



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 6th November 2014

Subject: Application number 14/03387/FU – Full application for amenity restaurant, associated access and landscaping at Airport West Business Park, Warren House Lane, Yeadon

APPLICANT

Airport West (Leeds) Limited
And Greene King Property
Developments

DATE VALID

23rd June 2014

TARGET DATE

22nd September 2014

Electoral Wards Affected:

Yeadon and Otley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve subject to a section 106 agreement for contribution to public transport and the following conditions

1. Time limit on full permission
2. Built in line with the approved plans
3. Details of walling and materials to be provided
4. Details of surfacing materials to be provided
5. Lighting to be in line with approved plan
6. Landscaping scheme to be in line with approved plan
7. Details of vehicular access to be submitted and provided
8. Details of cycle/motorcycle facilities
9. Vehicle spaces to be laid out before occupation
10. Car parking to be used solely for purpose of approved development
11. Easement required for highway structure
12. No building or obstruction shall be located over or within 7 metres either side of the centre line of the sewer
13. Details of foul and surface water drainage to be provided
14. No piped discharges of surface water until outfall for surface water been provided

15. Details of bat roosting opportunities to be submitted

1.0 INTRODUCTION

- 1.1 A full planning application for a restaurant was submitted to the Council on 2014. The 13 week expiry date was 22nd September 2014 but an extension of time has been agreed to the 7th November 2014.
- 1.2 Members are asked to note the content of this report and accept the officer's recommendation of approval with the conditions listed above.
- 1.3 The application relates to a piece of land which is within is allocated for employment uses within the Unitary Development Plan and the Core Strategy.
- 1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the need to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 1.5 The proposal does not accord with the current development plan which comprises the UDP Review (2006) in that the proposal is on land identified for employment purposes so the scheme is a departure. The UDP defines employment uses as being within the 'B' Use Classes which do not include pubs/restaurants. However, the Council has lost previous appeals in relation to non compliance with policy E7, there is adequate supply of employment sites within the area and the proposal will generate employment on the site.
- 1.6 The National Planning Policy Framework is a material consideration and Annex 1 sets out that whilst relevant policies adopted since 2004 may be given full weight depending on their degree of consistency with the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

2.0 PROPOSAL:

- 2.1 The application is for a new restaurant which of 1176 square metres and 308 covers. The building will be single and two storey with the ground floor being the restaurant and the upper floor being accommodation for staff. This upper accommodation will be a managers flat and two assistants flats with offices, staff room and storage.
- 2.2 The building will be located to the front of the site situated on the corner junction off Harrogate Road and Warren House Lane. There will be a row of disabled car parking spaces to the front of the restaurant and a car park for 100 spaces to the side of the restaurant in the area between the restaurant and the access road to the business estate to the rear.
- 2.3 The proposal will be modern in design constructed from elements of brick, and render. The roof tiles will be concrete grey tiles and the windows will be stained softwood.
- 2.4 The building will be single and two storey as the first floor accommodation does not cover the whole of the ground floor accommodation. The front elevation will be mainly single storey with a two storey gable and a smaller single storey gable at the other end. The walls will be red brick and the gable elements will be rendered. There

will also be horizontal boarding features on the two gables. The side elevation facing towards Warren House Lane would be all two storey

- 2.5 The proposed access will be off an existing mini roundabout that leads off Warren House Lane into the existing business park.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located at the junction of Harrogate Road and Warren House Lane with the corner of the site being on the roundabout which forms the main access into Leeds Bradford Airport. The site forms one of the front vacant pieces of land to the front of an office development. The site slopes down from the roads and then is generally flat. On the opposite side of Warren House Lane is open fields and the main runway for the Airport. To the rear is a new office development and beyond that caravan and car storage. In between the site and the offices is Carlton beck which has been culverted in parts.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 29/249/04/OT – Outline application to layout access and erect 11 business units (B1) and kiosk (A3) approved 1/4/2005

07/00661/RM – Erection of one 3 storey and 2 three storey offices block with parking and landscaping approved 30/4/2007

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Council Officers have met with the applicant a number of times to discuss the application both at pre application stage and during the processing of this planning application. The principle of development was the main area of discussion along with design, access, parking and landscaping.

