse through constant activation
- Submission lacks informative detail
- A meeting of all interested parties should be convened
- Concern about important dates posted on the Planning Portal

- Within the golf club land ownership there are more suitable sites (the north west part of the site is referred to explicitly)
- Due process is not been seen to be undertaken and has been disingenuous from the outset with particular reference to the felling of a large swathe of trees and then stating no trees will be felled as part of the development.
- Why is emergency lighting required to the rear of the building?

6.3 The ward Members have written objecting to the planning application and the various comments made have been summarised at paragraph 1.1 above.

6.4 Parish Council – Objects to the proposal – Concerns regarding the relationship of the building to neighbouring properties, Removal of trees that has already taken place, Impact on the water table, light pollution, is there sufficient information to fully assess the proposal?

6.5 Four letters of support have been submitted:

- Resident has never been disturbed by noise from golf course
- Many people have sensor lighting attached to their own property which comes on when people step outside their own back door
- Only been 2 bonfires in 2 ½ years and BBQ's in adjoining gardens cause resident to close patio doors rather than fires on Golf Course
- Tree removal been carried out under appropriate supervision
- Alternative location is a practice range

7.0 CONSULTATIONS RESPONSES:

7.1 Highways – No Objections

7.2 Nature team – recommends a condition that will enhance bio-diversity following construction of the proposed green keeping and store building.

7.3 Flood Risk Management (FRM) – Recommends conditions relating to Surface Water Discharge with SuDs being a priority option

7.4 Contaminated Land Team – Proposal is a low sensitive development and recommends standard conditions and directions be implemented.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan.

<u>Local Planning Policy</u>

8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 7	Distribution of housing land and allocations

Policy P9	Community facilities
Policy P10	Design

Natural Resources and Waste Management Plan

Water 2 – Seek to protect water courses from contaminated runoff during construction and for the lifetime of the development.
Water 6 - Applications for new development should consider flood risk, commensurate with the scale and impact of the development.
Water 7 – Controlling the surface water run-off to existing drainage systems from developments and incorporation of sustainable drainage systems into proposals.
Land 1 – Applications should contain sufficient information relating to potential for land contamination issues.
Land 2 – Trees should be conserved wherever possible and where trees are removed, suitable replacement should be made as part of an overall landscape scheme

Relevant UDPR Policies are:

GP5 – Detailed Planning Considerations
BD5 – New buildings should be designed with consideration to amenity

Alwoodley Neighbourhood Plan

8.3 The Alwoodley Neighbourhood Plan that now forms part of the Local Development Framework contains the following objectives and policies that are relevant to this proposal:

Objective 2 – To seek to ensure that new developments are of a scale that do not overwhelm or are out of keeping with their surroundings and are generally sympathetic to the existing character of the Parish, including protecting our built heritage.

Objective 5 – To support the provision, safeguarding and improvement of community facilities which meet the needs of residents.

The Character Areas – The site sits in the Character Area 3 – Golf Course Estates but adjacent to the boundary of the character Area of Alwoodley Park. The comments in the main of the character Area Assessments focus on the nature of the residential roads that are within them and have little to say about the features such as the Golf Courses themselves.

Policy BE2 Design – The large proportion of this policy concentrates on residential development and thus is not strictly speaking applicable, however it does make reference that the Character Area Appraisals should be referenced for demonstrate how local character is been reflected in new proposals. And sub paragraph (e) of that policy makes reference to developments not exceeding three storey's in height and ensuring adequate on-site parking provision. However the difficulty in applying this strictly to the current proposal is that it was clearly drafted with the idea of residential development in mind.

Policy BE3 makes reference to developments ensuring that they will not result in additional on-street car parking.

Policy CRF 1 mentions Moortown Golf Club as a community facility that the plan will seek to protect and improve.

National Planning Policy Framework (NPPF)

8.4 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. The NPPF under sections entitled 'Promoting Healthy and Safe Communities' and Open Space and Recreation' lends weight to the provision of sports facilities that promote the health and well-being of communities.

9.0 MAIN ISSUES

9.1 The main issues in relation to this proposal are:

- The principle of the development
- Impact on local resident's amenity
- Highways matters
- Matters Raised By Objectors Not Covered in the Main Body of the Report
- Planning Balance

10.0 APPRAISAL

The principle of the development

10.1 The development is undoubtedly large and bigger in scale than other buildings in the near vicinity that also serve the functioning of the golf club. However that in itself does not automaticity render the proposal unacceptable as a matter of principle. The siting of the proposed development is related to the functionality for the site on which it is benefitting and in a location within that site where there exists other functional buildings that currently serve the functioning of the wider golf club site.

10.2 In addition, the positioning of a large non-residential building in relatively close proximity to existing residential properties is not a factor either that might render the development unacceptable as a matter of principle. Rather it is a case where the potential impact of the proposed development on amenities of occupiers of those properties needs to be assessed as a matter of detail in order to assess its acceptability. There are no other 'restrictive' designations such as Green Belt to be considered and as such it is concluded that the proposal is acceptable as a matter of principle.

Impact on local resident's amenity

10.3 This aspect falls into several sub categories listed below:

Visual Impact
Noise
Lighting and illumination
Loss of Privacy

(i) Visual Impact:

10.4 Many of the objections received make reference to some works that were undertaken prior to the application been submitted in that areas of vegetation and some tree cover was cleared, arguably to help facilitate this proposal. Whilst the loss of any vegetation and tree cover is regrettable, none of the works that were undertaken was to vegetation that was in anyway protected under the planning regime. As such this action has exposed the siting of the building to a higher degree than if the tree cover and vegetation had been retained. But then, that would not have facilitated the proposed development in this part of the site. As such the proposal has to be assessed on the basis of its visual impact as the site currently exists.

10.5 The closest rear elevation facing the application property sits some 38 metres distant from the rear elevation of the proposed building, this been a property on The Mount. The other properties both on The Mount and The Fairway all sit a distances considerably greater than this many in excess of 50 metre distance. In addition to this, there is also the remnants of a vegetative boarder. It is considered that these distances are significant and whilst the structure may be visible from the upper floor windows and garden spaces of these properties, the impact is significantly mitigated by the distances involved.

10.6 Particularly in respect of the side boundary running parallel to the properties fronting The Fairway, the eaves level is at 3.6 metres and slopes upwards to the apex thus the highest part of the proposed building at circa 7.7 metres is again a significant distance from that common boundary. It is The Fairway where the garden lengths of the properties all exceed 40 metres and added to this distance is the gap that the developer has left between the common boundary and the side elevation of the proposed building. Given the distances involved and taking into account the removal of significant amounts of vegetation prior to the submission of the application it is concluded that a refusal on the grounds of adverse impact on visual amenities could not be justified in this instance.

(ii) Noise:

10.7 This part of the site is already in use for the storage and maintenance activities associated with the golf course and has been for such a period of time that there are no controls from a planning perspective in force or that can be ‘enforced’ presently. Whilst this application can only deal with the activities that will take place within the building and on the newly created hard standing, it can seek to ensure that these activities are undertaken in such a manner as to minimise the risk of any additional disturbance been caused. This can be in the form of conditions as outlined in the header of this report that seek to control the hours of use of the building, restrict mechanical servicing and repairs to the interior of the building only, and require the submission of an acoustic report that would detail any remedial measure needed to be taken to ensure noise levels are at an acceptable level.

10.8 Aspects of noise that are more difficult to control is that caused by the use of the existing access way. It is however considered that in terms of the additional impact that this particular development will have on the usage of this access way, (as opposed to the unrestricted use of the current and to be retained buildings on site which are also accessed vis this route), the above measures will also help minimise the impact. Given the lack of control over the exiting building and access route into the site, it is considered not unreasonable to impose a condition to restrict the

hours of operation to those applied for, for this part of the development. Those hours been 07:00-15:00 Monday to Friday, 06:30-10:00 Saturdays and Sundays.

(iii) Light Pollution:

10.9 The proposal now indicates the installation of lighting attached to the building only, the original column lighting having been removed through discussions with officers. This lighting will be sensor activated and thus only operate over short periods of time. The lighting is for health and safety reasons and is not considered to result in any issues of amenity that would justify a refusal of planning permission. Whilst it may sit higher than similar security lighting on a domestic property, the distances involved are such that its impact on the amenity of occupiers of the nearest properties will not be adversely impacted upon. Unlike the original proposed column lighting there will be no "permeant" background glow as a result of this type of lighting due to its timed characteristics.

10.10 The applicant's agent has offered the following statement in response to the concerns raised by local residents:

> "*"The proposed external lighting regime has been specifically selected to limit the potential for disturbance to neighbouring residential properties. The lights chosen for the external building elevations (Alfresco Kingfisher Quarto) are designed for use in urban, residential locations. They are downlighters with very focused illumination on the area immediately below the light bulkhead. There will be no light spillage from these features. It is also important to note that the proposed building is some distance from the surrounding residential properties and separated by a barrier of mature trees.*
>
> *The emergency lighting to the rear of the building is only triggered in certain circumstances, such as the need to escape the building. In non-emergency situations the light will emit a very low glow and will not be identifiable beyond the perimeter of the building."*

10.11 In broad terms officers agree with this statement but would emphasise that the assessment that has been undertaken is also on the basis that the trees are not permanent features of the landscape and thus officers conclusion is that even if the dense belt of trees did not exist, the impact of the lighting would be such that it would still be acceptable. Having regard to all of these matters it is considered that the proposed development will not cause undue harm to the amenities of neighbouring residents and the proposal is considered to comply with saved UDP policies GP5 and BD5.

<u>Highways Matters</u>

10.12 Highways have raised no objections to the proposal. It is recognised that the access is an existing facility and has been for a considerable period of time and that the grounds have adequate space for off street parking for the staff and maintenance vehicles.

<u>Matters Raised By Objectors Not Covered in the Main Body of the Report</u>

10.13 There are various matters raised by the objectors that are not covered in the main body of the report and these are addressed below:

Increase in traffic as a result of the development:
Whilst this is not explicitly referred to in the main body of the report it is considered to be dealt with as a matter of amenity. There may be an increase in the number of vehicles using the current access point to the site however it is not considered that it will be sufficiently detrimental to justify a reason for rejecting the proposal.

Increase in pollution:
There is no evidence that this will occur as a result of the proposal and not to a material extent that the Planning Application would need to consider it in any detail.

Removal of large area of grassland and Birchwood already undertaken:
This is acknowledged, however the removal of the trees were not under the jurisdiction of the LPA and thus the owner of that woodland area was entitled to clear the trees and woodland prior to the submission of the proposed development.

Currently groundsmen commence work at 5:00 am and start using heavy machinery right away:
This will not alter as a result of the proposal and neither can it be, the lawful activity of the site having been established over a long period of time. However time constraints and activities on the outdoor area are recommended by condition which will help maintain activity levels to that currently undertaken.

Impact on wildlife:
It is not considered that the proposal will materially impact on wildlife. It should be borne in mind that whilst green and open, the Golf Course is still a highly maintain area of land and so whilst undoubtedly there are also benefits to wildlife, the site overall will have an impact on wildlife by its very existence and maintenance.

Concern over drainage/flooding:
FRM do not object to the development and recommend conditions to deal with drainage issues.

LCC should refuse plans due to lack of regard that the Golf Club has shown its neighbours:
Whilst pre-consultation is encouraged and supported by the Council, this is not a legitimate consideration on which to determine the merits of an application for planning permission.

Lighting of fires and leaving them unattended causes nuisance to residential occupiers:
This is not a consideration that can be given weight in the decision making process of a planning application, there are other areas of legislation that would control this activity and thus it does not fall under the remit of the Planning Application process to give significant if any weight to it in the final decision.

Resident's specific requests in earlier objections have not been answered:
The purpose of consulting local residents is to seek their concerns regarding a proposal and then for those concerns that are material to the planning consideration to be taken into account and alterations etc negotiated. It is however a fact that not all of the concerns of residents, which are recognised as being legitimate concerns of those residents, are capable of been dealt with under

the planning application process for a plethora of reasons many are simply not legitimate planning considerations.

References to the removal of extensive amounts of woodland:
This was undertaken in a lawful manner and does not influence the consideration of the current proposal.

Storage of fuel and chemicals:
This is controlled by legislation outside of the planning system and so on the scale that is will occur in this development is not a consideration weighing heavy in the decision making process.

Rather than address the concerns of the local population the applicant is making the concerns of the local population worse:
The elements of the proposal that are capable of been dealt with under the planning application have been negotiated with the developer, these being the lighting scheme, hours of operation etc. Not all the matters that are raised are able to be dealt with as material planning considerations.

A meeting of all interested parties should be convened:
The Local Planning Authority has a duty to determine the submission that is presented to them and the primary role of the LPA is not to act as an arbitrator to discussions between the applicant and the local population, rather it is to ensure that the impact of any development proposed is acceptable in amenity terms

Concern about important dates posted on the Planning Portal:
This is an administrative function to do with expiry dates that are automatically published on the Planning Portal, following the agreement to an extension of time for the determination of the proposal by the applicant, this should now have rectified itself. It has no bearing on the merits of the case albeit it is accepted that it can be confusing for members of the public who may not be fully aware of the administrative side of the planning application process.

Within the golf club land ownership there are more suitable sites (the north west part of the site is referred to explicitly):
This may or may not be the case but the LPA is charged with determining the proposal put to it rather than act as the arbitrator to negotiate totally different locations for a proposal. The merits of the case submitted have to be assessed as to their acceptability even if a different location exists, the land owner/developer may have perfectly legitimate reasons for not selecting an alternative site. If the proposal is unacceptable in its own right, in terms of siting, then a refusal would be recommended.

