

NORTH AND EAST PLANS PANEL

THURSDAY, 25TH JULY, 2019

PRESENT: Councillor K Ritchie in the Chair

Councillors D Collins, D Jenkins, E Nash,
M Midgley, T Smith, G Almas, S Hamilton
and G Latty

SITE VISITS

The site visits earlier in the day were attended by Cllrs. Ritchie, Jenkins, Nash, Midgley, Smith, Collins, Latty, and Hamilton.

13 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

14 Exempt Information - Possible Exclusion of the Press and Public

There were exempt items.

15 Late Items

There were no late items.

16 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

17 Apologies for Absence

Apologies for absence were received from Councillors Grahame, Sharpe and Seary.

The following Councillors were in attendance at the meeting as substitutes:
Cllr. Sharon Hamilton for Cllr. Grahame

Cllr. G Latty for Cllr. Seary

Cllr. G Almas for Cllr. Sharpe. It was noted that Cllr. Almas was unable to attend until 2pm.

18 Minutes - 20 June 2019

RESOLVED – That the minutes of the meeting held on 20th June 2019, be approved as a correct record.

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It was noted that Cllr. Collins had indicated that she would be referring to issues in minute 7 in relation to Leeds Design Guide on private roads.

19 Application 18/04236/FU - Moortown Golf Club, Harrogate Road, Moortown, Leeds

The report of the Chief Planning Officer set out an application for greenkeeping facilities (storage/workshop) and yard, with ancillary office and sensor activated emergency lighting attached to proposed building at Moortown Golf Club, Harrogate Road, Moortown, Leeds.

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

Members were advised of the following points:

- This was to be an additional building for the use of greenkeeping;
- Hard standing was to be created and access would remain via across The Fairway;
- Negotiations had taken place with an agreement to remove the proposed floodlights but to keep emergency lighting;
- The proposal was for a large shed looking building which would be clad in green so that it blended into the surroundings;
- There was a generous distance between the proposed building and residential properties;
- The proposed building was to be used for workshop, storage, office space and washrooms;
- The entrance off the Fairway would be accessed by staff only;
- Paragraph 3.2 was highlighted in relation to tree preservation that related to the main golf course and not the application site.

Mr Banks a local resident attended the meeting and spoke against the recommendation informing the Members of the following points:

- There had been 75 objections not 38 as stated in the report;
- The woodland area was identified by DEFRA who had made an inventory of the trees and that paragraph 3.2 did not cover the protected trees;
- There are many species located within that area such as bats, hedgehogs and deer. Although, it was noted that no surveys had been taken on species in the area;
- The community are subject to noise from machinery;
- Lack of privacy as the buildings would be close to residential dwellings;
- The proposed building is over large for the site;
- The water from drains and springs seems to be leaking into residential gardens since the trees were cleared;
- The Himalayan Balsam from the Club has now started invading the residential gardens;
- Herbicide is used to try and clear it from the club which then makes its way into the local springs causing ecological damage;

Responding to Members questions Mr Banks provided the following comments:

- There had been no consultation with residents;
- There was already planning permission for a greenkeeper building that was already on site but it was the view of Mr Banks the club did not want to use this building it as it had asbestos and would be costly to remove it;

Mr Rishworth, Club Secretary and Mr Robinson, Course Manager attended the meeting providing information and responding to Members questions on the following points:

- No increase in activity;
- No increase in access;
- No change in working styles;
- Machinery is currently double parked or left in the open which is why they need the extra building;
- 2 trees had to be removed in December 2017, but these trees were diseased;
- Some shrub land had been removed;
- Work alongside DEFRA and there is a moorland management plan. It was suggested by a Member that water loving trees should be planted such as Elder or Evergreen Oak;
- The building needs to be positioned where it is proposed so that there is sufficient turning space for the vehicles;
- There is no asbestos in the current buildings that are being used;
- The Himalayan Balsam had not been introduced by the club;
- Water could not be draining into the gardens from the Club as the residential area was slightly higher and it would be difficult for water to flow upwards;
- The building was to be dark green to be as natural as possible;
- The Club had used an agent who had discouraged consultation. However, in hindsight Mr Rishworth was of the view that it might have been better to consult with residents;
- The woodland would remain as it is, as this area was wet and it would be difficult to build on, this is why the building is proposed where it is;
- The trees would be protected during construction with a 5 metre clearance to mitigate damage;
- The greenkeepers start early as there is a 'tee off' at 7:15. There are reduced numbers of ground staff on a weekend;
- The club have a 10 year agreement with DEFRA to manage shrub land.
- The Himalayan Balsam could be sprayed to get rid of it round the course. The Chair did advise that 'balsam bashing' was the most effective way to remove the Balsam;
- It was the intention of the club to retain the current buildings and use them for storage.

Members had noted all the comments of the speakers and discussed the following issues:

- Noise
- Landscape and boundary treatment and management
- Drainage

RESOLVED – To grant permission subject to the conditions set out on the submitted report and for the following conditions to be added:

- Approved plans
- Drainage and water storage (to explore the use of water butts)
- Landscaping scheme to be agreed with a recommendation that water loving trees should be planted;
- Long term retention of existing boundary treatment where the building is proposed.

Councillor Almas joined the meeting at 13:55 during this item and took no part in the voting.

20 Application 18/06186/OT - 9 Manor Park, Scarcroft, Leeds, LS14 3BW

The report of the Chief Planning Officer requested Members consideration on an outline application for detached dwelling to side garden at 9 Manor Park, Scarcroft, Leeds.

The application had been referred to the Panel at the request of ward member Cllr. Stephenson.

The Panel was informed of a change to the recommendation to defer and delegate in order for the red line to be changed to include the private road and Certificate B to be signed and notice served on all owners of the private road. This was to enable the Council to impose the planning condition requiring a condition survey of the road.

It was also noted that an additional representation had been received from a neighbour raising concerns over drainage.

Members had attended a site visit earlier in the day. Photographs and plans were shown throughout the presentation and during discussions.

Members were advised of the following points:

- This site is not within a conservation area although to the rear there is woodland and it is green belt;
- The area is residential;
- The application seeks 1 detached dwelling but is submitted in outline only with all matters reserved. However, indicative plans suggest the dwelling would be two storeys with 4 to 5 bedrooms, with a pitched roof which is compatible with the local area;
- Officers were sceptical that the site could accommodate 4 to 5 bedroom dwelling, however, this could be controlled through reserved matters;

- The proposal was for the removal of the conservatory to the side of the current dwelling to allow more space for the development;
- Trees on the site would need to be removed for the development, but there is woodland to the rear of the site, beyond the red line boundary;
- Manor Park has seen previous applications for dwellings which have been approved;
- Page 41 was highlighted which provided information on an application in the area which had recently been refused;
- The area has houses of different designs and size which make up the character of the area;
- Manor Park is an un-adopted road, Members were reminded of the policy which covers un-adopted roads but in this instance an additional dwelling was not considered to create a danger to highway safety.

The resident of number 11 Manor Park attended the meeting and provided the Panel with the following information:

- They had resided at 11 Manor Park for 15 years;
- The development would detract from the character of the area;
- Impact on neighbouring properties;
- Bats nest at 9 Manor Park;
- Deer within the greenbelt to the rear of the properties;
- Street scene would look cramped;
- Contrary to Neighbourhood Plan;
- A similar application had been turned down at Mellendean a property close by;
- Highway safety, there are no street lights, visitors cars park near bend;
- Visitors to the racing stud nearby use Manor Park for parking;
- Drains are old and prone to flood risk;
- Tree preservation order.

In response to Members comments and questions the following was discussed:

- Design Guide for un-adopted roads;
- Character of the area;
- Distance between dwellings;
- Highway safety;
- Loss of trees;
- Gardens and amenity space.

It was noted that the applicant's agent had been unable to attend as he was on holiday.

