

## PLANS PANEL (WEST)

THURSDAY, 28TH APRIL, 2011

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

Councillors B Chastney, M Coulson,  
J Hardy, J Harper, G Latty, T Leadley and  
J Matthews

### 133 **Late Items**

The Chief Planning Officer tabled one Late item of business for the Panel to consider, with the agreement of Councillor Taggart. The late report pertaining to Leeds Bradford International Airport had been despatched prior to the meeting. (minute 139 refers).

Additionally the Panel received a revised version of the planning officers report on Application 10/02363/OT Retail superstore at Armley, containing amendments arising from continuing discussions with the developer (minute 137 refers)

### 134 **Declarations of Interest**

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

Councillor J Harper – Application 10/02363/OT retail development, Armley - declared a personal interest as Vice Chair of West Leeds Gateway Steering Group and as a member of the Townscape Heritage Initiative (minute 137 refers)

Councillor N Taggart - Application 10/02363/OT retail development, Armley - declared a personal interest as a member of West Leeds Gateway Steering Group (minute 137 refers)

### 135 **Apologies for Absence**

Apologies for absence were received from Councillors Wadsworth and Wood. The Panel welcomed Councillor G Latty as a substitute for Councillor Wadsworth.

### 136 **Minutes**

**RESOLVED** – The minutes of the last meeting held 31<sup>st</sup> March 2011 were approved as a correct record

### 137 **Application 10/02363/OT - Outline Application to erect Retail Superstore with car parking, petrol filling station/shop, three A1/A2/A3 Units and public open space at land off Carr Crofts, Town Street and Modder Place, Armley LS12**

The Panel considered the report of the Chief Planning Officer on an outline application including the siting and access arrangements for a large retail superstore with car parking and three retail units in Armley. The Panel was in receipt of a revised covering report setting out an amended description of

development, amended officer recommendation, amended conditions and additional details of heads of terms for the Section 106 agreement.

Plans of the site, street elevations, architects 3D graphics and a photo montage showing the proposals in the street scene were displayed at the meeting. Officers addressed the revisions made to the report and highlighted the amendments made to the proposals since Panel received and commented on a position statement presented in July 2010. In particular:

Petrol station – Reduced in size, set back from Carr Crofts, reorientated to provide better access arrangements and live frontage onto Carr Crofts and improved roof design.

Conservation Area buildings – those originally earmarked for demolition to make way for the petrol station would now be replaced with new retail units to turn the corner on Town Street with public seating set in a wide pedestrian area. Officers concluded that the demolition now had a neutral impact on the Conservation Area, as the new buildings were an acceptable replacement in the conservation area.

Public transport – a new bus stop with real time display to be provided on both sides of Carr Crofts and those on Town Street to be relocated.

In addition officers reported on the following issues previously raised by Members:

Scale and impact on Armley Town Centre – officers reported they had investigated the impact of similar developments on similar town centres as requested in Batley and Rothwell – and concluded that those superstores had generally encouraged vitality in the towns and reduced vacancy. However there had been some fall off in trade in Batley following introduction of a mezzanine, but this could also be attributable to current economic circumstances.

Whether a smaller scheme would be viable – as previous concerns about the impact of this development on the Conservation Area and highway impact had been addressed, this was no longer a fundamental issue.

Impact on employment – importantly, two companies currently on site had confirmed that they would relocate and expand within the Leeds district.

Officers reported their remaining concerns over the proposed roof form shown on the indicative drawings due to the expanse of the unit and the inclusion of roof lights which were felt to be contrived, but noted this could be dealt with at the Reserved Matters stage. Members were directed to the regeneration and employment benefits brought by the proposals as a key issue to consider in light of the matters now addressed.

The Panel commented the site had historically been a busy area and noted the local support for the scheme, although they were concerned that the relationships between the new development and the neighbourhood were right. Members discussed the following:

Retail Mix –

- noted that Condition 42 restricted uses within the retail store in order to protect uses currently on Town Street.

- queried whether there was flexibility in this condition to reflect subsequent use changes on Town Street and whether the condition would prohibit the store selling products which were available on Town Street.
- commented that shoppers may not venture into Town Street in the future.
- wanted officers to assess this proposed condition further.

#### Noise –

- noted conditions 22/23 restricted the hours of opening/deliveries and commented that other supermarkets in similar neighbourhoods had later hours. Local residents here would have an expectation this store would open until 23:00 hours.
- queried whether the restriction was necessary and if it would prevent existing uses relocating.
- noted that it would be preferable for the service vehicles to retain their reverse beepers in the interests of public safety.
- could sound deadening surfaces be installed within the service area to alleviate the impact on noise from vehicles.
- wanted officers to assess this proposed condition further.

Officers responded that the restrictions arose from concerns to protect vitality and viability of Town Street and Environmental Protection Team advice regarding potential noise impact. The conditions would not prevent uses relocating and could be reviewed as requested. Surfacing materials would be addressed in the detail of the Reserved Matters application. Restrictions should have regard to the context of the site, as it was surrounded by residential properties.

Opening hours (in particular night time access and car parking arrangements) could be reviewed, perhaps making use of under croft car parking to minimise noise. The main access to the unit would be off Carr Crofts/Station Avenue. Direct access onto Station Avenue will be stopped up.

#### Roof –

- queried whether a green roof could be incorporated and requested further details on the carbon footprint.

Officers noted that care should be taken when viewing the indicative drawings as such matters would only be designed and formally considered at Reserved Matters stage

#### Highways –

- welcomed the provision of signals to the Tong Road/Carr Crofts junction as the store would attract customers from the Farnley and Wortley areas.
- Queried if the Branch Road/Armley Road junction should also be addressed as traffic from the new store could use this route and add to long queues of stacking traffic already experienced at the junction waiting to make the difficult right turn onto Armley Road. The Highways Officer confirmed that this concern would be passed onto Urban Traffic Control.