Due process is not been seen to be undertaken and has been disingenuous from the outset with particular reference to the felling of a large swathe of trees and then stating no trees will be felled as part of the development:
This is dealt with above however the application has been processed according to due process with members of the public informed when appropriate to amendments submitted to give opportunity for them to comment.

<u>Planning Balance</u>

10.14 The material considerations as discussed in the main body of this report are those that are considered to be significant in the final consideration of the recommendation given above. The principle of development is considered

acceptable and this is a matter that should be afforded some weight. The proposal is located in a part of the course that is already in use for the green keeping activity of the club and thus there is a certain degree of logic to extending this function in the same location.

10.15 Similarly the enhancement of facilities at the golf club which will serve to improve the functioning of the golf club, that the Neighbourhood Plan identifies as a community facility (policy CRF1), should be afforded weight.

10.16 Those matters that give rise to concerns have either been assessed as to have minimal or low impact on interests of acknowledged importance or have been negotiated to reduce their impact. It has been concluded that the proposal will not cause any material harm to the amenities of neighbours and complies with saved UDP policies GP5 and BD5. Again this weighs in favour of the proposal.

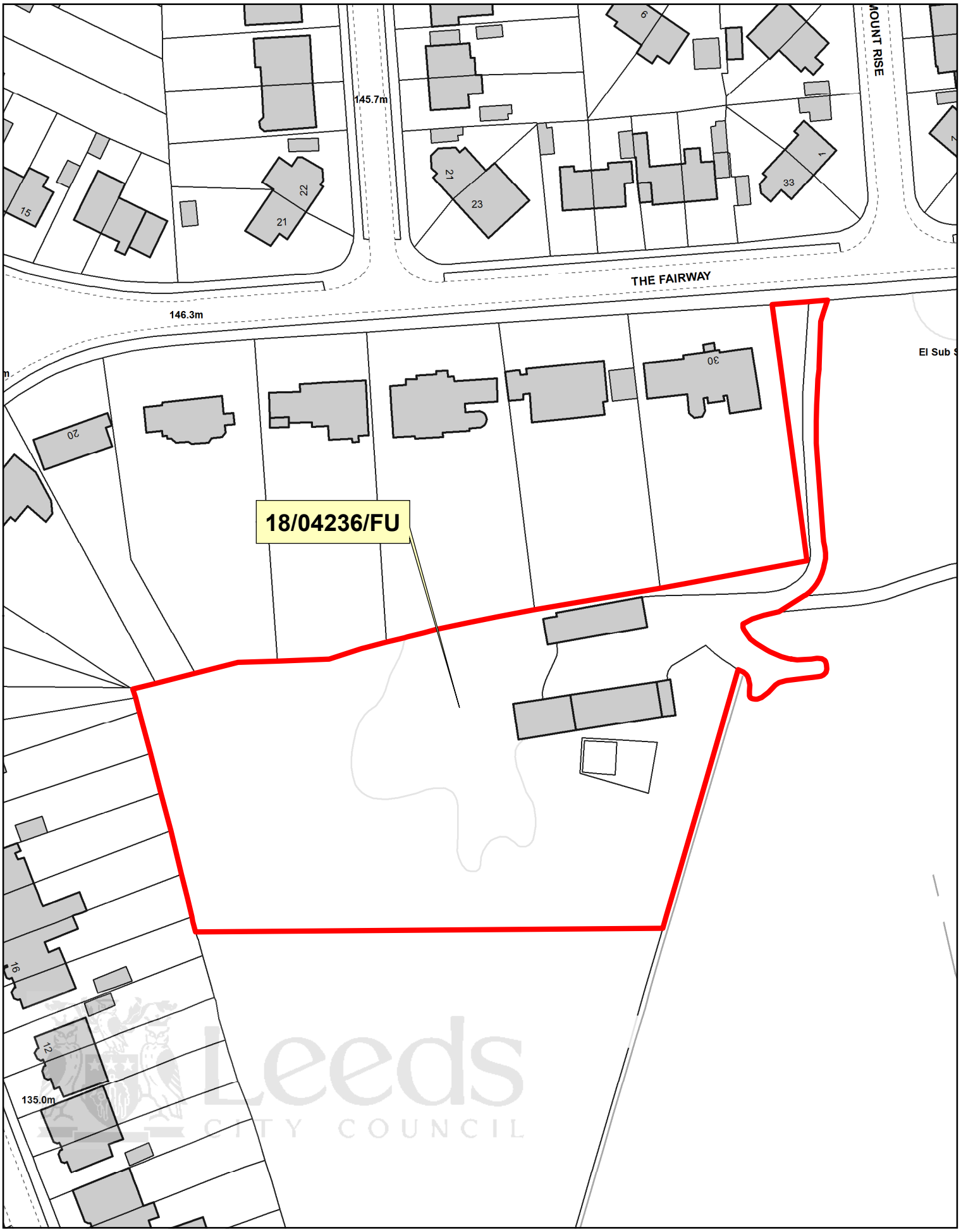
10.17 Given that the above assessment does not identify any material harm, subject to the imposition of the recommended conditions, and serves to enhance facilities at the golf club it is considered, on balance, that the proposal can be recommend for approval.

10.18 It should be noted that the proposal is not of sufficient scale to invoke the requirements of policies EN1 and EN2 relating to climate change.

11.0 CONCLUSION

11.1 The proposal whilst large, is considered to be acceptable in the context that it is proposed. As such it is concluded that subject to the recommended conditions the scheme is compliant with Policies P10, T2, GP5 and BD6 and to policies contained within the Alwoodley Neighbourhood Plan and it is recommended that planning permission is granted.

Background Papers:
Application files: 18/04236/FU
Certificate of ownership: Signed on behalf of applicant as sole owner.



NORTH AND EAST PLANS PANEL

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SCALE : 1/1000

Notes:

1. Do not scale from this drawing – use figured dimensions only
2. All on-site dimensions, levels, building positions and site boundaries to be checked by the Contractor, with any discrepancies reported before work starts
3. All works to be carried out to the satisfaction of the Local Authority and in accordance with British Standards, Building Regulations, Health & Safety Regulations, Codes of Practice, Acts & Byelaws, materials/components/solutions, approved in information and specified drawings/specs
4. Reference to Local Authority assumes Metropolitan Borough Council for Approval Purposes
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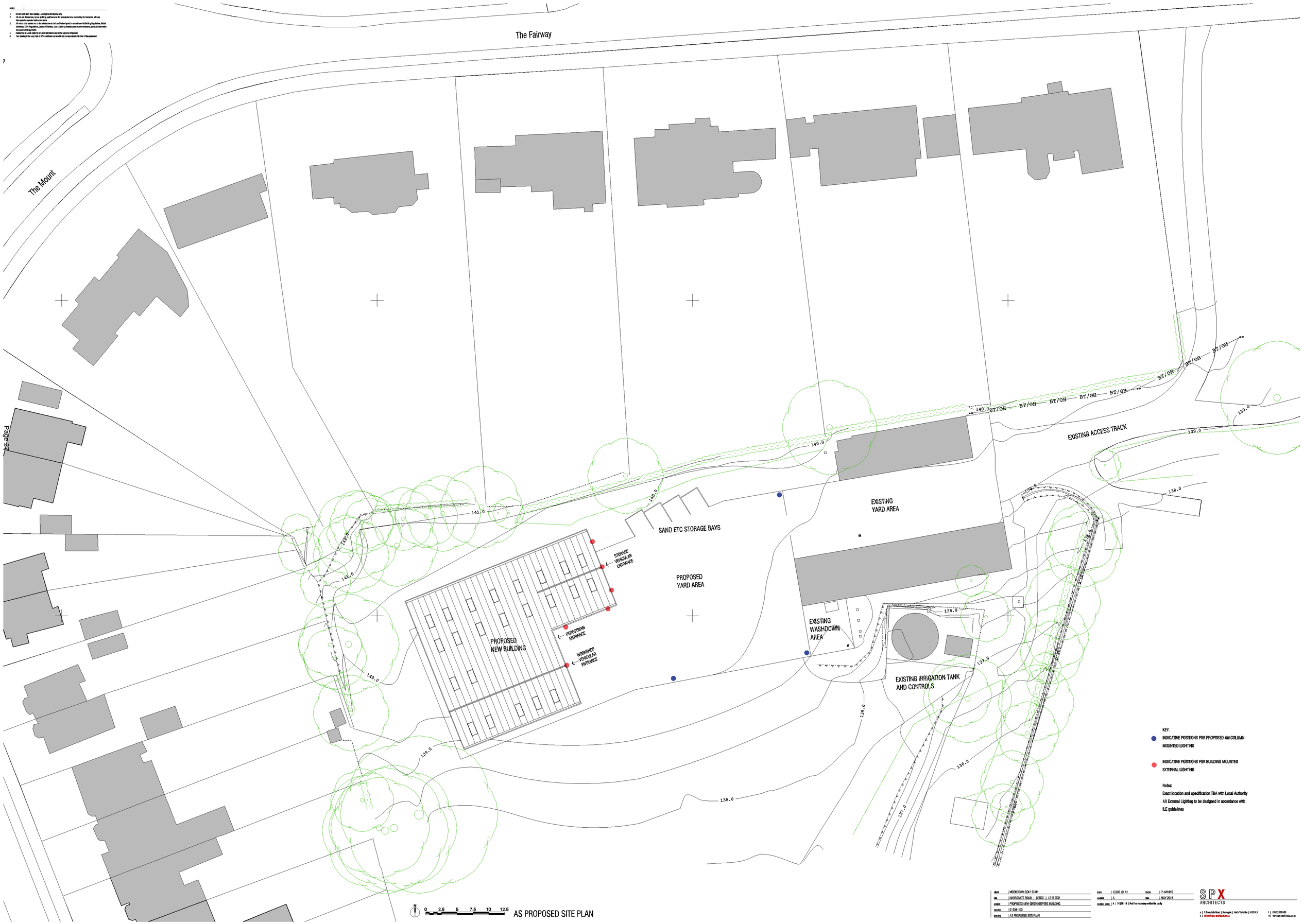

AS PROPOSED SITE PLAN

client	MOORTOWN GOLF CLUB
site	HARROGATE ROAD | LEEDS | LS17 7DB
project	PROPOSED NEW GREENKEEPERS BUILDING
revision	01-0534-100
drawing	AS PROPOSED SITE PLAN

scale	1 | 1250 @ A1	status	PLANNING
revision	A	date	MAY 2018
revision notes	A | 16.05.18 | Red line boundary modified for clarity		

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Leeds CITY COUNCIL

Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 25th July 2019

Subject: 18/06186/OT – Outline application for detached dwelling to side garden at 9 Manor Park, Scarcroft, Leeds.

APPLICANT	DATE VALID	TARGET DATE
Mr Patrick Waterhouse	15/10/2018	10/12/2018

Electoral Wards Affected:	Specific Implications For:
Harewood	Equality and Diversity ☐
	Community Cohesion ☐
Yes — Ward Members consulted	Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

Conditions

1. Standard outline time limit for commencement
2. Details of Reserved Matters
3. Plans to be approved
4. Tree Protection Measures
5. Infiltration feasibility study
6. Drainage Details
7. Contamination Details
8. Ground Gas Risk Assessment
9. Demolition of side conservatory to No. 9, prior to occupation of new dwelling
10. Survey of the condition of Manor Park private road within the application s, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development.
11. Details of Electric Vehicle Charging Point
12. Compliance with Minimum Space Standards – CSSR Policy H9

1.0 INTRODUCTION:

1.1 This application proposal seeks outline planning permission for the construction of a new house on land adjacent to a residential property on Manor Park in Scarcroft. All matters are reserved (such as the layout, access, scale and appearance of the development) for later submission and consideration and therefore the outline application seeks only to establish the principle of residential development for one dwelling at this site.

1.2 The application is reported to Panel at the request of Councillor Stephenson who advises that Ward Members would like to refer this to Plans Panel. The objections from local residents and Scarcroft Parish Council are noted and it is considered that this application to be inappropriate development of a residential garden; development that exceeds capacity off a private driveway; and is not in-keeping with the character of the immediate surroundings. As these are material planning considerations which give rise to concerns affecting more than neighbouring properties it is appropriate for the Plans Panel to consider the proposals based upon the content of the report below.

2.0 SITE AND SURROUNDINGS:

2.1 The development site comprises of the side garden to a detached residential dwelling within the village of Scarcroft. The side garden measures 15.1 in width and has a depth of 23m. The site is relatively flat and is bounded to the front by a low stone wall. A number of semi mature trees are located along the eastern boundary and towards the north eastern corner. Behind the site to the rear is a mature area of woodland which is within the Green Belt.

2.2 Manor Park is a private residential, unadopted road, which currently serves 15 properties, within a loop which connects to Hellwood Lane which in itself serves 6 dwellings. Hellwood Lane connects to the A58, and as well as serving the 21 dwellings, also leads towards riding stables where the road terminates. There are a variety of house styles within Manor Park with differing house and plot sizes. Materials of dwellings display a mix of stone, render and facing brickwork. Two new dwellings are currently under construction towards the lower end of Manor Park, which was the subject of this Panel's consideration and decision making.

3.0 PROPOSAL

3.1 An outline application has been submitted for one dwelling to this garden site. All matters are reserved for future consideration. Therefore, the application seeks to establish the principle of one residential unit on this site and an indicative site layout plan is provided for illustrative purposes only. The plan indicates that the dwelling could have a footprint measuring 8m in depth by 8nm in depth and would be 2 storeys with a pitched roof. The applicant has also indicated that the proposed dwelling would comprise 4 or 5 bedrooms, would benefit with a turning area and space to accommodate 3 vehicles. As part of the proposal, the applicant proposes to demolish the existing conservatory located to the side of the house.