- 5.2 The developer has submitted a statement of community engagement which sets out the methods they used to inform the community of their proposals which included the following:

- Leaflets announcing the submission of the planning application to local residents
- This leaflet has tear off comments form
- Newsletters were distributed to local businesses in the area to inform them of the scheme
- Letters were sent to local businesses in the area
- Information sent to key stakeholders and meeting requested
- Press release was issued to the local media
- A community information line was established to allow residents and stakeholders to speak directly to the development team

They state that 216 comment slips were returned with 90% in favour of the development

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted on site on the 25th June 2014 and an advert was placed in the Yorkshire Evening Post 2 July 2014 with a publicity expiry date was the 31 July 2014. A departure site notice was posted on 23 September 2014 which expired on 17 October 2014.

Councillor Campbell and Councillor Lay have objected to the application for the following reasons:

Councillor Campbell states:

- The proposal introduces a new destination restaurant some considerable distance from the urban area which is unsustainable and contrary to national and local policy
- Development can only have two functions to either take part of the catering trade from airport complex or attract new customers from wider area
- This is unsustainable as the majority of movements will be made by private car along a road network which is substandard
- Staff access plan is limited

Councillor Lay states:

- The development Contravenes Council policy on 'out of town' developments.
- It would also 'set' a precedent for the Ward that I am not prepared to support.
- I have some sympathy for the developers inability to market the current site for offices in the recent and current business environment. I believe however that with the impending 'connectivity' of LBIA moving forward the future of this site will be more marketable and viable for office development.
- A restaurant at this site, whilst 'out of town' will impact on Yeadon's already fragile High St.
- Will encourage locals into their cars and out of the High St.
- Whilst 75 jobs would be welcome at this time, were offices to be built in the future these are likely to create more jobs and provide skilled and better paid salary's than those proposed.
- Traffic movements will be minimal during the traditional 'peak' periods

One letter of objection stating the following;

- Proposal is contrary to policy E18 of the UDP
- Policy E7 is explicit and states that application for uses outside of B use classes will not be permitted on land identified for employment purposes under policies E3 and E4 unless criterion identified in policy E7 can be met. The applicant has failed to provide evidence to demonstrate that sufficient employment land is available therefore it is contrary to policy E7
- Council reached this view that this allocation should not be prejudiced having granted only a temporary 5 year consent recently on a site close by
- The design does not represent a statement or iconic development which is required in this location
- Vista into the site from Harrogate Road would include an uninterrupted view of the car park and beyond the proposed restaurant
- Proposal contrary to policies N13 and GP5 of UDP and design principles of NPPF
- Proposal fails to respect a long term view for the site which is to develop a key business park featuring a prestige frontage along Harrogate Road which will support the long term growth of the airport and surrounding area.

- Five letters of support have been received from the occupiers off the business park to the rear stating
- Will provide more choice to employees in relation to lunch options and after work socially
- Will bring a number of jobs to the area
- Will encourage existing occupiers to remain

7.0 CONSULTATION RESPONSES

Highways

No objections

Travelwise

A contribution of £25,021 is required

Yorkshire Water

Conditional approval

Ecology officer

The ecological survey identified an area of semi improved grassland which may be lost which does provide some local value for wildlife. Suggest there should be a buffer alongside the Beck to ensure that this wildlife is provided for and should include a fence to deter access

Condition also required for opportunities for bat roosting

Landscape officer

Some amendments required to submitted landscaping scheme

8.0 PLANNING POLICIES:

Development Plan

- 8.1 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013).
- 8.2 The Inspector's Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan

Leeds Unitary Development Plan (UDP) Review:

- 8.3 The site is allocated as a key employment site with the UDP under policy E4, Policy E8, Policy E18 and Policy E19 which state:

Policy E4

Land for employment uses is allocated at the following locations:

1. Harrogate Road/Warren House Lane, Yeadon
(20.9 ha)

Policy E8 states

The following employment sites identified in Policies E3 and E4 are identified as key Employment sites to preserve their availability for the full range of employment uses:

1. Harrogate Rd./Warren House Lane, Yeadon
(E4.1: 12.9 ha)

Policy E18

The following employment sites allocated under Policy E4 are identified as key business park sites, and reserved for B1 use:

1. Harrogate Rd./Warren House Lane, Yeadon
(E4.1: 8 ha)

Policy E19 states

Prestige office development will be promoted on the key business park sites identified under Policy E18. Potential exists on some or all of each site for prestige development, in accordance with the detailed requirements on form and design contained in the area and site Statements in section iii.