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

RESOLVED – To refuse the application as set out in the submitted report for the following reasons:

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- Excessive / cramped form of development that harmed the spatial character / appearance of the area;
- Loss of amenity for potential future occupiers and those of the host house due to lack of garden space and its northerly orientation;
- Highway safety compromised as an additional dwelling would be served off an un-adopted road.

A report setting out the reasons for refusal to be brought back to the Panel for consideration.

Cllr. Collins left the meeting at 3:25pm at the end of this item.

21 Application 19/00038/FU - Rodney Cinema, Caxton Street, Wetherby, LS22 6RU

The report of the Chief Planning Officer set out an application for an extension to side including alterations to frontage and replacement windows of existing cinema at Rodney Cinema, Caxton Street, Wetherby, LS22 6RY.

The Panel was advised that since the Panel Papers had been published amended plans had been received and the side elevation of the cinema would now be offset from the adjacent neighbouring property at no. 17 Crossley Street by 1.5m for the full length of the extension.

Members had visited the site earlier in the day where changes to the plans had been explained. Photographs and plans were shown throughout the presentation and during discussions.

Members were informed of the following points:

- The extension is part of a wider plan to refurbish the cinema, splitting the auditorium into two to provide two screens to offer wider film choice;
- Cllr. Lamb had requested that the application be brought to Panel for consideration as he had a number of concerns including design;
- The site is within the conservation area and has been identified as a positive building with the conservation area;
- The proposal is for a single storey extension which would comprise of entrance with accessible ramp, toilet facilities, and café/bar area;
- The current entrance to be block up would be used as staff area and offices;
- This is an original art deco cinema and it is proposed that all external features would remain including the arches;
- The bin store would be to the side of the new extension;
- A lantern style roof is proposed on the extension;
- Permit only parking in the area and there are currently no issues;
- The rear door to be of obscure glaze to restrict overlooking onto neighbouring properties;

- The applicant has worked with planning officers and listened to the comments of the residents;
- The height of the extension has been lowered and the materials altered but still has a contemporary design;
- The refurbishment and extension are to ensure that the future of the cinema is sustainable and accessible to all;
- Opening hours of the café/bar can be controlled by conditions.

Cllr. Lamb and Mr Chesterfield, Architectural Caseworker for the Cinema Association attended the meeting and provided the following points to the Panel:

- This had been a tricky application from start to finish as opinion was divided in Wetherby;
- The community want a cinema in Wetherby that will do well and be sustainable;
- The new owners were praised for their engagement with the residents and that they had taken on the ideas put forward;
- This venture has been bought as a profitable business, the previous owners did have concerns in relation to two screens;
- Concerns had been raised in relation to the café/bar and that this element of the business would take over from the cinema;
- In splitting the auditorium there would be 31 fewer seats;
- A suggestion for limiting the sale of alcohol be considered and a closing time of 10:30pm was proposed;
- The community want to protect the history of the cinema;
- The main design corner relates to the loss of the original internal layout and soft furnishings by splitting it into two screens

Speakers for the recommendation Mr Hewitt, Mr Tate and Ms Dickinson informed the Panel of the following:

- The application complies with policy and legislation and the owners and architect had worked closely with planning officers taking all comments from residents and officers on board;
- Reductions had been made to the height and the width of the extension;
- Lowered floor levels;
- Use of obscure glazing to rear door;
- Ensure accessibility policy is complied with;
- Taken care to ensure external features are retained;
- New entrance area would provide a comfortable lounge area and alleviate queuing on the street;
- Would be requesting 1 hour less than currently licensed for sale of alcohol;
- The new extension will provide a lovely vibrant area;
- The cinema would be able to provide a greater variety of events cinema appealing to wider audiences;
- Creation of jobs within the area.

Members' discussions included the following points:

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- Current ticket sales;
- Viability of the cinema;
- Proposed layout and design of the refurbishments and new extension;
- Use of the outside area and potential noise issues;
- Licensable activities although it was noted that Licensing Committee would deal with this issue;
- Queried the loss of the existing corner entrance and asked if this could be revisited and retained.