4.0 RELEVANT PLANNING HISTORY

4.1 None relating to the application site, save for a rear extension approved in 1979 (Ref. H31/604/79).

4.2 An outline application (Ref. 08/03397/OT) for 1 dwelling was refused at land to the rear of Mellendean (between nos. 3 and 7 Manor Park) on grounds of impact on the character of the area and setting a precedent for other similar developments. This was recommended for approval by officers, but following concerns, Members of the Plans Panel resolved to refuse the application.

4.2 Planning permission was granted for an additional dwelling at no. 17 Manor Park (Ref. 16/05784/FU). This was approved by the Plans Panel at a meeting on 9 February 2017.

5.0 HISTORY OF NEGOTIATIONS

5.1 During the course of the planning application officers have requested additional information relating to trees and subsequently a tree survey has been provided.

6.0 PUBLIC/LOCAL RESPONSES

6.1 The application has been advertised by site notices which were posted around the site on 17 November 2018 and by way of neighbor notification with letters sent on 17 October 2018. As a result of this publicity, a total of 14 letters of objection have been received. The objections relate to the following issues:

- Increased traffic;
- Impact on highway and pedestrian safety;
- Impact on unmade road which is private, especially from construction traffic and delivery vehicles;
- House will destroy the nature of this small community;
- Harm to character of area;
- Proposal removes gap between existing properties;
- Mature trees too close to house;
- Some trees have already been removed, including 2 silver Birch trees;
- Views of the garden lost;
- Increased pressure on surface water run-off and drainage;
- Overlooking of existing properties;
- Overshadowing and loss of outlook;
- Contrary to the Neighbourhood Plan;
- Smaller houses are needed in the area;
- Impact on wildlife;
- Impact during construction process;
- Similar proposal for a new dwelling has already been refused;
- Set a precedent’

6.2 Scarcroft Parish Council: The Parish Council considers the application would change the nature and character of Manor Park. The Parish Council has concerns about the ability of the existing infrastructure to support development; concerns re the sewer and risk of flooding, which causes existing problems at the Village Hall; that increased traffic would increase the hazards which already exist on the private road; the PC does not support development in residential gardens.

6.3 Ward Members: Cllr Stephenson advises that Ward Members would like to refer this to Plans Panel. We note objections from local residents and Scarcroft Parish Council and consider this application to be inappropriate development of a residential garden; development that exceeds capacity off a private driveway; and is not in-keeping with the character of the immediate surroundings.

7.0 CONSULTATION RESPONSES

7.1 Highways: The Highways Officer states that no objections are raised subject to the imposition of conditions.

7.2 Flood Risk Management: Flood Risk Management (FRM) states that the BGS soils data indicated the soils are likely to be suitable for free-draining infiltration SuDS. FRM therefore recommends that a soakaway feasibility study is carried out into the use of infiltration drainage methods. A Pre-planning sewer enquiry response from Yorkshire Water confirming that the site can drain to the public sewer if soakaway tests don't work.

7.3 Contaminated Land Team: No objections in principle subject to the imposition of conditions.

7.4 Landscape Officer: A tree survey has been submitted and an Arboricultural Impact Assessment is required.

8.0 RELEVANT PLANNING POLICIES

The Development Plan

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
4. The Scarcroft Neighbourhood Plan (made February 2019)

These development plan policies are supplemented by supplementary planning guidance and documents.

8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development
Spatial policy 6 Housing requirement and allocation of housing land
Spatial policy 7 Distribution of housing land and allocations
Policy H2 Housing
Policy P10 Design
Policy P12 Landscape
Policy T2 Accessibility requirements and new development
Policy G8 Protection of species and habitats
Policy G9 Biodiversity improvements

Policy EN5 Managing flood risk

8.3 The Council's Site Allocation Plan (SAP) was adopted on 10th July 2019 and therefore full weight should therefore be accorded to it. The SAP does not identify small scale individual sites such as this. As the application site is therefore not affected by the Plan it has no particular relevance as emerging policy.

8.4 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.
N23/N25: Landscape design and boundary treatment.
N24: Development proposals abutting the Green Belt.
BD5: Design considerations for new build.
LD1: Landscape schemes.

8.5 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant as follows:

Policy AIR 1: The Management of Air Quality Through Development
Policy WATER 1: Water Efficiency
Policy WATER 2: Protection of Water Quality
Policy WATER 7: Surface Water Run-Off
Policy LAND 1: Contaminated Land
Policy Land 2: Development and Trees

Neighbourhood Plan

8.6 The Scarcroft Neighbourhood Plan was made in February 2019 and therefore forms part of the development plan.

8.7 The Plan lists a number of objectives which include the encouragement of proportionate housing development, to maintain and improve the quality and character of the built environment, to maintain and improve biodiversity of the rural environment; and to identify and conserve assets including green spaces and open views.

8.8 The following policies are relevant to the determination of the current application:

Policy BE4: Development and design outside the conservation area and local heritage area
Policy H2 Development on Non Allocated Sites
Policy H3 Housing density

Supplementary Planning Guidance / Documents:

8.9 SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living and Addendum (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG Greening the Built Edge
SPD Street Design Guide (adopted).

Emerging Policy - Core Strategy Selective Review (CSSR)

8.10 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's main modifications have been received. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards
H10 – Accessible Housing Standards
EN1 – Carbon Dioxide reduction
EN2 – Sustainable Design and Construction
EN8 – Electric Vehicle Charging Infrastructure

National Planning Policy Framework (NPPF)

8.11 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.12 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

8.13 The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Development to be visually attractive as a result of good architecture and appropriate landscaping
- Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.14 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.15 Part 15 relates to conserving and enhancing the natural environment and notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

8.16 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to “deliverable” and “local housing need”.

9.0 MAIN ISSUES

1. Principle of Residential Development
2. Design & Character
3. Highways & Transportation
4. Residential Amenity
5. Other Matters
6. CIL
7. Consideration of Objections
8. Planning Balance

10.0 APPRAISAL

Principle of Residential Development

10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. Scarcroft is not part of the main urban area and is categorised as a village within the Core Strategy which means it is essentially a residential settlement with some limited services. Scarcroft’s facilities include a pub, village hall, golf club and a children’s play area. The village also lies close to Leeds and is served by a regular bus service.

10.2 The application site can be considered to be non-allocated land as defined by policy H2 of the Leeds Core Strategy. Policy H2 includes a number of criteria that new housing development on non-allocated land should meet and therefore is an appropriate starting point for considering the principle of residential development.

10.3 Policy H2 states that new housing development will be acceptable in principle on non-allocated land, providing that:

> (i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing or provided as a condition of development,
> (ii) For developments of 5 or more dwellings the location should accord with the Accessibility Standards in Table 2 of Appendix 3,

10.4 The proposal, subject to appropriately worded planning conditions is considered to satisfy criteria (i) of policy H2 in that the number of dwellings, in the form of just one dwelling, is not considered to exceed relevant local infrastructure.

10.5 In relation to criteria (ii), the proposal is for one dwelling and therefore falls below the threshold to assess the proposal against the accessibility standards. In terms of criteria (iii), the site is not within the Green Belt so this aspect is not relevant.

10.6 The policy then goes onto state that greenfield land:

a) Should not be developed if it has intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area, or
b) May be developed if it concerns a piece of designated green space found to be surplus to requirements by the Open Space, Sport and Recreation Assessment.

10.7 The side garden are of No. 9 Manor Park, and thus, the application site is defined as a greenfield site (Annexe 2 of the NPPF defines previously developed land and excludes land in built-up areas such as residential gardens). Having assessed the quality of the site within the context of a small enclave of differing residential properties, it is considered that the side garden of No. 9 Manor Park does not have an intrinsic value as amenity space, given that the property would retain a sufficient private amenity space for the needs of existing residents. Furthermore, given that the site is located outside the conservation area and is a private site, it does not have an intrinsic value for recreation of for nature conservation, nor does it make a valuable contribution to the visual, historic and/or spatial character of the area. Manor Park comprises a variety of house styles with varying plot widths and gaps between properties. The introduction of a new dwelling between nos. 9 and 11 would not look incongruous, with scope to ensure that adequate spacing is provided on both sides so not to appear cramped within the street. In terms of criteria b, the site is not a designated green space that is found to be surplus to requirements by Open Space, Sport and Recreation Assessment.

10.8 It is also relevant to highlight that the Council has a five year housing land supply and therefore the tilted balance is not engaged. The development must therefore be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and as such, the proposals is considered to accord with Policy H2 of the Core Strategy in that the principle of development is considered acceptable. Detailed and technical issues are considered in further detail below.

Design and Character

10.9 The NPPF sets out national planning policy in relation to design (section 7) matters. The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design, Policy P12 looks to protect the character and quality of Leeds townscapes.

10.10 A number of saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design. The Scarcroft Neighbourhood Plan Policy BE4 requires development to respect the strong prevailing structure of linear arterial roads and estate style development off; tree lined streets, roadside verges; large gardens and generous frontages; the largely open green environment; the prevalence of traditional building and roofing materials; and mature tree boundaries between built up area and surrounding countryside.

10.11 Policy H2 of the Scarcroft Neighbourhood Plan requires that development proposals on non-allocated sites should:

- Promote positive impacts on Scarcroft's special environmental and built heritage features;
- Promote positive impacts on local road safety;
- Provide east access to/from the local road network;
- Provide easy access to/from footpath/cycle routes, bus stops and local facilities;
- Provide in-curtilage off street parking as part of the development, at a level which does not add to any existing local parking problems in the immediate vicinity of the development site;
- Avoid adverse effects on neighbour amenities through excessive overshadowing, over-dominance or overlooking.

10.12 Policy H3 of the Neighbourhood Plan requires that housing development should not normally exceed a net density of 10 dwellings per hectare, in keeping with the prevailing character and appearance of the existing built up area.

10.13 Manor Park and Hellwood Lane feature a mix of housing types but are generally characterised by their two storey form and traditional design. The space between dwellings is also an important characteristic of the area which gives the area a spacious rural feel. The application is an outline application and therefore there is limited information to assess the proposal is terms of design and its impact on the character of the area. However, an indicative site layout has been provided to demonstrate that a dwelling measuring approximately 8m x 8m could be accommodated on the site without adversely affecting the character and density of the area.

10.14 Many of the objectors have commented that the site is too small to fit an additional dwelling within the site and that the limited space between the proposed dwellings results in the development appearing cramped on the site. The indicative layout demonstrates that adequate separation distances to either sides could be achieved which would also involve the removal of the existing side conservatory to No.9 Manor Park. It is considered that these separation distances shown on the indicative layout woud exceed the Council's guidance and are more than sufficient to ensure that the proposed will not harm the spatial character of the area and to ensure that the site does not appear over-developed. This would also be in accordance with the aforementioned Neighbourhood Plan policies.

10.15 In terms of the Impact on trees within and adjacent to the site, the applicant has submitted a tree survey. This shows that there are a number of mature trees along the site's rear (northern boundary). These include a mix of species including a Holly, a Sycamore, a Norway Spruce, a Silver Birch, two Cherry trees, and 2 Oak trees. The majority of these mature trees are located off site and would not be affected by the proposed development based upon the indicative site layout. However, the proposal would likely result in the need to remove 3 trees, including a Yew, a Cypress and an apple tree. These trees are set along the eastern side boundary and whilst they do provide some visual interest, their removal could be mitigated by the planting of replacement trees. It is also understood that some trees along the site frontage may have been removed at some stage, although they were not protected. Nevertheless, it is considered that any new dwelling on this site, should be the subject of a proposal for new tree planting, and this is covered by the Reserved Matters.

10.16 Given the site abuts the open Green Belt to the north, in accordance with Policy N24 of the UDPR, a landscape buffer is required to assimilate the development into the surrounding landscape, if one does not already exist. It is considered the existing vegetation present to the north in the form of mature tree is more than adequate to ensure the proposed development will assimilate into the landscape and therefore no additional buffer is required.

10.17 In conclusion, based upon the indicative layout provided, it is considered that a new dwelling could be accommodated on the site without harming the character of this established residential area.

Highways and Transportation

10.18 The proposals show that vehicular access will be taken from Manor Park, which is a private road which serves 15 dwellings. Together with Hellwood Lane, a total of 21 properties and a riding school are served from the private road off the A58. Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.

10.19 It is also accepted that the development does not meet the Core Strategy Accessibility Standards. Future residents of the dwelling are likely to be reliant on the use of the private car for the majority of journeys. However, given the limited scale of development, the level of additional vehicular movements would not be significant. The proposed indicative layout also demonstrates that at least 3 car parking spaces could be provided on site, in accordance with the policy requirements. Notwithstanding this, the proposed development is below the standard where the proposal would be judged against the accessibility standards.

10.20 It is acknowledged that the proposed development would conflict with the Street Design Guide in that the development leads to more than 5 dwellings being served from a private drive as Manor Park currently serves 15 dwellings, plus 6 dwellings from Hellwood Lane, making 21 dwellings in total, which is a number far above the restriction placed on private roads by the Street Design Guide. As Manor Park has served a good number of dwellings for a number without years without causing any known harm to pedestrians and the Highways Officer has not highlighted any incidents where pedestrians have been harmed by vehicles using the road, it is considered that the refusing the scheme on the grounds highway safety issues cannot be justified. Furthermore, Manor Park and Hellwood Lane is a fairly quiet road located a short distance away from the adopted highway (Wetherby Road) and therefore it is considered that pedestrians should be able to easily and safely navigate the private road and reach the adopted highway without significant conflict with vehicle users. It is further noted that forward visibility of the junction with Wetherby Road (A58) is good, and therefore appropriate to serve the proposed development. Therefore, it is considered that the guidance contained within the Street Design Guide and raises no highway safety concerns.

