

## **PLANS PANEL (WEST)**

**THURSDAY, 3RD SEPTEMBER, 2009**

**PRESENT:** Councillor C Campbell in the Chair

Councillors S Andrew, A Castle,  
B Chastney, M Coulson, J Harper,  
T Leadley, J Matthews and L Yeadon

**IN ATTENDANCE** Councillor M Hamilton – Headingley ward  
Councillor J Monaghan – Headingley ward

### **23 Late Items**

There were no formal late items, however following the despatch of the agenda it had come to light that the wrong report for Item 10 (Leeds Bradford Airport) had been issued. The correct version had subsequently been despatched to the Panel and all parties prior to the meeting.

Members were also in receipt of an email from Friends of Earth in relation to Item 10 (Leeds Bradford Airport) submitted as representatives of the organisation were unable to attend this meeting.

Additionally an amended cover report for Item 9 (Wellbeing Centre) was tabled at the meeting.

### **24 Declarations of Interest**

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

Councillor Andrew – Application 09/02578/OT development of a Wellbeing Centre at former Ralph Thoresby High School and Application 08/06944/FU Leeds Bradford Airport – declared a personal interest in both as a member of WYITA Transport Plan Steering Group as officers of WYITA had commented on both applications (minutes 29 and 30 respectively refer)

Councillor Campbell – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of the Airport Joint Consultative Committee and as a local authority appointed member of WYITA as officers of WYITA had commented on the proposals (minute 30 refers) and Application 09/02578/OT development of a Wellbeing Centre at former Ralph Thoresby High School site – declared a personal interest as he noted the NW Leeds Liberal Democrat Party office was within the vicinity of the development site (minute 29 refers)

Councillor Chastney – Application 09/02578/OT development of a Wellbeing Centre at former Ralph Thoresby High School site – declared a personal interest as he had previously attended some of the public consultation

sessions in his capacity as a ward councillor, but had not formed a view on the proposals (minute 29 refers)

Councillor Leadley – Application 09/02578/OT development of a Wellbeing Centre on the site of former Ralph Thoresby High School and Application 08/06944/FU Leeds Bradford Airport – declared a personal interest in both matters as a local authority appointed member of WYITA, as officers of WYITA had commented on the proposals (minutes 29 and 30 respectively refer)

Councillor Matthews – Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as a member of Yorkshire Tourist Board (minute 30 refers) and Application 09/02578/OT development of a Wellbeing Centre at former Ralph Thoresby High School site – declared a personal interest as he worked from the office of Mr G Mulholland MP within the Holt Park District Centre which was adjacent to the development site (minute 29 refers)

Councillor Yeadon - Application 08/06944/FU Leeds Bradford Airport – declared a personal interest as she had previously attended discussions on the future of the airport when she had lived in the local area. (minute 30 refers)

It should be noted that Councillors Andrew, Castle and Coulson reported their intention not to take part in the decision making process for Application 08/06944/FU Leeds Bradford Airport as they had not attended the previous 2 Panel meetings where the application was discussed

## **25 Apologies for Absence**

Apologies for absence were received from Councillor Taggart

## **26 Minutes**

The minutes of the meetings held 23<sup>rd</sup> July and 6 August 2009 were submitted for approval.

23<sup>rd</sup> July 2009 Minute 13 Leeds Bradford Airport.

Members commented on the need to ensure both hard and soft landscaping works were undertaken and completed appropriately during the development programme as these were integral to the design and further discussed the wording of paragraph 4 of the Section 106 Agreement regarding the trigger for the release of funding for bus services/highways measures.

The Panel went onto make the following amendments:

“assistance button” – to reword to “He noted the difficulty encountered during his demonstration of the “assistance button” to Members on the site visit and reported this had been addressed.”

Forecourt – to amend to read “Members sought to address this concern by requesting a management plan for the drop-off area be submitted and agreed in writing by the *LPA after Panel consideration*”.

Amended Condition 12 Waste Management Plan – to read “No development approved by this planning permission shall be commenced until an Airport Waste Management Plan, which demonstrates how any waste produced by the proposed development and all waste products produced at the airport are dealt with and includes proposals for reduction, reuse and recycling, has been submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented as approved.

To manage any waste that is produced by the proposed development and at the Airport.

Members indicated that the Airport and its subcontractors should meet the recycling rates currently attained by LCC 38% (2009) rising to 50% by 2020.”