Policy E7 is also relevant and it relates to development of sites for non employment uses that are identified for employment land. This states:

8.4 With the exceptions of residential development on land no longer needed for employment use and of ancillary development supporting employment uses on the proposal site, applications for uses outside the B use classes will not be permitted on land identified for employment purposes under policies E3 and E4, and on land or for premises currently or last in employment use, unless all the following criteria can be met:

- (i) the site is not reserved for specific types of employment use under policies E8 and E18;
- (ii) sufficient alternative employment sites exist district wide, readily available in terms of Quality and quantity so as not to prejudice The achievement of the employment land Strategy through policies E1 and E2;
- (iii) within the locality there are sufficient Alternative employment sites available in Terms of quality and quantity so as not to Prejudice opportunities for local Employment uses
- (iv) the proposal would not result in Environmental, amenity or traffic problems.

Therefore, for applications that propose Housing, or mixed uses with a housing component, Criteria (i) to (iv) above will be used to establish the planning need for the site to be retained for Employment use. Where no planning need is established applications will be considered favorably, Subject to compliance with other UDP policies and being acceptable in all other respects.

8.5 The development relates to an out of town use so policy S5 is relevant which states:

Major retail development outside the defined S1 and S2 centres will not normally be permitted unless:

- I. The type of development cannot satisfactorily be accommodated within an Existing S1 or S2 centre (or in the absence of an in-centre site, on a site adjacent and well Related to an S2 centre); and
- ii. It can be demonstrated that by reason of the Scale and type of retailing that the proposal does not undermine the vitality and viability of the city centre or any s2 centre or Prejudice the local provision of essential Daily needs shopping. It will normally be Necessary for the applicant to carry out a Formal study of impact on nearby centres and An assessment of the changes in travel Patterns. Normally conditions will be Imposed or a legal agreement will be required to ensure that the scale and type of Retail development does not change its Composition without the prior consent of the City council; and
- iii. It addresses qualitative and/or quantitative Deficiencies in shopping facilities. In the case Of major food shopping developments the Resultant development may be defined as an S2 centre if it achieves the integration of Appropriate facilities other than shopping to Provide a broad range of town centre Services and functions for residents in the Surrounding area; and
- iv. It is readily accessible to those without Private transport, as well as those with cars, and results in a net reduction in the number And length of car journeys; and
- V. It does not entail the use of land designated For housing or key employment sites, or land Located in the green belt or generally in the Open countryside.

Other relevant policies are:

GP5: General planning considerations.

GP7: Use of planning obligations.

GP11: Sustainable development.

E7:

N12/N13: Urban design principles.

N23/N25: Landscape design and boundary treatment.

BD5: Design considerations for new build.

T2 (b, c, d): Access and accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T7/T7A: Cycle routes and parking.

T24: Parking guidelines.

Draft Core Strategy

Policy EC3 is applicable which states:

The Employment Land Review identifies the following local sub areas - Inner North East, Inner North West, Inner West, Outer North West and Outer North East where there are currently shortfalls in employment land provision.

Part A: For all sites across the District outside of areas of shortfall

A) Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:

- (i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period ('employment needs' are identified in Spatial Policy 9),

Or

(ii) Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses,

Or

(iii) The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site,

And where appropriate,

Part B: For sites in shortfall areas

B) Where a proposal located in an area of shortfall as identified in the most recent Employment Land Review would result in the loss of a general employment allocation or an existing use within the Use Classes B1b, B1c, B2 and B8, non-employment uses will only be permitted where:

The loss of the general employment site or premises can be offset sufficiently by the availability of existing general employment land and premises in the surrounding area (including outside the areas of shortfall) which are suitable to meeting the employment needs of the area.