Residential Amenity

10.21 Based upon the indicative layout submitted, there is no reason to doubt that a residential development of 1 dwelling on this site could be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could

be potentially most effected would be those who share a boundary with the site on either side and the dwelling on the opposite side of Manor Park. The indicative layout demonstrates that adequate separation distances could be achieved as required by the guidance set out within Neighbourhoods for Living. Once the existing conservatory is removed from No. 9 Manor Park, both side elevations of the properties either side are blank, save for some ground floor windows within the side elevation of No. 11 which appear to serve a utility area and could be screened by appropriate boundary treatment.

10.22 In terms of the amenity to be afforded to future residents of the development, this is largely a matter for any subsequent Reserved Matters. However, based upon the indicative site layout submitted, it is considered that the site is large enough to provide an adequate garden size, similar to some of the gardens relating to existing properties in the locality. The proposed dwelling would need comply with the National prescribed Minimum Standards (CSSR Policy H10), and again this is a detail that would be addressed through the Reserved Matters.

Other Matters

10.23 The application is in outline only, and whilst the Flood Risk Management Officer has requested that a soakaway feasibility study is carried out into the use of infiltration drainage methods, it is considered that this is a matter which could be dealt with through a planning condition. It has been indicated that the soils data highlights that the soils are likely to be suitable for free-draining infiltration SuDS. In terms of ecology, the site is not covered by any statutory designations, nor is there any evidence to suggest that any protected species are present on the site.

CIL Liability

10.24 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). Given that this is an outline application with all matters reserved, the floorspace of the proposal and thus the CIL contribution is unknown at this point in time. Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

Consideration of Objections

10.25 The objections received relating to the harm to the character of the area, highway safety, trees and the impact on neighbouring residential amenity has been addressed in the report.

10.26 The concerns raised relating to the private road not being suitable for use by heavy vehicles and the issues relating to working practices, is noted. It is considered that the access to and from the site is possible for a medium size vehicle and given that this is a small development, it is unlikely that larger vehicles will be used during the construction process. Furthermore, conditions are recommended to be imposed to ensure the loading and unloading of vehicles takes place safely within the site. A condition is also recommended to ensure any damage to the private road is repaired.

10.27 The comments made that the proposed construction works will cause disturbance, is noted. However, the disturbance caused will be for a limited period which will not cause significant levels of disturbance to the lives of local residents. The proposal

for a new dwelling which was refused relates to a different site within Manor Park with a much narrower road frontage than the application site, and the individual characteristics of each site differs in order to justify reaching a different conclusion. The proposal has also been considered against the relevant policies within the Scarcroft Neighbourhood Plan and is considered to be in conformity with the relevant policies. The concerns that smaller houses are needed within Scarcroft is controlled by a Neighbourhood Plan policy which only relates to developments of dwellings or more, and therefore the development falls below this threshold.

Planning Balance

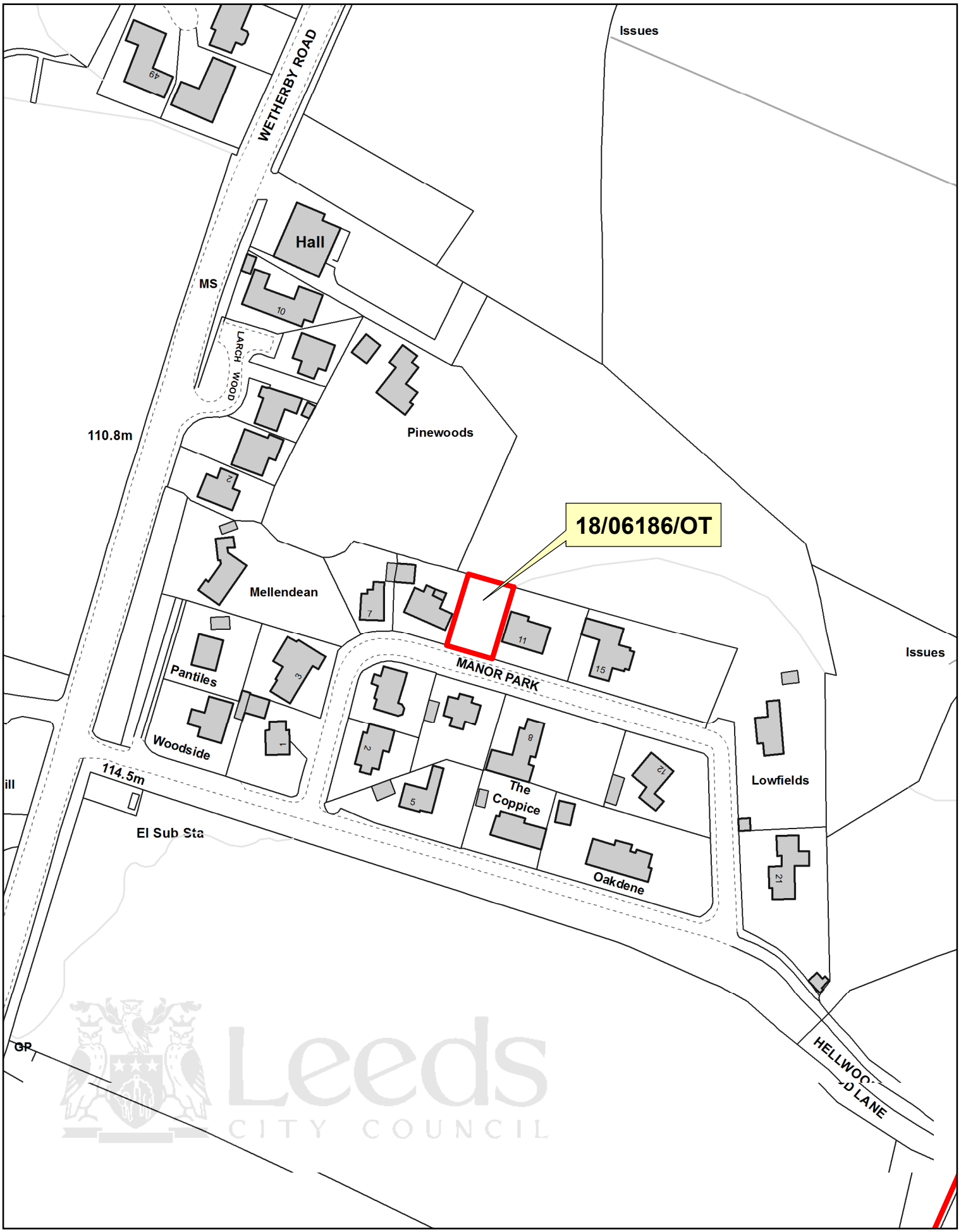
10.28 In weighing up the positives and negatives of the proposed development it is considered that the principle of residential development is acceptable and in accordance with Core Strategy Policy H2. Other positive factors include the provision of one additional dwelling as well as limited harm to the established residential character of the area. In terms of highway safety, this is considered to be neutral. The loss of some limited trees results in some level of harm, although it is considered that this could be mitigated by replacement tree planting. The positives associated with the development therefore outweigh the negatives and as such the balance of considerations weighs in favour of approval.

10.29 The authority are aware that the Council has declared a Climate Change emergency, although there has been no subsequent change to any adopted planning policies in this respect. However, the proposed development is below the threshold which requires assessment against Core Strategy policies EN1 and EN2.

11.0 CONCLUSION

11.1 In conclusion, it is considered that the proposed development is acceptable in principle and will not have an adverse impact upon the character of the area. There are no significant concerns relating to highway safety or to the loss of trees within the site. Therefore, it is considered that the proposal compiles with planning policy guidance and it is recommended that outline planning permission should be granted, subject to the conditions set out at the head of this report. Details matters relating to the layout, appearance, scale and landscaping would be dealt with by any subsequent Reserved Matters submission.

Background Papers:
Planning Application file 18/06186/OT
Certificate of Ownership: Certificate A signed by the agent.



NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

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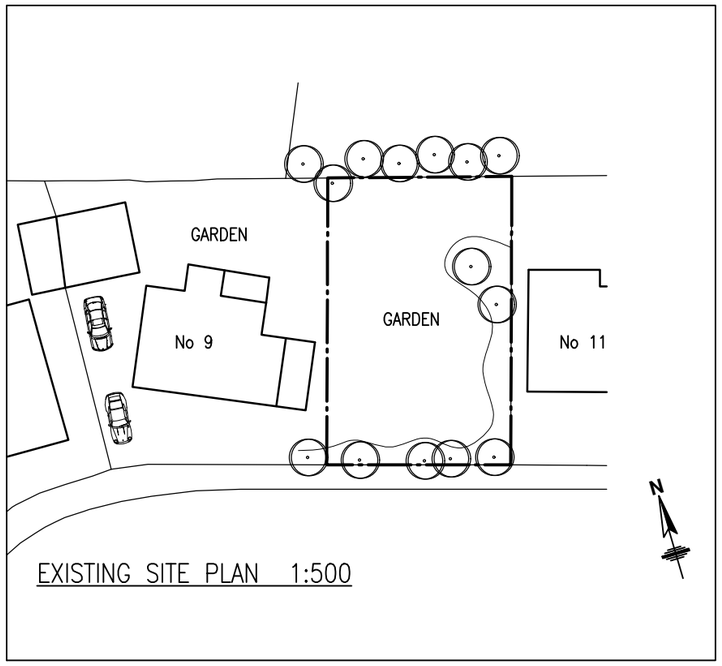
NOTES

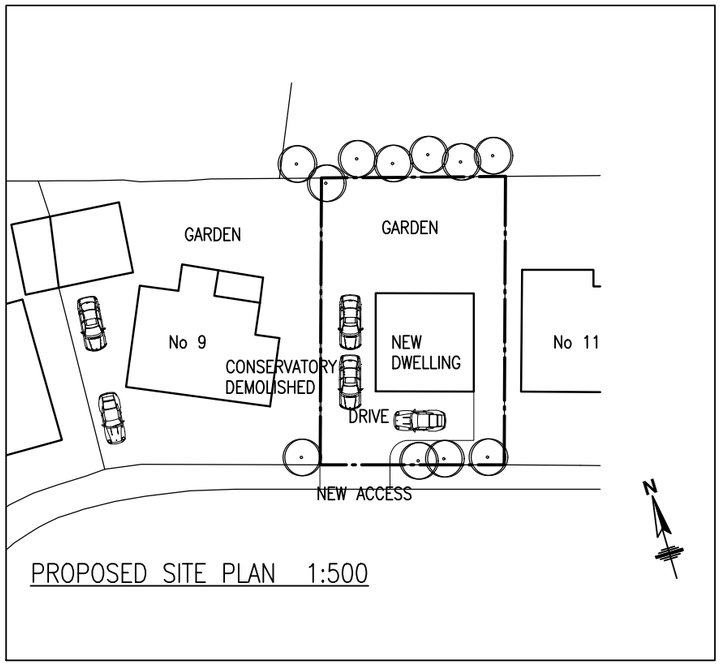
PLEASE DO NOT SCALE DIRECTLY FROM THIS DRAWING

THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED VIA THE ORDNANCE SURVEY PLAN AND SUBJECT TO A DETAILED SITE SURVEY.

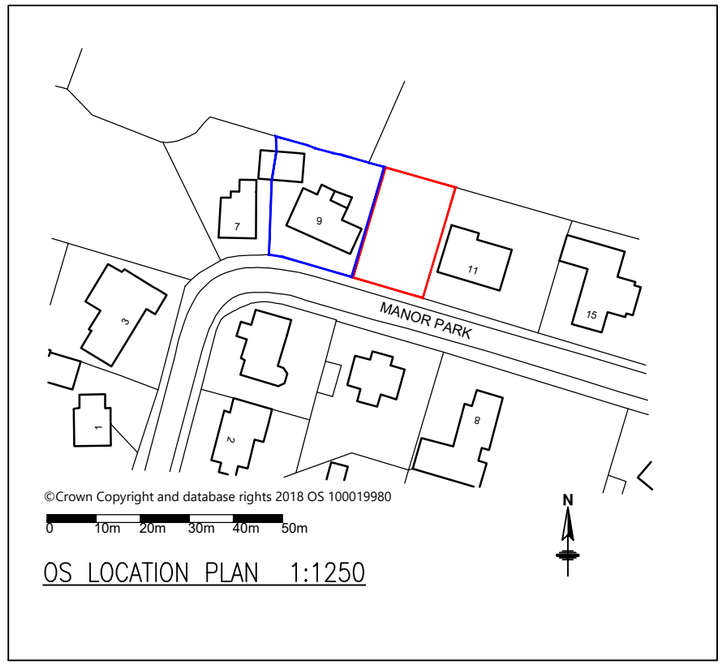
POSITIONS AND SIZES OF TREES ARE INDICATIVE ONLY



EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:500



OS LOCATION PLAN 1:1250

NEW DWELLING:

- 8m X 8m FOOTPRINT
- 2 STOREY WITH PITCHED ROOF
- 4 / 5 BEDROOMS
- DRIVE WITH TURNING HEAD AND OFF ROAD PARKING FOR 3 VEHICLES.
- NEW BOUNDARY FENCE TO No 9
- NEW VEHICULAR ACCESS TO MANORPARK

FOR DESIGN / PLANNING

REVISIONS
A 01-10-18
NOTES UPDATED

PROJECT
9 MANORPARK, LEEDS

DRAWING TITLE
FEASIBILITY PLANS

DRAWING NO	SCALE
425-001 REV. A	VARIES@A3
DRAWN BY	**DATE**
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Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 25th July 2019

Subject: 19/00038/FU – Extension to side including alterations to frontage and replacement windows of existing cinema at Rodney Cinema, Caxton Street, Wetherby, LS22 6RY

APPLICANT	DATE VALID	TARGET DATE
Wetherby Film Theatre Ltd	04/01/2019	01/03/2019

Electoral Wards Affected:	Specific Implications For:
Wetherby	Equality and Diversity ☐
	Community Cohesion ☐
Yes — Ward Members consulted	Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to following conditions:

Conditions

1 Standard 3 year time limit for commencement
2 Plans to be approved
3 Matching materials
4 Details of openings including windows & doors
5 Restriction on hours of use (9am – 11pm Mon – Sat & 12 noon – 11pm on Sundays
6 Statement of Construction Practice in relation to Highways
7 Bar area to be used ancillary to the Cinema
8 Details of plant including any extraction and ventilation system
9 Contaminated Land
10 Archaeology

1.0 INTRODUCTION:

1.1 This application proposal involves a single storey extension to side including alterations to frontage and replacement windows of the existing Rodney Cinema, Caxton Street, Wetherby. The application site is situated in Wetherby Conservation Area and the cinema is identified as a positive building in the Conservation Area Appraisal.