### **MATTERS TO BE INCLUDED WITHIN THE SECTION 106 AGREEMENT**

To amend No 9 to read:

9. To *agree to fund* the following:-

- The cost of undertaking the annual forecourt survey;
- The cost of travel plan monitoring in accordance with the Council's supplementary planning document;
- The cost of equipment to monitor traffic accessing LBIA;

### **RESOLVED –**

- a) That subject to the amendments outlined above, the minutes of the meeting held 23<sup>rd</sup> July 2009 be agreed as a correct record
- b) That the minutes of the meeting held 6 August 2009 be agreed as a correct record

### **27 Application 09/02308/FU - Change of Use of former Residential Home to 12 Bedroom House in Multiple Occupation, with 3 parking spaces, cycle and bin store at 88 Victoria Road, Headingley, Leeds LS6 1DL**

The Chief Planning Officer submitted a report setting out proposals for the change of use of a former residential home to a House in Multiple Occupation. Members had visited the site prior to the meeting. Plans and photographs of the site were displayed at the meeting. Members also viewed slides showing the plans of the internal layout associated with the previous use and the proposed internal layout for comparison.

The Panel noted the property lay within Headingley Conservation Area and was regarded as an important building in the area, the front garden being a particularly attractive element. It was also noted that the proposed HMO was likely to be occupied by student residents and as such the Panel had regard to policy H15 (Area of Housing Mix) during their deliberations.

It was reported the only external alterations required would be to change one door to a window and to re-instate the red brick/stone coping boundary wall. Officers expressed some concern over the location and screening of the

proposed bin/cycle store area and reported the relevant Condition would be revisited to ensure the best possible solution.

Officers considered the building was well segregated from neighbouring residential properties and would be suitable for student residents with submission of an appropriate management plan for that purpose. A key objective was the retention and future use of the building and it was not felt this building could easily revert to family dwelling use. The use of the whole property as a HMO, without subdivision, was felt to be an appropriate re-use.

Members noted receipt of objections from local ward Councillors Hamilton and Monaghan.

The Panel heard representation from Dr R Tyler, Leeds HMO who stated the property was already occupied and tabled a map showing the concentration of student residences in the Headingley HMO area. The Panel then considered the representations made by Mr T Cook (agent) and Mr T Parks (architect) for the applicant. Mr Cook stated the previous care home use was regarded as a commercial enterprise and this change of use to HMO would not affect general residential supply in policy terms. The applicant did not attend the meeting.

Members considered the following issues:

- The evidence found on site that the property was already in use as a dwelling and concern that officers had not recently been able to gain access to the building and had no knowledge that the building was already in use
- Whether 12 extra students would have an adverse impact on the availability of family housing and neighbouring properties in the locality
- The reported numbers of vacant existing student properties and the shortage of family housing in Leeds and whether the property would be suitable for sub-division into “town houses” having regard to the wider context of the Conservation Area.
- Noted the applicant had made a dual change of use application to create one 8 bed dwelling and one 4 bed dwelling and commented on the lack of amenity associated to the 4 bed proposal.
- The impact of creating “apartments” which would have different expectations in terms of car parking provision and use.
- Whether the 3 proposed spaces were sufficient and the possibility of creating one further undercroft car parking space beneath the extension

Members expressed the view that this was a retrospective application and contrary to Policy H15 although they acknowledged the need to balance that with the desire to preserve the building as a whole within the Conservation Area. The Panel was also concerned that the applicant’s representatives could not adequately address their comments. Members noted the recommendation to approve the application required some conditions to be agreed in writing prior to occupation and felt the applicant clearly could not now comply with this.

Members noted the officer recommendation to approve the application subject to conditions, but were not minded to do so and

**RESOLVED** – That the application be refused and a report be brought to the next Panel meeting setting out detailed reasons for refusal based on the Panel's concerns

**28 Application 07/00793/FU - 4 Bedroom Detached House to side garden of existing detached house and alterations involving widening of access to driveway to Arthington Lane and provision of a footpath link at Whitegates, Arthington Lane, Pool in Wharfedale**

Officers presented proposals for the development of a 4 bedroom detached dwelling to the side garden of "Whitegates". Members had previously visited the site.

Members were aware that approval of the scheme had been deferred and delegated by Panel on 3<sup>rd</sup> January 2008 to the Chief Planning Officer subject to certain matters being addressed. The application was re-presented to Panel because the applicant had not been able to resolve the requirement for two way vehicle passing at the site entrance. The applicant now sought the Panels' permission to commence works without widening of the drive at the access point. If this was not possible it was likely the applicant would re-submit the earlier application which had proposed the removal of the tree at the junction.

Officers reported the applicant intended to provide a new footpath link from Arthington Lane to the new residential development adjoining the site and had offered to fund traffic calming works in the vicinity of this application to help address the access issue.