Other policies that are relevant include

Spatial policy 1 – Location of development

Spatial policy 2 – Centre first approach supported by sequential and impact assessments

Spatial policy 9 – provision of offices, industrial and warehouse employment land

Policy EC1 – General employment land

Policy EC3 – Safeguarding existing employment land and industrial areas (page 73)

Policy P8 – Sequential and impact assessment for town centre uses (pages 84 and 85)

Policy P10 – Design (page 88)

Policy P12 – Landscape (page 91)

Policy T1 – Transport Management (page 92)

Policy T2 – Accessibility requirements and new development (page 93)

Policy EN2 – Sustainable design and construction (page 104)

Policy EN3 – Low carbon energy (page 106)

Policy EN4 – District heating (page 107)

Policy EN5 – Managing flood risk (page 108)

Policy ID2 – Planning obligations and developer contributions (page 117)

8.7 Supplementary Planning Guidance / Documents:

Supplementary Planning Document: “Street Design Guide”.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Local Development Framework

8.8 The Inspector’s Reports into the Core Strategy and the CIL examinations have now been received and reports on these were considered by Executive Board on 17 September 2014 with a view to the CS being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed Modifications, to be legally compliant and sound, the policies in the modified CS can now be afforded substantial weight. Once the CS has been adopted it will form part of the Development Plan.

8.9 National Guidance - National Planning Policy Framework

8.10 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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.

8.11 It states that the purpose to the planning system is to contribute to the achievement of sustainable development and there are three dimensions to this being an economic, social and environmental role.

9.0 MAIN ISSUES

- Compliance with the Development Plan
- Highway safety and sustainability criteria
- Tree loss/landscaping/ecology
- Design
- Residential amenity
- Section 106 Matters
- Representations

10.0 APPRAISAL

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the LUDPR (2004), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption, sustainability, highways, layout/design/trees/landscaping, amenity, other matters and the Section 106 package being offered in this case.

Compliance with the Development Plan

10.2 The site is part of a wider 20.9 ha site allocated for employment purposes under policy E4 of the Unitary Development Plan Review 2006. The overall allocation is

split into 12.9ha allocated under policy E8 as a 'key employment site' and 8ha allocated under Policy E18 as a 'key business park site' reserved for B1 uses. The proposed restaurant would not fit with policy being development outside the 'B' Use classes.

10.3 For a proposal that is allocated as employment land to be used for a different use the proposal needs to comply with policy E7 which has a number of criteria.

(i) The site is not reserved for specific types of employment use under policies E8 and E18

The site is allocated for employment under this proposal so doesn't comply with this element of the policy

(ii) Sufficient alternative employment sites exist district wide

Sufficient land is available district wide

(iii) Within the locality there are sufficient alternative employment sites are available

Sufficient sites are available

(iv) The proposal would not result in environmental, amenity of traffic problems

It does not result in environmental, amenity or traffic problems

The land continues to be identified for proposed employment use under Policy EC1 in the Core Strategy so Policy EC3 of the Core Strategy also carries substantial weight. The Employment Land Review identifies areas of shortfall based on the local need and availability of industrial and warehousing land only. Accordingly, Part A of Policy EC3 applies to applications which propose the loss of land for office uses, which states;

Proposals for a change of use on sites which were last used or allocated for employment to other economic development uses including town centre uses or to non-employment uses will only be permitted where:

(i) The proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan period ('employment needs' are identified in Spatial Policy 9),

It would not and does comply with this policy

Or

(ii) Existing buildings and land are considered to be non-viable in terms of market attractiveness, business operations, age, condition and/or compatibility with adjacent uses,

A viability assessment has not been undertaken.

Or

(iii) The proposal will deliver a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site,

The proposal would contribute towards the delivery of a mixed use development as an addition to the existing office uses on the site.

In conclusion the proposal does not comply with the first part of Policy E7 in that it is allocated under Policy E8 and E18. However, this UDP policy was tested in May 2011 on nearby adjoining land comprising the Sentinel off-airport car park operation.