1.2 The application is reported to Panel at the request of Cllr Alan Lamb who is concerned about a number of aspects of the scheme including its design. As this is a material planning consideration that give rise to concerns affecting more than neighbouring properties it is appropriate for the Plans Panel to consider the proposals based upon the content of the report below.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the Wetherby Cinema, an Art Deco brick and render building set to the west of Wetherby's town centre, away from the main business district and within a broadly residential area amongst short rows of terraced properties to the east, south and west. The application site is situated on the corner of Caxton Street where it meets Crossley Street. The application site is modest in size measuring 459m2 / 0.05ha and is largely open bounded. A larger detached property and primary school are located to the north of the site. The application site can be accessed from Crossley Street and Caxton Street.

2.2 The cinema building is of a two storey scale as it includes rooms in the roofspace. In terms of design the cinema has a traditional rectangular shape and form. The building has not been significantly altered since its construction and largely retains its original character with a small lean-to element to the western side. The cinema has been constructed using red brick on the lower section and cream render on the upper section. Design features include an arched entrance fronting Caxton Street and arched gable end with decorative pillars fronting Crossley Street which adds to the prominence of this elevation of the cinema.

2.3 The application site lies with Wetherby Conservation Area and the cinema has been identified as a positive building within the Conservation Area Appraisal as an early example of a purpose-built cinema forming an unusual and interesting 20th century building.

3.0 PROPOSAL

3.1 The proposals include the construction of a side extension with lantern roof to the western elevation of the cinema to create a modest lounge area including ticket sales area, bar/café area with a small seating area, toilet block with associated internal access ramp and small store. The extension will be single storey in height and constructed out of brick with a rooflight lantern roof. An external staff only area is also proposed. A new entrance will be formed and visitors will access the cinema through the new extension from Crossley Street. The existing entrance will be converted into a staff office, kitchen area and disabled W/C.

3.2 Other alterations include reinstated windows openings, alterations to the existing arched entrance including new glazing panels and, new signage (metal lettering with

spotlights). Installation of mechanical plant to the roof will include decorative screening and access ladder for maintenance.

3.3 The proposals form part of a wider plan to refurbish the cinema involving the subdivision of the auditorium to create two screens in order to be able to offer a wider film choice and day time viewings to attract more visitors.

3.4 The application is accompanied by a number of supporting reports:

- Design and Access Statement
- Bat Survey
- Drainage Documentation
- Supporting Statement
- A number of plans for approval

4.0 RELEVANT PLANNING HISTORY

4.1 13/01795/FU - Approved
Exterior installation of a 1.2m diameter satellite dish to side

5.0 HISTORY OF NEGOTIATIONS

5.1 During the course of the planning application the plans originally submitted have been amended. The overall design of the extension has now changed and officers have sought to address concerns raised via local residents in relation to dominance and loss of privacy. The public have been re-notified of the amended plans and consultees have been re-consulted on the information provided.

6.0 PUBLIC/LOCAL RESPONSES

6.1 The application has been advertised as affecting the character of the Conservation Area by site notices which were posted around the site and area on 04th February 2019 and a newspaper advertisement published in the Yorkshire Evening Post on 30th January 2019. As a result of this publicity, a total of 35 letters of objection have been received. The objections relate to the following issues:

- Splitting the screen would harm the character of the original building
- Building has great historical merit
- Changing the look, size and removing the original historic auditorium is taking away from the character of the building and area
- Cinema is a heritage asset in the Leeds area
- Design will detract character from the area
- New extension with modern design and materials is not in keeping
- Harm to the conservation area
- Height and width of the extension will lead to a loss of light
- Opening hours and harm to neighbour amenity via noise and disturbance as people leave the cinema
- Consumption of alcohol on the premises
- Light pollution from signage
- Mechanical plant equipment unsightly and noisy
- Encroachment onto neighbouring property at No.5 Caxton Street
- Loss of privacy from the glazed door in the southern elevation

- Soundproofing to be carried out in accordance with standards
- Bar area open to the public and form separate drinks establishment
- Lack of site notices and letters
- Parking is already difficult cinema extension would make this worse
- Increased car journeys
- Extension will be brightly lit and will dominate the existing building
- Access for maintenance between cinema extension and neighbouring property at No.17 Crossley Street
- Close proximity of extension in relation to No.17 Crossley Street and No.5 Caxton Street
- Outlook from bedroom window of No.17 Crossley Street will have views of the extension roof and air conditioning unit
- Overdevelopment and scale
- Harm to the conservation area
- Sale of food and drinks will lead to increased deliveries
- Architectural significance and loss of internal detailing
- Plans don't conserve key elements
- Adding a bar will encourage smoking outside of the premises
- Alterations will destroy architectural features and historical nature of the building
- Disruption to residents during the construction process
- Concerned about the loss of 35 seats

6.2 Wetherby Ward Councillors objected to the initial proposals on the grounds of noise, potential change of use and design and materials.

6.3 Wetherby Town Council: The Town Council supports the principle and reasons for the application. Town Council notes the changes to the proposed exterior of the extension and whilst these are welcomed, concerns remain about the rooftop screening which is still of a very modern design. Materials to match the existing building would be more in keeping.

6.4 Two representations raising general comments in relation to the proposal were received these highlighted:

- Conservation Area
- Cinema is a vital component in the town that needs to protect and enhance cultural opportunities
- Cinema needs to secure a future in the town
- Revised plans a more in keeping with the area
- Concerns exist regarding size, privacy, noise and disturbance
- Opening hours need to be restricted

6.5 Letters of support received highlight the following points:

- Amended design is welcomed
- Asset in Wetherby which needs to be preserved
- Well designed
- Good for local jobs and increased business for Wetherby
- More choice for visitors
- Less traffic due to less seats
- Cinema need updating
- Cinema adds a social value to the town
- Two screens will offer commercial viability
- Proposals will enhance the building

- Sympathetically designed
- Enhanced experience for users
- Concerns that the cinema will fail without the support for the alterations

7.0 CONSULTATION RESPONSES

7.1 Highways: no objections subject to appropriately worded condition in relation to construction practice.

7.2 Conservation Team: no objections, application should be determined in accordance with national and local policy and guidance.

7.3 Flood Risk Management: No objection. Flood Risk Management identify The Drainage Documentation (04-Jan-2019) indicates the presence of a 100 m diameter Yorkshire Water combined sewer below where the extension is proposed to be built. According to the Building Regulations, developers should ideally avoid building over sewers. Should the building footprint over the sewer be greater than 6m, the developer will need to seek guidance from Yorkshire Water, as they may need to apply for a sewer diversion.

7.4 Contaminated Land Team: The submitted phase 1 desk study and Phase 2 site investigation report identifies the need for a post demolition, site investigation to be carried out. Should permission be granted, a number of conditions are recommended.

7.5 Nature Conservation Officer: No objections. There should be no significant nature conservation issues.

7.6 West Yorkshire Archaeology: No objections subject to appropriately worded conditions.

7.7 Access Officer: Given the small scale nature of the existing cinema and the scale of the proposed extension, it is considered that the access measures proposed by the applicant are reasonable.

8.0 RELEVANT PLANNING POLICIES

The Development Plan

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:

1. The Leeds Core Strategy (Adopted November 2014)
2. Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
3. The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)

These development plan policies are supplemented by supplementary planning guidance and documents. The site is also located within Wetherby Conservation Area.

8.2 The following Core Strategy (CS) policies are relevant:

Spatial policy 1 Location of development
Spatial policy 2 Centres first approach for intensive leisure and culture
Spatial policy 8 Economic Development Priorities
Policy P2 Town Centre Uses
Policy P10 Design
Policy P11 Heritage
Policy T2 Accessibility requirements and new development
Policy EN2 Sustainable design and construction
Policy EN5 Managing flood risk

8.3 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

GP5: General planning considerations.
BD6: Extension to buildings should be designed with consideration to amenity.
N19 – Conservation Areas New Buildings.

8.4 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. There are no policies of relevance to this particular application.

Supplementary Planning Guidance / Documents:

8.5 Wetherby Conservation Area Appraisal and Management Plan (2010)
SPD Street Design Guide (adopted).
Accessible Leeds SPD (adopted)

Emerging Policy - Core Strategy Selective Review (CSSR)

8.6 The Council's Core Strategy Selective Review (CSSR) is at an advanced stage in the plan making process with adoption likely later in 2019. As such the policies in the CSSR should be afforded significant weight in determining planning applications.

National Planning Policy Framework (NPPF**)**

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight they may be given.

8.8 The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

8.9 The Government attaches great importance to the design of the built environment. Section 12 (paragraphs 124 - 127) states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important that design is inclusive and of high quality. Key principles include:

- Good functionality and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Development to be visually attractive as a result of good architecture and appropriate landscaping
- Development to be sympathetic to local character and history, including the surrounding built environment and landscape setting,
- Establishing a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimising the potential of the site to accommodate development;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.10 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8.11 Part 16 relates to the conservation and enhancement of the historic environment. In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 196 of the NPPF is of particular relevance and this states:

> "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

<u>Planning (Listed Buildings and Conservation Areas) Act 1990</u>

8.12 Listed Buildings Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.

9.0 MAIN ISSUES

1. Principle of Development
2. Design, Character and Heritage
3. Residential Amenity
4. Highways Safety
5. Accessibility
6. Consideration of Objections
7. Planning Balance

10.0 APPRAISAL

Principle of Development

10.1 The site is already in use as an independent cinema and therefore the principle of the use at the site is already established.

10.2 The extension and modernisation of the cinema will allow the operator to remain competitive in an environment which smaller cinema operators often find challenging. Such an approach gains support from part ii of Core Strategy Spatial Policy 8 which seeks to promote the development of a strong local economy through enterprise and innovation. Modernisation of the cinema feeds into the economic aspirations of the policy and will enable the cinema to be able to compete with the rapidly developing cinema market including the Odeon Cinelux at Thorpe Park, planned IMAX Cinema at York, and Everyman Cinemas in Leeds and York. The use of newer and more appropriate projection and sound technology with more comfortable seating, wider choice of food and drinks together with new toilet facilities will offer a very high quality experience for visitors and help secure the longer term future of an independent cinema in Wetherby which will continue to offer local choice and prevent the need for longer trips to those alternative venues noted above.

10.3 Therefore, the principle of development is considered acceptable subject to the material planning considerations discussed below.

Design, Character and Heritage

10.4 The application site falls within the Wetherby Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas.

10.5 The NPPF sets out national planning policy in relation to design (section 7) and conservation (section 16 – see 8.11 above) matters. The Leeds Core Strategy includes a number of policies relevant to conservation and design which are relevant. Policy P10 outlines a number of key principles which fall under the wider objective of ensuring new development delivers high quality inclusive design and Policy P11 looks to conserve and enhance the historic environment.

10.6 A number of saved UDP policies are also relevant including policies GP5 and BD5 which encourage good design. Policy N19 requires development proposals to preserve or enhance the character of a Conservation Area and encourage the use of appropriate materials.

10.7 The appraisal in the Wetherby Conservation Area and Management Plan (CAAMP) identifies the cinema building as an early example of a purpose built cinema in an unusual and interesting 20th century building. The CAAMP goes onto state that the cinema was initially known as the Picture House and used a gas engine projector to show films. Cinemas were rare at this time, and the survival of this building in a recognisable form, and once again in use as a cinema, is “noteworthy”. It is noted that surviving cinema buildings of this date still being used for this purpose are extremely rare.

10.8 The cinema is an attractive Art Deco brick and render building; the design of the extension incorporates 3 rough ring arched openings, slim line aluminium windows

and detailing to reflect the Art Deco character and design features of the original cinema building. The proposals involve a relatively modest extension to the western side elevation including alterations to frontage and replacement windows of existing cinema. The applicant is proposing to retain and reinstate the original external architectural features, matching brick materials and a lantern roof are proposed. This is considered positive given the conservation area status and prominent corner location. The materials and detailing would be conditioned should planning permission be granted.

10.9 During the course of the application, negotiations have taken place following concerns raised by ward members and local residents in relation to the proposed design and scale of the extension. The applicants have moved away from a more contemporary design towards a more traditional design and appearance using matching materials. The overall height and footprint of the extension have been reduced. In terms of design, character and heritage the amended plans are considered to comply with relevant local and national planning policy.