Officers reported their opinion that the access point was sub-standard and required widening as mitigation methods would not succeed on that part of Arthington Lane. Condition 2 required the widening prior to commencement of the works. 2 additional conditions were also requested to protect the tree during the development works and to secure the levels.

Officers also reported that Condition 6 relating to Permitted Development rights needed to be re-assessed against the recently revised Permitted Development rights.

The Panel heard representation from Mr Walton the applicant who explained his negotiations with the adjacent landowner over the widening scheme and the planning history of the site in respect of the adjacent Bryant Homes development. He stated the widening of the access point had been a requirement of Bryant Homes, but this had not been implemented by them.

**RESOLVED** – That the application be granted subject to

- a) the specified conditions contained within the report
- b) an amendment to the description of the development to omit reference to tree removal and passing places

- c) two additional conditions to cover levels and ensure the tree is protected during development works
- d) clarification of Condition 6 in respect of Permitted Development rights

**29 Application 09/02578/OT - Outline Application for a "Wellbeing Centre" for Leisure and Fitness Centre and Health Facilities on the site of the Former Ralph Thoresby High School, Farrar Lane, Adel**

Further to minute 19 of the meeting held 3<sup>rd</sup> August 2009 when Panel received a position statement on the application, the Chief Planning Officer submitted a further report setting out the details of the full application to develop a "Well Being Centre" on the site of the former Ralph Thoresby High School.

Members noted the scheme formed part of a Wellbeing Centre Private Finance Initiative (PFI) which required the allocation of credits for this scheme by end of September 2009.

Photographs and plans of the site, including an indicative plan showing the site access, car park and footpath link through to the Holt Park Centre and new Ralph Thoresby School were displayed at the meeting although the Panel were aware that the only matter for determination was the access point.

Officers tabled an amended report front sheet at the meeting which contained a revised recommendation for the Panel to consider as this application was a departure from the Development Plan. Officers also explained that the Primary Care Trust had withdrawn from the scheme, and a PCT facility would no longer be included within the proposed new building. It was likely the PCT would retain the existing the Health Centre on the edge of the site for the foreseeable future. The withdrawal would lead to a reduced floor space requirement and alter the indicative internal layout as shown at the meeting.

Officers addressed the following matters which had previously been highlighted by Members for further consideration:

- Service delivery access – the route had a low anticipated level of use as it would only serve the Sports Hall. The Reserved Matters application would detail the access and provide an opportunity to condition hours of use if necessary
- Regeneration – architects indicative drawings of the regeneration proposals for the whole of Holt Park were displayed at the meeting
- Landscaping – Officers would seek to ensure appropriate and good quality landscaping through the Reserved Matters application. Areas created by demolition required comprehensive conditions to ensure proper management and landscaping.

Subject to approval of this outline application, the reserved matters application was expected in January 2010.

The Panel heard representation from Mr A Procter who expressed local residents' frustration at the ongoing amendments to the plans and concerns relating to car parking and impact on greenspace provision. The Panel discussed the following:

- the PCT withdrawal and the impact this may have on the overall regeneration of the area
- concern the service road crosses a pedestrian desire line
- whether this revised scheme, without the PCT, would still be eligible for the PFI credits.

In response Members heard from Mr M Morgan, LCC Public Private Partnership Unit, who confirmed the Department of Health was aware the scheme had been revised and had been informally supportive so far. He reported the scheme was designed to make use of PFI credits associated with adult social care and the intended use of the building would still meet those criteria.

The Panel expressed their own frustration that although public consultation had been undertaken in May 2009, the outline application had not been presented until now when a decision had to be made in order for the scheme to still be eligible for credits. Members requested a more detailed plan of the regeneration proposals for the whole of Holt Park be presented with the Reserved Matters application and indicated an early pre-application presentation would be welcomed. Members addressed the principle of the development on the site and

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer for final approval subject to the recommended conditions and following any referral required to the Secretary of State as a Departure from the Development Plan, and subject to the Secretary of State not calling in the application for determination

(Under the requirements of Council Procedure Rule 16.5 Councillor Leadley requested that his vote against this matter be recorded and Councillor Matthews requested his abstention be recorded)

**30      Application 08/06944/FU - Outstanding matters and Update Report on Two Storey extension to main Airport Terminal Building to provide new entrance, improved internal facilities and associated landscaping works to the terminal building forecourt, Leeds & Bradford Airport, Whitehouse Lane, Yeadon, Leeds LS19 7TU**

Further to minute 13 of the meeting held on 23<sup>rd</sup> July 2009 the Chief Planning Officer submitted a report on four matters the Panel had requested to consider further:

- (1) the Terms of Reference of the Steering Group
- (2) the use of the £50,000 originally proposed to support the York bus service
- (3) the number of times the trigger should be breached before monies are paid in the section 106 agreement and
- (4) the wording and details of a Travel Plan condition

Officers reported receipt of further letters of representation from Mr J Rae of Friends of the Earth; Mr Q Cooper of Leeds Taxi Association and Mr G Mulholland MP on behalf a constituent. A further 22 letters of support and 250 letter of objection had been received since the July meeting.