- 10.4 The Council contested this appeal because it considered that the loss of employment land would be contrary to Policy E7 as the car parking is not a B1 use, and the proposal would therefore prejudice local employment uses. The Inspector did find that there was little evidence of any recent significant demand for employment land and noted that the Sentinel use would result in a continuing employment land use now. There has been no evidence of an increase in demand for offices or other employment uses since the 2011 appeal decision and it is therefore considered that this appeal decision is a material consideration of sufficient weight to justify an approval not in accordance with Policy E7.
- 10.5 The site is a lime green employment site in the Site Allocations Plan at Issues and Options stage. The Site Allocations Plan demonstrates that there is a more than adequate supply of employment sites to meet the needs for additional employment land for B1 office development in the Issues and Options documents. For the purposes of UDP Policy E7 and Core Strategy Policy EC3 this means the proposal would not result in the loss of a deliverable employment site necessary to meet the employment needs during the plan.
- 10.6 As well as identifying employment land needed for future growth the Core Strategy identifies the need to encourage local jobs. The NPPF defines 'economic development' as 'development' including those within the B use Classes, public and community uses and main town centre uses and other development which provides employment, generates wealth or produces an economic output. The proposal states that the development would lead to 75 jobs, which is a job density of 1 job per 81 sqm and lower than the density of 1 job per 15 sqm for offices. The proposal would in effect contribute towards the delivery of a mixed use development which continues to provide for a range of local employment opportunities and would not undermine the viability of the remaining employment site.
- 10.7 Finally the use is also a retail use which is outside of Yeadon so the impact on Yeadon Town Centre along with other major developments nearby need to be considered. A sequential test has been submitted which shows that there is not a sequentially preferable site within the area because of the large scale of the proposal. The impact on nearby town centres would be minimal and therefore on retail policy grounds the application is considered acceptable.
- 10.8 In conclusion it is considered that in principle the proposal is considered acceptable.

Highways

- 10.9 The site is accessed off a shared road with an existing business park and it was anticipated that this shared road would have been used for office development.
- 10.10 The proposed restaurant would generate less vehicular traffic than the consented office scheme and no concerns are raised regarding the impact on the capacity of junctions in locality.
- 10.11 In terms of accessibility the site is close to the Airport which offers a number of bus services with a combined frequency of around 6 buses per hour which is considered acceptable. There is also provision of cycle stands for visitors with and secure cycle parking spaces for staff and this provision needs to be secured by condition. A financial contribution is required for Public Transport and Developer Contributions which the applicant is willing to pay through a section 106 agreement.
- 10.12 In terms of parking the number of car parking spaces provided is in line with the UDP guidelines. Overall there is no detrimental impact on the safe and free flow of traffic.

Design

- 10.13 The proposed building is within a prominent position at the junction of Harrogate Road and Warren House Lane plus it is opposite the main roundabout that provides the entrance to the airport. The proposed building is located at the corner of the site having a frontage onto Harrogate Road and Warren House Lane. The building in this location is important as it provides a presence on this corner. The building is a range of single and two storey elements with gables which break up the building and provide some attractive features. There is also a mix of materials which are red brick and render which in design terms adds interest to the elevations and these materials match the office buildings that have been constructed to the rear of the site.

Overall the design in this location is considered acceptable.

Landscaping and ecology

- 10.14 The existing site does not have any significant landscaping and most of the site consists of grass. A landscaping scheme has been submitted and the precise details are being negotiated but it generally allows for landscaping with trees along all three road boundaries which will soften the proposed development and improve its visual amenity. The boundary of the site will be a hedge which will mark the boundary and will appear softer than a harsh boundary treatment such as fencing.
- 10.15 The current grass site does have some ecological merit and this needs to be mitigated within the proposal. There is a piece of land to the rear beyond the proposed road and the existing Beck and this land can be used for mitigation.

Overall the landscaping and ecological proposals are considered acceptable.

Letters of representations

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

Section 106 Package

- 10.17 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only

constitute a reason for granting planning permission for the development if the obligation is -

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development. .

10.18 The proposed obligations referred to in this report have been considered against the legal tests and are considered necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Accordingly they can be taken into account in any decision to grant planning permission for the proposals. A section 106 Agreement to address the policy requirements for this application has been submitted and is in the process of being negotiated .