10.10 It is noted that some local residents are concerned with the extent of internal alterations proposed as part of the cinema refurbishment proposals. It is understood that an assessment was carried out in the past by Historic England, however the internal features of the cinema did not meet the criteria for listing. As such, the building is not listed therefore the internal alterations do not require planning permission.

10.11 The application site is located in an area of archaeological potential and within a Class 111 area of Archaeological interest. West Yorkshire Archaeology Advisory Service have requested an appropriate level of archaeological recording as construction of the extension may potentially uncover important archaeological evidence dating to the Roman and other periods. A suitably worded condition should be attached.

10.12 Whilst it is noted that design is subjective, the specialist advice provided by the council's Conservation Officer lends support in favour of the design approach adopted. The proposed development is considered to result in a high quality extension that would be sympathetic to its surroundings and compatible with the design policies set out within the Core Strategy. The proposal would also serve to modernise the building helping to secure and maintain its use as a cinema. Accordingly it is considered that the proposals would meet the objectives of and the test set out at paragraph 196 of the NPPF and would comply with Core Strategy Policies P10 and P11 in these respects.

Residential Amenity

10.13 Core Strategy policy P10, saved UDP policy GP5 and the guidance contained within the NPPF aim to protect residential amenity. It is acknowledged that the cinema is located within a residential area within close proximity of neighbouring dwellings in all directions and therefore careful consideration needs to be given in relation to any additional impact or harm to neighbouring private amenity space.

10.14 In terms of dominance and outlook, the proposed extension has been reduced in width and height from the proposal as originally submitted in response to concerns raised by the Council. The extension is now off set from the adjacent property (17 Crossley Street) by 1.5m at its widest and 800mm at its closest point. This has significantly lessened the effects of the extension on the immediate neighbours and any interference with the existing side window at No.17 Crossley Street.

Furthermore, this will enable sufficient access for maintenance of the cinema building in the future. The floor level within the extension has been reduced by 300mm and the parapet at the front of the building has been reduced to lessen the overall massing of the building. The mechanical plant will be set well back from the front elevation so this element will not be visually prominent in views from neighbouring properties. The rear elevation of the extension closest to the neighbours at No.5 Caxton Street has been reduced by 645mm and the overall height is now lower than the existing lean-to element.

10.15 With regards to overlooking, the new windows proposed are limited to the northern elevation and will look out in the direction of the highway as opposed to neighbouring private amenity space. It is noted that the adjacent neighbour at No.2 Cooper Street has raised concerns regarding loss of privacy however a distance of almost 30m exists which is considered to comply with relevant guidance. Concern was raised by the Council in relation to the glazed door in the rear elevation and elevated location of the extension near the closest adjacent neighbour at No.5 Caxton Street. In response the double door has been removed and replace with a single solid aluminium door to alleviate any overlooking and three dome rooflights have been added to allow natural light into the extension.

10.16 It is acknowledged that some local residents have concerns in relation to increased noise and disturbance as a result of the extension and cinema refurbishment. It is not considered that the extension and refurbishment will be likely to lead to a significant increase in the number of comings and goings at the site however. The cinema currently operate until 11pm seven days a week. The cinema are proposing to continue to operate the same *hours and as such the timings of comings and goings will not be different to the existing situation.*

10.17 Specific concerns were also raised in relation to the sale of alcohol at the premises and how the extension may create a bar area which would function independently to the cinema and attract people to the venue for drinks as opposed to watching films. The applicants have clarified that the lounge and kitchen elements will predominantly be used before the showing of films and will offer visitors to the cinema opportunity to purchase drinks and snacks to enjoy before and during film showings (as is the existing arrangement). Given the residential nature of the area it is not considered an appropriate location for a separate drinking establishment and the Council is able to control this by way of an appropriately worded planning condition.

10.18 Local residents have also expressed concern in relation to noise generated from increased comings and goings and people congregating outside smoking. The extension will create a lounge/ticket area to enable customers to meet and congregate inside the cinema as opposed to queuing along Caxton Street (as is the existing arrangement). It is considered this will help to address some of the existing problems as a result. Overall the number of seats will be less than the existing cinema and operating two smaller screens throughout the days and more film choice will enable the cinema to stagger the showings thus reducing the impact of any increased visitor numbers. Even in the event that there may be more visitors overall, it is considered that any additional impact would not be materially harmful as a result. Furthermore the cinema are proposing to soundproof the building to mitigate any noise issues from inside the building. This is considered to improve on the existing arrangements.

10.19 In relation to refuse collection, the bins are currently located in a disused area to the side of the cinema on Crossley Street. It is proposed that the new arrangement will

store the bins in a more appropriate location. The proposed bin store is recessed to minimise impact on neighbours. The cinema already operate an existing management policy for the 'consideration to neighbours' e.g. removal of empty glass in social hours. There is no reason why this could not be carried forward once the refurbishment works are complete.

10.20 Cooking smells, fumes and noises from extraction systems can be an issue in residential areas, as can noise from other associated plant such as air conditioning units. However the Council is able to control these details by way of condition to ensure the use of sensitive extraction and ventilation methods.

10.21 Ultimately there is a package of planning conditions which should be attached if planning permission is granted in order to control harm to residential amenity including restricting the use of the bar and kitchen area to be ancillary to the cinema, restrict opening hours to match those existing, restrict the outdoor area for staff only and details to be submitted in relation to extraction and ventilation and other plant.

10.22 The proposal submitted, alongside the aforementioned planning conditions, would not lead a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance, loss of sunlight and daylight or noise and disturbance. As such the proposal would meet the aims of relevant local and national planning policies in these respects.

Highways Safety

10.23 Core Strategy Policy T2 states that new development should be located in accessible locations and with safe and secure access for pedestrians, cyclists and people with impaired mobility. In locations where development is otherwise considered acceptable new infrastructure may be required provided it does not create or add to problems of safety or efficiency on the highway network.

10.24 It is acknowledged that the cinema offers no existing off street parking provision and some local residents are concerned about increased pressure on the local highway network. It is the view of the Highways Team there are no highways concerns in respect of parking given the size and location of the cinema. The cinema is a small local cinema which is expected to serve predominantly local people, and be staffed predominantly by local people, who are likely to travel to the site via alternative modes of transport which are not the private car. The site is located within a 5 minute walk of the main commercial part of Wetherby which is well served by public transport.

10.25 Notwithstanding the small scale and nature of the use, the roads surrounding the site are protected with Traffic Regulation Orders restricting car parking by potential visitors to the cinema which will mean that it is unlikely that the proposed development would lead to any parking problems in the immediate local area. It is also noted that for those visitors who do choose to travel by car there is a public carpark located on Crossley Street within a 5 minute walk of the site. As such the proposal does not lead to any significant parking or highway safety concerns.

Accessibility

10.26 The Accessible Leeds: achieving an inclusive environment Supplementary Planning Document was adopted in 2018. This guidance document is intended for use by developers, architects, design teams, and those applying for planning permission, to ensure an inclusive design approach is adopted, and that developments:

a) Can be used safely, easily and with dignity by all, regardless of disability or impairment;

b) Are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or 'special treatment';

c) Are flexible and responsive taking account of the varying needs of people; adopting a pan-disability/ impairment approach.

10.27 The SPD is based upon national policy and legislation in the form of the Equality Act 2010, which provides the legal framework that aims to protect disabled people from discrimination. Section 149 of the Act imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.28 In this respect, the application includes alterations to the access to the cinema within the proposed side extension incorporating the main customer entrance. This includes the provision of double doors, with a level threshold which would allow unimpaired access into the building. Internally, a disabled WC is proposed as well as a ramp which leads towards the two cinema screens. The applicant has confirmed that the entire extension has been designed to allow for wheelchair access throughout the whole of the cinema. In addition, two of the sofa on the front row can be moved to allow space on the front row for a wheelchair. Space would also be available for an accompanying customers to sit next to them. It is considered that the measures proposed are reasonable given the scale of the existing cinema and size of the proposed extension and as such the authority have addressed the public sector duty to promote inclusion and to consider the SPD and Equality Act 2010 in the decision making process.

<u>Consideration of Objections</u>

10.29 The majority of the issues raised in the letters of representation have been considered above with those issues not addressed referenced below.

- Reduction and double seating ridiculous
  This is not a matter for planning but it is noted that this is reflective of a modernising approach to many cinemas.

- Loss of an old fashioned nostalgic friendly atmosphere
  Whilst this concern is noted it is not considered that a well designed proposal should serve to lead to a lesser atmosphere in the refurbished and extended venue.

- Increase in the cost of cinema tickets
  This is not a material planning consideration.

- Double screens – plenty of option elsewhere
  This is not a matter for planning but it is noted that this is reflective of a modernising approach to many cinemas.

- No fire report
  Subject to separate legislation (Building Control)

- New establishment directed at younger people rather than the established clientele
  This is not a matter for planning but it is noted there is no evidence to suggest that the established clientele would be dissuaded from using more modern facilities with the many benefits that this would bring.

Planning Balance

10.30 It is considered that the proposed development, in representing an extension and refurbishment of an existing cinema facility would be acceptable in principle. The proposal would also meet those objectives of the Core Strategy, including in Spatial Policy 8 which seeks to promote the development of a strong local economy through enterprise and innovation. The proposal will secure the longer term future of Rodney Cinema within Wetherby for the benefit of the local community and economy and significant weight should be attached to the economic and social benefits the cinema offers. These are matters that attract substantial weight.

10.31 The proposal is considered to be of a design and character which is appropriate for the site and will, as a minimum preserve the special character of this part of the Wetherby Conservation Area. The proposal raises no significant parking or highway safety concerns. In addition the extension (and alterations to the existing cinema) has been designed so that it is accessible. Again these are matters that weigh in favour of the grant of planning permission.

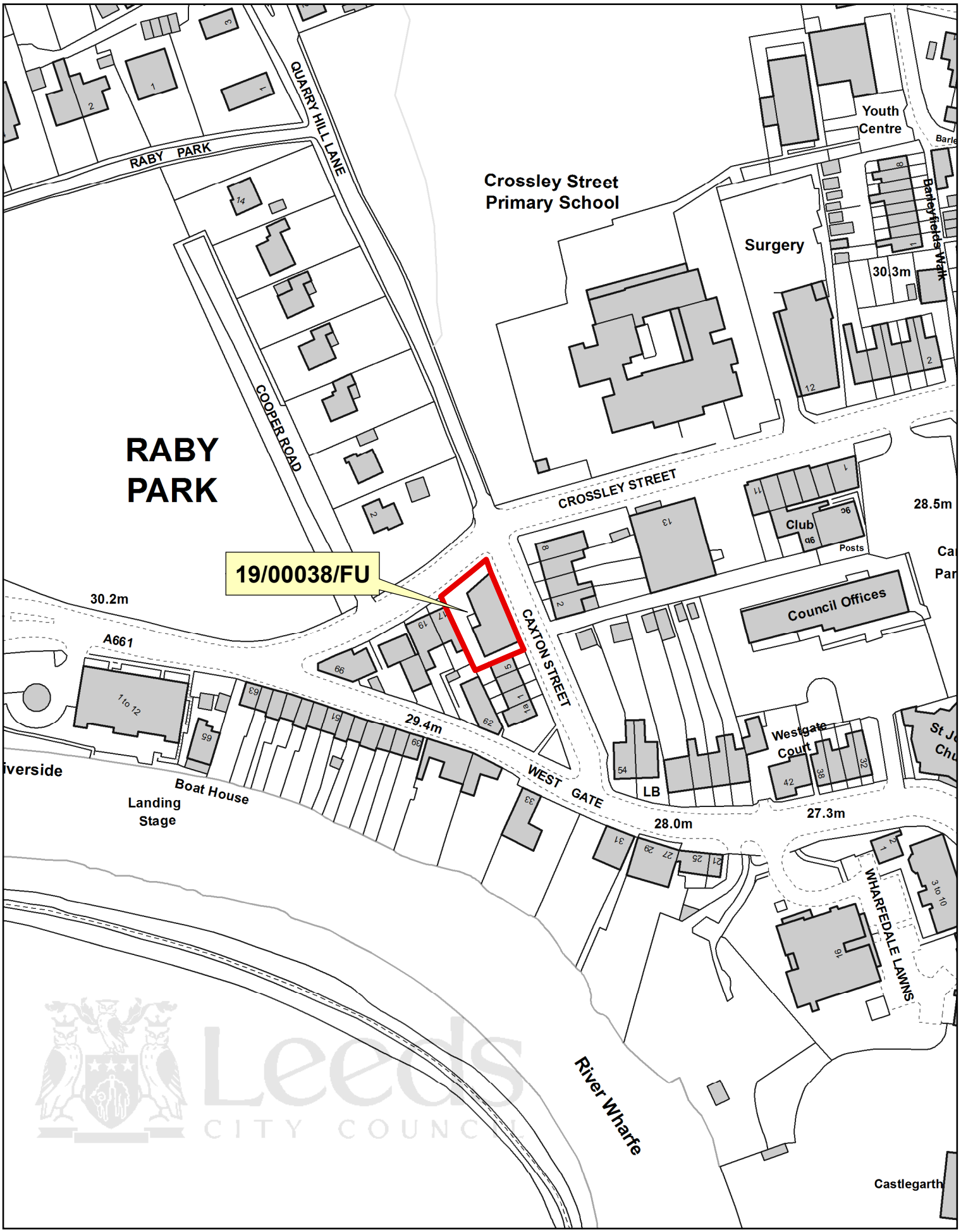
10.32 It is recognised that the new extension would create a degree of additional massing and subsequently some additional impact is to be expected on the amenity of immediate residential neighbours. However, subject to appropriately worded planning conditions the proposal will prevent any significant harm to neighbouring amenity.