Members were complimentary about certain aspects of the design, the accessibility for all, and the investment into the business.

RESOLVED – To grant permission subject to conditions set out in the submitted report and to defer and delegate specific details pertaining to the entrance to officers.

22 Application 19/02842/FU - Swillington Organic Farm, Coach Road, Wakefield Road, Swillington, Leeds, LS26 8QA

The report of the Chief Planning Officer set out a retrospective application for the housing of animals within a detached agricultural building at Swillington Organic Farm, Coach Road, Wakefield Road, Swillington, Leeds, LS26 8QA.

An application had been presented to North and East Plans Panel on 5th July 2018, where it was 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.

Members were advised that the temporary period of 12 months had now ended and that the applicant was seeking to allow the building to permanently house animals. Members were also advised that 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 it was considered appropriate to report back to Plans Panel for a determination.

Members were provided with a brief overview of the application with photographs and plans shown throughout the presentation and during discussions.

It was noted that one of the main issues was the housing of animals in the barn due to noise complaints from the owner of the listed residential building close by.

Members were advised that agricultural land holdings do have general permitted development rights a document which grants planning consent nationwide subject to certain conditions and limitations. Members note that the barn was erected under this right.

One of the restrictions placed on use of a barn is that if it is within 400m of a residential property that's not part of the farm unit it cannot be used to house animals.

The Panel was advised that there had been enforcement cases raised in 2017/2018, saying that animals were being housed permanently in the barn and that these were causing a noise nuisance to the residential property. It was explained that this had been the reason why a 12 month temporary permission had been granted to try and ascertain noise levels and if there was harm to the neighbour.

Members noted that the way in which the barn had been used over the past 12 months had not generated any noise complaints.

It was noted that negotiations had taken place with the applicant's agent to try and move this application forward. It was explained that this was the reason for the condition set out within the submitted report. Members were made aware that the applicant was unhappy with the proposed condition saying that the business could not operate with the condition placed on it.

Members heard that an email had been received from the agent after the publication of the agenda the salient points of the email were read out to the Panel and included some of the following points:

- The Panel report is riddled with inaccuracies and reads as though a bias is swayed towards Swillington House;
- Swillington House the neighbouring dwelling is being sold and therefore no viable complaint;
- Report contradicts itself from paragraph to paragraph and arrives at a conclusion that causes unnecessary stress and planning fees to the farm.

Members' attention was drawn to paragraphs 1.4, 10.6 and 10.24 in relation to the housing of animals in the barn as this information had been provided directly from the agent.

It was noted that last winter was a dry winter and therefore the cattle remained out in the fields, this says the applicant is why there is no need for the condition to be imposed. However it was the view of the officer that this was the reason why the condition is required as the complaint was in relation to when the animals had been housed in the barn during bad weather.

Members were provided with options open to them for consideration.

The applicant was in attendance at the meeting to answer questions from the Panel. The Panel was reminded of the Public Speaking at Plans Panel Protocol.

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

- This had been a personal vendetta by a brother who owns Swillington House;
- Swillington House is being sold;
- The farm is organic therefore there are restrictions to the amount of cattle that can be housed in the barn;
- The barn is also used for storing straw;
- Swillington House is a listed building and has single glazed windows;
- The original cowshed also sited close to Swillington House had been used for 20 years with no issues raised;
- The barn had not been used for weaning.

Members were advised that if the barn was not used in winter during wet periods the fields would become very muddy and a welfare concern for the animals. It would also mean that come summer there would be no grass left to them out to graze.

It was a suggestion of the Panel that whilst the barn is not used in summer as the animals are out in the fields the condition could specify a time period during the winter (e.g. December to April) for the housing of animals.

RESOLVED – To accept the officer recommendation to grant permission subject to a revised condition to the one advance in the report restricting use of the barn by animals during the winter period - with the precise wording deferred and delegated to officers.

23 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be on Thursday 22nd August at 1.30pm.