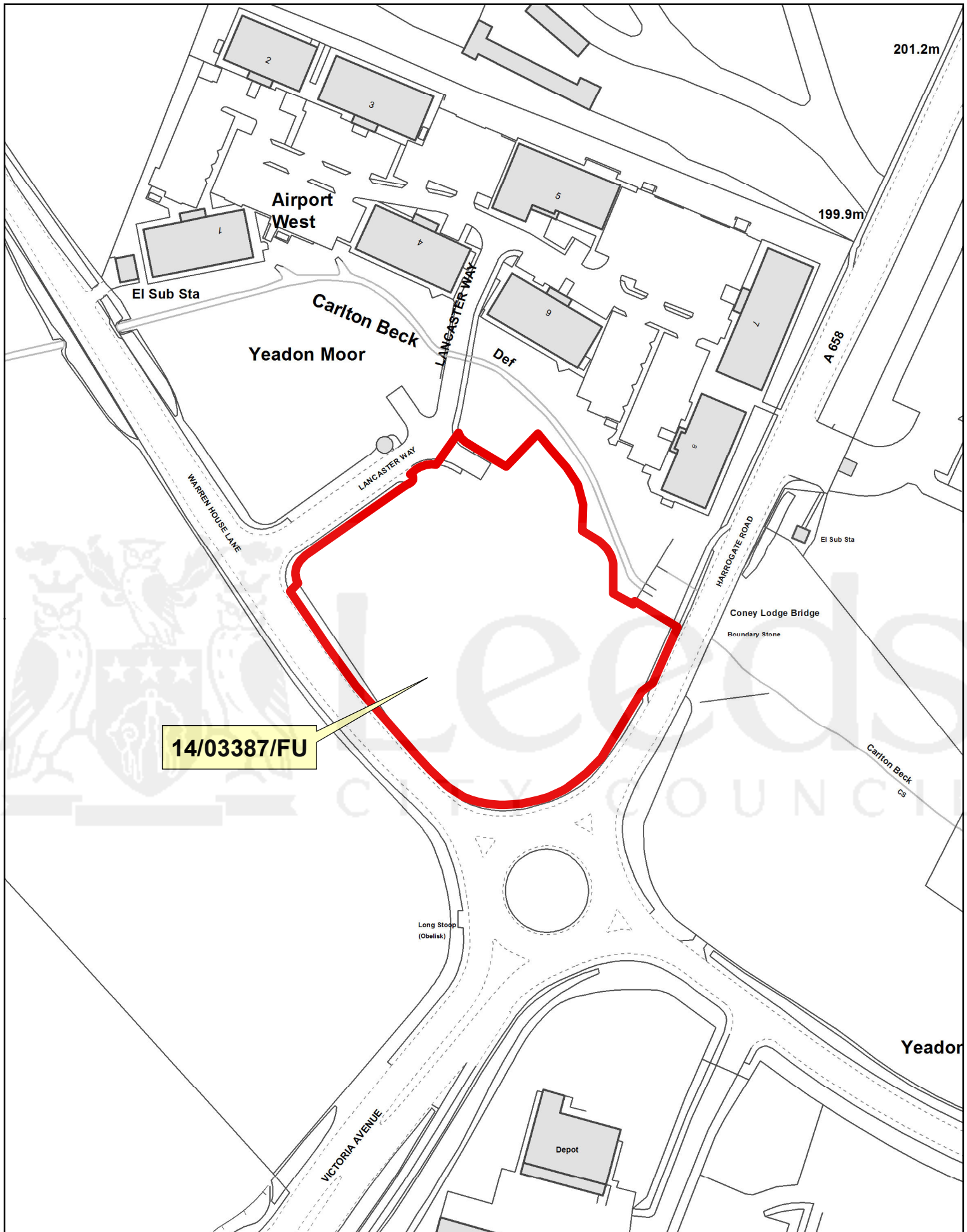
11.0 CONCLUSION

11.1 The proposal involves a restaurant on a site that is allocated for B1 uses in the UDP so is a departure. However, policy E7 which relates to the loss of employment land does not have a good success rate in this area at appeal and there is sufficient employment land available within the area. The NPPF encourages development that create jobs and this proposal will provide more jobs than an employment use on the site so in this instance the scheme in principle is considered acceptable. The design, landscaping, access and car parking are also considered acceptable.

11.2 Overall officers consider that the scheme is considered acceptable and approval is recommended.

Background Papers:

Certificate of ownership: signed by applicant.
Planning application file.



SOUTH AND WEST PLANS PANEL

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

SCALE : 1/1500