10.33 In this instance, the benefits strongly outweigh any harm created and therefore the planning balance weighs heavily in favour of granting planning permission. Taking into account all relevant factors, including representations both for and against the development, the application is therefore recommended for approval.

11.0 CONCLUSION

11.1 In conclusion, for the reasons set out above, the proposal is considered acceptable and it is recommended that planning permission be granted subject to the conditions set out above.

Background Papers:
Planning Application file 19/00038/FU
Certificate of Ownership: Certificate A signed by the agent.



NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

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Site Location Plan
Wetherby Cinema

Scale 1:1250

0 10 20 50 100m

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NOTES

NOTES:

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EXTENT OF APPLICATION SITE

REVISION - DATE	DRWN	CHKD
0 - INITIAL ISSUE		

FOR APPROVAL

WETHERBY FILM CINEMA
CROSSLEY STREET
WETHERBY
LS22 6RT

FOR
WETHERBY FILM CINEMA LTD

LOCATION PLAN

Scale **1:1250 @ A3**

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Leeds CITY COUNCIL

Originator: J Thomas
Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th August 2018

Subject: 19/02842/FU – Retrospective application for the housing of animals within a detached agricultural building at Swillington Organic Farm, Coach Road, Wakefield Road, Swillington, Leeds, LS26 8QA

APPLICANT	DATE VALID	TARGET DATE
Prism Agriculture Ltd	9th May 2019	4th July 2019

Electoral Wards Affected:	Specific Implications For:
GARFORTH AND SWILLINGTON	Equality and Diversity ☐
Yes — Ward Members consulted (referred to in report)	Community Cohesion ☐
	Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the following condition:

1. The building for the accommodation of livestock shall only be permitted where:

   - the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm;

   - or in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

1.0 INTRODUCTION:

1.1 The application relates to an existing barn which was erected under agricultural permitted development (PD) rights in 2016. A retrospective application to allow the structure to be used for the permanent housing of animals was received in March of 2018 after it became apparent through enforcement investigations that the building had been used to house animals from March 2017.

1.2 This application was considered by North and East Plans Panel on 5th July 2018 and Members shared officer concerns relating to the unknown noise impacts of the structure on the nearby residential dwelling. As such a one year temporary permission granted as this would allow both the applicant to use the structure in accordance with their business needs, and also allow noise monitoring to be undertaken. The Panel 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.

1.3 Permission was granted on 6th July with the following condition:

> The use of the barn for the housing of animals shall cease on or before 6th July 2019.
>
> In the interests of proper planning and residential amenity.

1.4 As this temporary period has now ended the applicant is seeking to allow the building to permanently house animals it is considered appropriate to report this application back to Plans Panel for determination. Furthermore the structure lies close to a listed building and the applicant is leasing land from St Aidan's Trust, which is managed by Leeds City Council, and as such a panel determination is appropriate.

1.5 With regard to the car park this matter was investigated (case reference: 18/00717/UCU3) by the Planning Compliance team. It was noted that available evidence showed that the area had been used as a car park for some period of time. The area had been extended over the last 10 years through the laying of hardcore over the land. The extent of works was considered to be 'de-minimis'. In light of these factors, and that the use remains ancillary to the farm's function, it was not considered expedient to take enforcement action. The investigation was closed in early September 2018. Ward Members were kept informed of the progress of the investigation.

1.6 Turning to the issue of imposing a condition removing permitted development rights the Planning Practice Guidance gives the following guidance:

"Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances…" (Paragraph: 017 Reference ID: 21a-017-20140306)

1.7 In this case the application site forms part of a wider working agricultural unit. There are no apparent exceptional circumstances that would justify the removal of permitted development rights from across the farm. Accordingly it is not considered appropriate to impose a condition removing permitted development rights.

2.0 PROPOSAL:

2.1 The existing barn measures approximately 21m^2 and has a pitched roof to a height of 5.5m at eaves and 8.4m to ridge. The structure is constructed of pre-cast concrete panels to its lower walls with timber boarding to the upper portion and a fibre cement roof. The interior of the barn is subdivided into a number of pens and at the time of site visit the floor was laid with fresh straw.

3.0 SITE AND SURROUDNINGS

3.1 The application relates to Swillington Organic Farm which is an established farming enterprise located to the east of the A642 and within the Green Belt and a Special Landscape area. The farm is accessed via a narrow, uneven track which marks the northern boundary of the agricultural unit, and leads to the farm shop, a collection of farm buildings and a dwelling which is assumed to serve the farm. The access continues a little further to the east and a footpath continues on toward Astley Lane, with the vehicular access turning to the south, leading to Swillington House, the application barn, fishing ponds associated with the farm and an area of hardstanding used for car parking. Historic walled gardens assumed to be associated with the former Swillington Hall, demolished in 1952 are located to the rear of the farm shop and an area of caravan storage is situated to the west of the access road. The holding is a mixed organic farm, farming 500 acres (150 acres owned and 350 acres grazing licence from St Aiden's).

3.2 As outlined within the submitted supporting information there are approximately 80 beef cattle, 100 sheep, 30 pigs, 1200 chickens and 200 seasonal poultry. Cattle and sheep numbers have recently been increased due to an extended grazing licence with St Aiden's and in addition to the 80 beef cattle there are 45 breeding cattle and 45 calves being reared. The supporting statement also notes that the building is required to house animals over winter, in periods of bad weather, and as an isolation unit in order to meet animal welfare regulations.

3.3 Historically the farm was a larger unit which has now been subdivided, with Swillington House to the immediate east of the application building now within separate ownership. This is a grade II listed building, with a U-shaped footprint and constructed of ashlar stone with a slate roof.

4.0 RELEVANT PLANNING HISTORY:

4.1 18/01769/FU Retrospective application for the housing of animals within a detached agricultural building
Approved (temporary consent)

16/03657/DAG	Agricultural Determination for detached storage building Approved
14/04962/DAG	Determination for single storey detached storage unit Not Required
33/461/05/FU	Change of use of riding stables involving alterations to poultry slaughter house Approved

5.0 HISTORY OF NEGOTIATIONS

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The site has been advertised by Site Notice and in the Yorkshire Evening Post.

6.2 No letters of objection or support have been received from the public.

6.3 Councillor Mark Dobson has expressed support for the proposal.

6.4 Swillington Parish Council raise no objection to the development.

7.0 CONSULTATIONS RESPONSES:

7.1

Highways	No objection
Agricultural Surveyor	None
Agricultural Surveyor (2018)	Noted that the size of the structure was reasonable for the needs of the holding and concluded that the noise and odour impacts were unlikely to be unreasonable.
Environmental Health	Note that their previous comments are still applicable, that no noise complaints have been received this year and no noise monitoring has been undertaken; as such no conclusion can be reached on this issue.
Environmental Health (2018)	Note that the structure is part of a working farm and the impacts cannot easily be mitigated, and also that noise recording equipment has been offered to the objectors but declined at the present time.
Conservation	No comment

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), The Aire Valley Area Action Plan and any made Neighbourhood Plan.

Local Planning Policy

8.2 The following Core Strategy (Selective Review) policies are relevant to the proposal:

SP8	Seeks to ensure a competitive local economy and supports the growth and diversification of the rural economy.
P10	Seeks to ensure that new development is well designed and respect its context.
P11	Seeks to ensure that Leeds' heritage assets are conserved and enhanced.
P12	Seeks to ensure Leeds' landscapes are protected.

The following saved UDPR policies are also relevant:

GP5:	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD6;	Seeks to ensure that development proposals respect the scale, form and detail of the original building.
BD5:	Seeks to ensure new development protects amenity.
N37:	Special Landscape Area
N37A:	Development within the countryside

Site Allocations Plan (SAP)

8.3 The SAP was adopted by full Council on 10th July 2019 and as such is now a material consideration with full weight.

8.4 There are no policies within the SAP relevant to this proposal

Core Strategy Selective Review

8.5 Hearing sessions relating to this selective review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's Main Modifications were published on April 10th 2019. Executive Board recommended that these Modifications be subject to consultation at their meeting on 16th May and this expires at the end of July. The CSSR is anticipated to be adopted in September. The advanced nature of the CSSR is such that significant weight can be attached to the revised policies where relevant.

8.6 There are no policies within the SAP relevant to this proposal

Neighbourhood Planning

8.7 No draft or made neighbourhood plans are relevant to this application

National Planning Policy

8.8 The National Planning Policy Framework (2019) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.10 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that all for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

9.0 MAIN ISSUES

1) Green Belt
2) Rural Enterprise
3) Design and Character / Visual Amenity
4) Neighbour Amenity
5) Other Matters
6) Planning Balance

10.0 APPRAISAL

Green Belt

10.1 The proposed development is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. The construction of new buildings within the Green Belt is inappropriate, except within certain circumstances. As outlined within the NPPF inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

10.2 The barn was originally constructed under Part 6 of section 2 of the General Permitted Development Order (GPDO), which allows the construction of agricultural buildings subject to certain conditions and criteria. One of these is that the structure is not used to house animals. As noted above the structure is being used to house animals, and this permission does not seek retrospective consent for the erection of the structure, merely its extended use. The use of the building to house

animals will have no greater impact upon the Green Belt than its use to house hay, fodder and equipment.

10.3 Furthermore as outlined within paragraph 145 of the Framework agricultural buildings are one of the noted exceptions, and this is without further qualification or caveat. Local Policy N33 also includes this exception, and as this element of the policy remains in full accordance with the Framework it can be given full weight in accordance with para 213 of the Framework.

10.4 As such the application is in accordance with the local plan and national policy in respect of protection of the Green Belt.

Rural Enterprise

10.5 Spatial Policy 8 of the Core Strategy and section 3 of the Framework seek to support a prosperous rural economy, noting that the sustainable growth and expansion of businesses and enterprises in rural area will be supported. It is understood that the farm expanded its available grazing areas last year by leasing additional land from St Aidens Trust and that as a consequence the herd size has increased and thus the additional barn is required. There is therefore policy support for the expansion of the business, including the necessary building and structures to support that expansion.

10.6 When temporary permission to use the structure for animals was granted by Panel last year it was with the understanding that the structure would be used ordinarily in accordance with business needs, so that a full assessment of its impact upon near neighbours could be undertaken. The agent confirms that the structure has been used in this manner, and as outlined in paragraph 10.19 below the barn has not been used permanently to house animals. As such it is not considered that the need to permanently house animals in the barn has been demonstrated.

10.7 When a barn is erected under agricultural PD rights it cannot be used to house animals if it lies within 400m of a protected building (residential dwelling not associated with the farm), other than in two circumstances. These are:

- the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm;

- or in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

10.8 It is considered that replicating these conditions is appropriate, and in accordance with the legal test for the imposition of conditions to the full planning consent. As will be outlined below the noise impact of the proposal is still unquantified, however imposition of the conditions will protect amenity whilst also allowing the barn to be used flexibly as required by the needs of the business.

10.9 As such is considered that the proposal is in accordance with the development plan in respect of economic development, and that the imposition of the conditions outlined at the head of the report will not harm the business needs.

Design and Character / Visual Amenity

10.10 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. This statutory framework is reinforced by the National Planning Policy Framework (the Framework) at Section 12. Core Strategy policy P11 reflects this special duty and seek to ensure that development is appropriate to its context and preserves the city's heritage assets. Policy P10 of the Core Strategy seek to ensure that new development is of high quality and is appropriate to its context whilst policy P12 seeks to protect the character, quality and biodiversity of Leeds' townscapes and landscapes. As outlined above the site is located within a special landscape area (saved policy N37) and it is therefore important to ensure that new development does not harm its character and quality.

10.11 The barn which has been constructed is large and is a distinctly utilitarian structure, which has a semi-industrial appearance. Whilst this might suggest that its presence within a special landscape area and close to a listed building is not appropriate, the barn is typical of modern agricultural buildings and lies adjacent to a similar structure located to the immediate north. The barn is therefore an agricultural building, set adjacent to similar buildings and within a working agricultural landscape, of which the listed building is formerly a part. The barn is set approximately 70m from the listed building, and is separated from it by a shared access road and some existing established planting. The listed building is also enclosed by a domestic wall and gates, with a courtyard to the front and outbuildings and gardens to the rear. There is thus a clear sense of separation between the house and the farm building, with the former having a defined curtilage and setting which is both physically distinct and of a different character to the working farm. The physical separation between the two structures and the clearly separate character of each landholding means that the barn is not considered to cause harm to the setting of the listed building. As such the application is acceptable in this regard.

Residential Amenity

10.12 As outlined within policy P10 of the Core Strategy and saved policy BD5 of the UDP new development must protect amenity, including residential amenity. There is only one independent residential dwelling in close proximity to the barn which is Swillington House to the east. The occupants of this dwelling have previously raised concern about noise (in particular disturbed sleep) as well as odour. Site visits have previously been made by the case officer and the agricultural surveyor to the organic farm, and also by the case officer to Swillington House. A further site visit has been undertaken in relation to this application.

10.13 At the time of the case officer's previous site visit to the farm no significant odour was perceptible, nor any significant noise; similar observations were recorded by the agricultural surveyor. This situation was also the case during the more recent site visit; cattle were audible but not to a degree that would cause significant harm to residential amenity. During a site visit to Swillington House last year cattle were audible from within the property, including in upper floor bedrooms and this was of concern. Previously odour was perceptible from a field to the east where manure had been deposited in piles clearly over a number of weeks/months. When the application was last reported to Plans Panel members heard unconfirmed audio recordings of the cattle noise. Members thus resolved to accord with the officer recommendation to grant planning permission for twelve months to allow the situation to be monitored. It was expected that the barn would be used normally by the business and that should noise complaints be received that Environmental Health colleagues would monitor the situation and reach a view about the impact. Members also expressed concern relating to the deposit of manure piles close to the neighbouring dwelling and requested that these be moved. It was not possible at the recent site visit to ascertain whether these had been moved, however the agent has confirmed that this has been done.