Some Members were concerned about the number of issues which appeared to be unresolved and required further attention through the defer and delegate process. Officers reiterated that some of the issues raised by Panel now could only be dealt with at the Reserved Matters stage at which point an application would be brought back to Panel. Furthermore, a defer and delegate decision would afford opportunity to review the conditions relating to restricted uses and proposed hours of operation. In addition it was agreed that officers would consult ward members on such details prior to a decision being formally issued.

The Panel considered the revised officers recommendation and **RESOLVED** – That the application be approved in principle and final approval be deferred and delegated to the Chief Planning Officer subject to the submission of an acceptable Stage 1 Road Safety Audit; the conditions specified in the revised report and the completion of a Section 106 Agreement to cover those matters listed within the revised report namely the management fee, travel plan monitoring fee (£4,000 index linked), public transport contribution (£660,756 index linked), bus infrastructure contribution (£40,000 index linked), specification and timing of public realm works, specification and timing of works to the former Chapel, specification and timing of construction/marketing of retail units, details of training and employment for local people.

Under the provisions of Council Procedure Rule 16.5 Councillor Leadley required it to be recorded that he voted against this matter.

(Councillors Coulson and Hardy with drew from the meeting)

### **138 Planning For Growth - National Advice**

The Chief Planning Officer submitted a report setting out information sent to all Local Planning Authorities (LPAs) in England by the Chief Planner (Communities and Local Government) in respect of the national objectives in 'Planning for Growth'. Appended to the report was a statement by the Minister for Decentralisation and further information on planning obligations.

(Councillors Coulson and Hardy resumed their seats in the meeting)

The Head of Planning Services highlighted the following

- the importance now placed on delivering sustainable growth and the clear expectation that a positive answer should be given to development and growth whenever possible, particularly for moving forward previously stalled schemes, although key sustainable development principles should not be compromised
- weight should be given to the economic factors and economic recovery when an application is finely balanced,

Members noted that Executive Board was due to consider the revised Affordable Housing (AH) figures on 18<sup>th</sup> May 2011 and noted that any permission granted with the lower AH threshold will be required to be implemented within 2 years. The Head of Planning Services commented that

applications to vary the AH offer were anticipated from those developers who had recently won appeals for residential Greenfield developments offering AH at the higher threshold. Members expressed concern that developers would repeatedly apply for extensions of time for applications with lower AH thresholds. The Head of Planning Services clarified that once the 2 years had elapsed with no development on site, a fresh full application would be required.

The Chair expressed interest in the impact this new approach would have had on some recent Panel decisions and requested officers undertake an exercise to review those decisions in the light of the government advice

**RESOLVED** - To note the report and attached papers and to have regard to them in making planning decisions

**139 LATE ITEM - Leeds Bradford International Airport - Monitoring report September 2010 to February 2011 of night time aircraft movements, noise levels and air quality**

Further to minute 123 of the previous meeting, the Chief Planning Officer presented a Late Item of business relating to monitoring of night time aircraft movements, air quality and noise at Leeds Bradford International Airport (LBIA).

The report was accepted as a Late Item as Panel had specifically requested a report at the last Panel on the reasons why enforcement action was not to be taken in respect of breaches of conditions as raised by Councillor Matthews and that it should be provided in the context of the latest monitoring report. The Head of Planning Services apologised for the lateness of the report which was due to the time taken to get the required monitoring information but felt it was important that the information and explanation was tabled at this meeting. He also made it clear that Members did have the option of deferring the item a cycle if they wanted to allow more time to consider its contents

The comments of an e-mail from local ward Councillor Campbell on the contents of the report and the approach taken by the Local Planning Authority to the monitoring of LBIA were read out in full to the meeting.

The Head of Planning Services outlined the circumstances of the last 3 breaches which had occurred since he wrote to the airport in May 2010 and considered that they were exceptional. He referred to the history of Pakistan International Airlines (PIA) breaches; the improvement over time and the actions which had been taken by the airport to improve the situation. The Head of Planning Services recognised that there were a number of factors to take into account before taking formal enforcement action and the impact of the breaches had to be weighed against the economic benefits brought to Leeds by PIA flying from LBIA. Consideration was also being given as to how other airports dealt with breaches of conditions and the need to continue to work co-operatively with the airport

Members commented that allowing the planning conditions to continue to be flouted would set a worrying precedent. They noted the number of breaches

which had happened over the last 3 years but that improvements had been made and the latest breaches were due to exceptional circumstances

Members considered that enforcement action at this time would not be appropriate but that the issue should be kept under review and the enforcement file should remain open. We should continue to bring the matter to the attention of the airport and urge further dialogue with PIA to bring the quieter B777 aircraft into service on this route at the earliest opportunity

**RESOLVED –**

- a) To note the contents of the report in relation to night time aircraft movements, noise and the air quality monitoring
- b) To note the update in relation to outstanding enforcement action in relation to breaches of the planning condition on night flying and aircraft noise
- c) To support the approach adopted by officers so far, in seeking to resolve the issues of the PIA breaches by continued dialogue rather than formal action at this stage given the improvement in the position over time and the low number of breaches now occurring
- d) To note the intention to present a further monitoring report in six months time

**140 Date and Time of Next Meeting**

**RESOLVED –** To note the date and time of the next meeting as Wednesday 25<sup>th</sup> May 2011 at 1.30 pm (avoiding Annual Council on 26<sup>th</sup> May 2011)