Noise

10.14 It is clear from the neighbour's objection letters on the previous application that the noise and disturbance they experienced last year was related to the cattle which were housed / weaned within the building. The letters acknowledged that this was not a permanent source of noise, and that the problems were most acute during the winter months and during weaning.

10.15 There have been no noise complaints received during the course of the last year, nor have any objections been received in relation to the current planning application. As a consequence Environmental Health colleagues have had no reason to monitor the structure and its use. This therefore means that there is no additional evidence relating to the impact of the barn and its operation upon the amenity of near neighbours. The consultation response from Environmental Health reflects this situation, noting that there is the "potential for noise disturbance from the development [but they are] unable to confirm whether or not there is a statutory noise nuisance in this case".

10.16 This therefore potentially leaves both officers and members with the same situation as last year, namely that neighbours have raised significant concern in relation to the noise impacts of the building, and the levels of noise recorded by the neighbours (80dBb within bedrooms during night-time hours (11pm – 7am)) would breach the WHO night noise guidance levels of 40dB. It is therefore clear that if the recorded levels of over 80bB are accurate, then the impact upon the amenity of Swillington House will be severe and unacceptable. However, as advised at the previous Panel meeting the weight that can be given to this measurement is limited, as the reading is unverified by any independent source. As no noise monitoring has been undertaken during the last twelve months there remains no evidence that can quantify the impact of the barn and thus allow a decision maker to reach a view about whether the impact on neighbours is acceptable, or conversely is harmful.

10.17 It would therefore be possible to re-impose a temporary permission for another twelve months in order to allow a further period of noise monitoring. However, whilst this is possible it should be recognised that the frequent renewal of temporary permissions is not generally recommended as this results in uncertainty

for all parties and also presents the business with the cost of a planning application each year.

10.18 It is therefore best if a solution can be found that allows the barn to be used in a manner that reflect the needs of the business whilst protecting the amenity of neighbours. Information has been sought from the agent in order to understand how the building has been used in the last year in the hope that this would help officers begin to quantify the impact of the barn.

10.19 The agent identified that twenty cattle were kept in the shed over winter from December to March / April and that ninety-six sheep were brought in for lambing in April. It was also noted that animals may need to be brought in for welfare purposes during bad weather conditions, or for isolation of sick animals. This use is actually considered to be of a relatively low intensity. For comparison it should be noted that whilst part 6 of the GPDO (under which the building was initially constructed) prevents buildings within 400m being used to housing animals, the Order does include exceptions. This allows a building to be used for housing livestock if there is no other suitable building 400m or more from the curtilage of a dwelling and:

- the need to accommodate livestock arises from quarantine requirements or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
- in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

10.20 The exceptions within the GPDO would therefore not prevent the activity that has been outlined by the agent, allowing the use of the building for lambing and all activities associated with welfare or isolation concerns. It is noted that the GPDO does not make any provision for the overwintering of cattle, however it is also clear that this is not how the barn has been used. The cattle are kept on the fields during the winter, and with a head of circa 170 it is clear that only a small portion of the cattle were within the barn during the winter months and thus any need to house some cattle would be covered by those caveats relating to welfare and weather. It is therefore proposed that the standard GPDO conditions be applied to a permanent permission and that this strikes the right balance between the needs of the business and the protection of neighbouring amenity. It should be noted that the imposition of such a condition does not prevent an application being made to amend, vary or remove the condition should the business needs change in the future.

Odour

10.21 As outlined above concern has previously been raised by the objectors about the impact of odour. The presence of manure piles on fields to the immediate rear of Swillington House was noted during the previous officer site visit to the neighbours, and odour from these piles was perceptible within the gardens and grounds of Swillington House. It was also clear that manure has been deposited within the field over a long period of time and thus depositing refuse material close to the neighbours is an established practice. No odour was detected within the barn or its immediate environs by the case officer or the agricultural surveyor, with the surveyor noting that more frequent cleaning of the structure will likely lead to

increased odour. No odour was detectible on site at the most recent site visit, and it is understood from the agent that the manure pile has been moved. As such it is considered that this matter has been resolved in so far as it possible.

Overdominance and Overshadowing

10.22 Concern has previously been raised by the neighbours in relation to the size and scale of the barn. The barn is undoubtedly a structure with a large footprint, and is essentially two stories in scale and is visible from the front windows of Swillington House. However, at a distance of approximately 70m the barn cannot be said to have an unreasonably overbearing or overdominant impact upon main windows and main amenity space, nor to cause harmful overshadowing. The barn has undoubtedly changed the view experienced by the residents of Swillington House, from one of open fields to a semi-industrial structure, however there is no right to a pleasant view within planning legislation, merely the right to appropriate outlook and light penetration. As noted the distance to the barn is sufficient to mitigate any impact in these respects.

Other Matters

10.23 All material considerations raised through representations have been discussed above.

Planning Balance

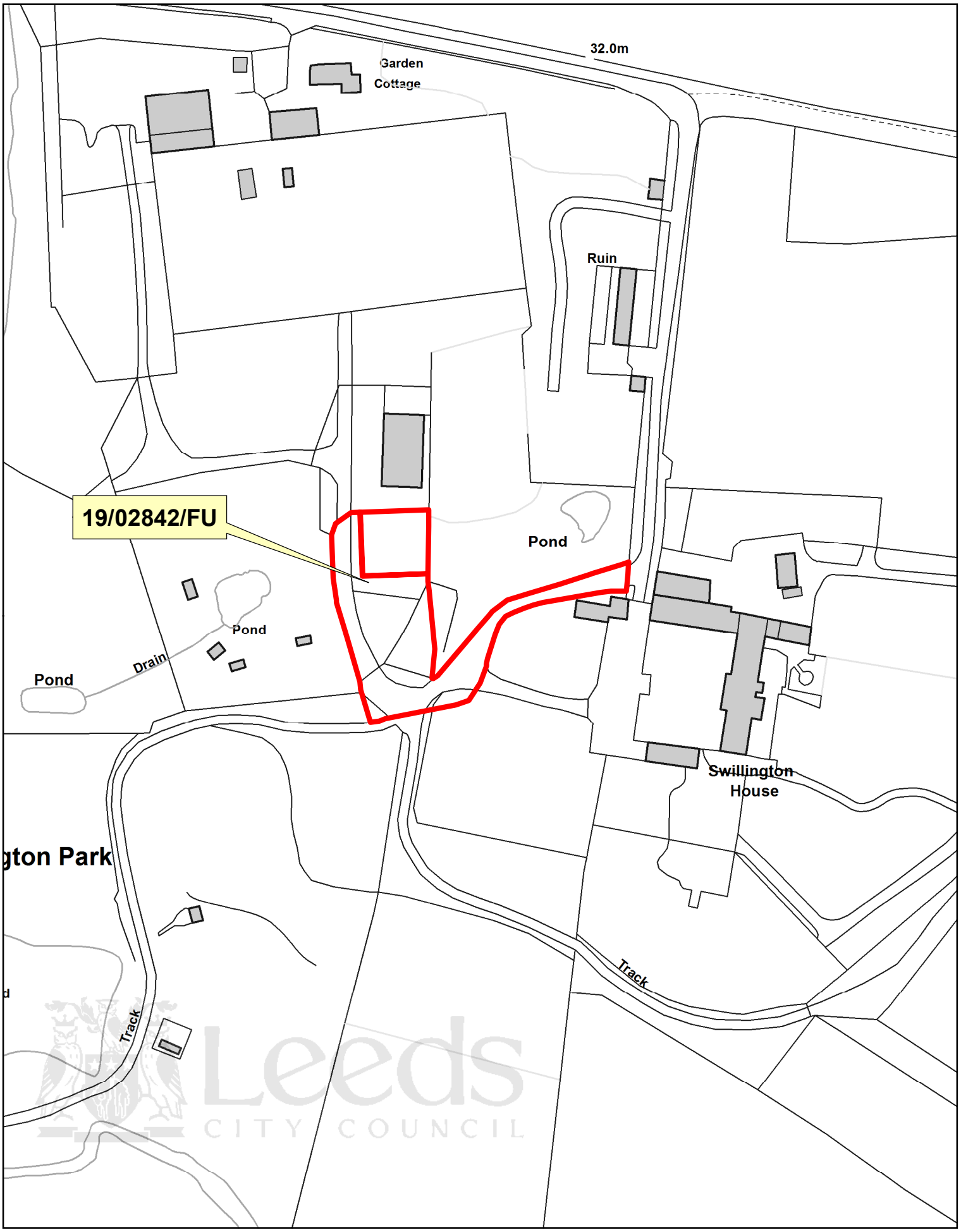
10.24 The barn will help to support the growth of a rural business and substantial weight can be given to this matter, albeit only significant weight is given in this instance as the need to permanently house animals has not been demonstrated, nor has an overriding case been made as to the siting of the building in close proximity to the neighbouring dwelling. The barn has the potential to harm the amenity of neighbours through noise and odour and this matter is given substantial weight. The barn will not harm the protection of the Green Belt, the special landscape area, the setting of the adjacent listed building, nor highway safety. These matters are neutral and weigh neither for nor against the application.

11.0 CONCLUSION

11.1 The application is therefore considered to be acceptable, subject to the imposition of conditions limiting the use of the barn to house animals to particular circumstances in order to protect the amenity of neighbours.

Background Papers:

Application files	19/02842/FU
	Certificate of ownership: Certificate A signed by the agent



NORTH AND EAST PLANS PANEL

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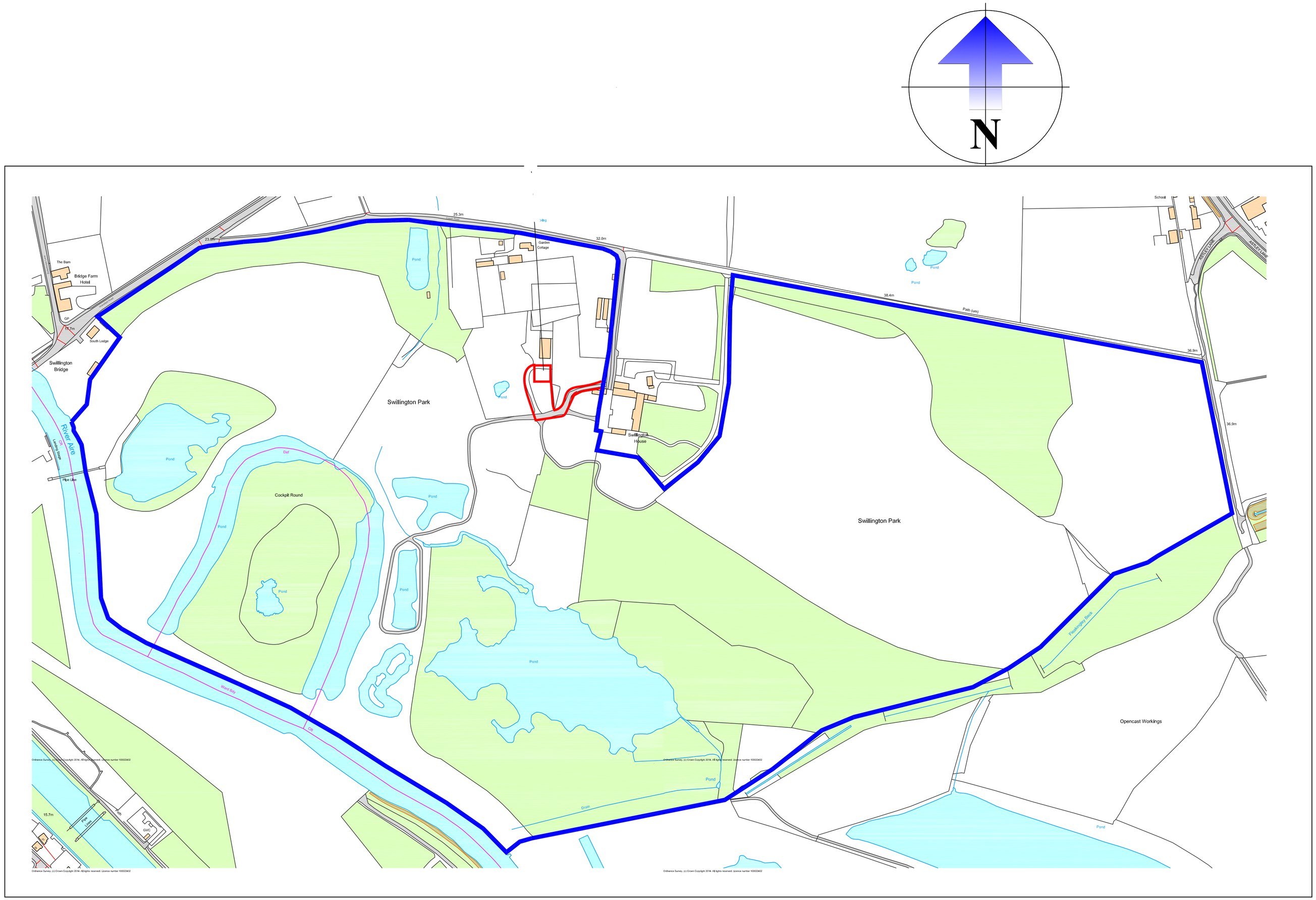
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500



Site location plan

Swillington Organic Farm
Garden Cottage
Coach Road
Swillington
Leeds
LS26 8QA

SCALE
1:2500

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