Officers provided the Panel with the following information:

**Steering Group** – A technical group, chaired by an LCC officer, with a remit to monitor airport activity and impact; and assess what action may be required and recommend how Section 106 monies should be spent. Decisions on funding rested with LCC Chief Planning Officer. Outcomes will be reported to the Airport Transport Forum and Plans Panel West. Officers reported that decisions should be made by consensus with no voting.

Officers reported the concerns voiced by Friends of the Earth that the SG would take power away from the Airport Transport Forum. It was officers' opinion that the two groups had different remits, would need to be aware of each other and could compliment each other.

**York Bus** – the intended £50k would be a one off payment, however as the route had been discontinued LBIA proposed to add the £50k to the £425K proposed for the longer term mitigation works. LCC wished to add the £50k to the short term support prior to the 3.8 mppa being reached.

**Trigger** – LBIA had now offered the figure of 33 as the trigger point with 6 monitoring points established around the site. Members had been unhappy at the original trigger "figure of 44" as the number of times the morning/evening traffic peak flows were breached in order to release funding. The 2000 space car parking permission granted in 2005 made adequate mitigation for traffic impact up to 3.8 mppa. At that time the traffic peak flows had been predicted as: – 831 (8 until 9 am) 1332 (5 until 6 pm)

The trigger figure of 33 would mean that funding was released on the following occasions:

morning	evening	
33 (over 831)	0 (over 1332)	funding released
0	33	funding released

But no funding would be released if there were 32 occasions when both morning and evening peak flows of 831 and 1332 were achieved.

Officers reported an amendment to paragraphs 4.3 and 7.2 to read  
4.3 ".LBIA have tabled an alternative proposal that the financial contributions should be triggered when the "peak" traffic flows are exceeded on 33 occasions in either the am **OR** pm peak period"

7.2 ".the amended Highway Trigger for the payment of monies to 33 times on either the morning **OR** evening peak..."

**Travel Plan** – The Travel Plan would be scrutinised by the SG. Noting Members' previous view that the Plan should be more challenging, officers tabled the wording for a suggested new condition:

The Travel Plan submitted as part of this application with modal shift targets as specified for passengers travelling to and from the airport and for airport staff travelling to and from the airport together with methodology for carrying out surveys, acceptable response rates from staff and mechanisms for monitoring and review of targets and action plan, shall be approved in writing by the Local Planning Authority and implemented prior to the commencement



of the development hereby approved and in accordance with specified timescales.

Results from the monitoring of the travel plan targets shall be shared with the LPA annually and a review of the action plan, specifically indicating remedies proposed to address any shortfall against the specified targets for modal shift, shall be submitted to and agreed in writing by the LPA annually following the collection and review of this data, and in any case no later than three months from the date of the annual survey. The approved review of the action plan shall thereafter be implemented in accordance with the agreed details and in accordance with the approved timescales.

Officers also noted the need to monitor the results of the forecourt surveys and clarify the figures for staff and passengers

**Other Updated Matters:**

Condition 12 Waste Management Plan – amendments reported

Condition 13 BREEAM – amendments reported

Forecourt – A forecourt management condition was now proposed to cover pick up/drop off and waiting times

Private Hire Booking Office – LBIA had confirmed that ideally this would be within the terminal building when built and this was now conditioned in accordance with Members wishes in July

Disabled Groups Representative – it was felt the representative would be best placed on the Airport Transport Forum, rather than the technical Steering Group

Officers sought the Panels view on these issues. Members discussed each matter in turn.

**Steering Group –**

- Desire to see the SG outcomes PRIOR to their submission to the Chief Planning Officer and the Airport Transport Forum as Members wished to be able to make comment on and influence the outcomes prior to their determination by the CPO
- Desire to ensure the SG is chaired by an LCC Officer
- Noting the Panel did not have the right to veto a recommendation from the SG Members were assured that the CPO would be made aware of any comments on the recommendations from Panel. The decision of the CPO was final and would have to be adhered to by LBIA

Members therefore agreed the officer proposal regarding the Steering Group, with the proviso the Group was chaired by LCC and that the outcomes would be reported to Panel prior to submission to the CPO and Airport Transport Forum. Members requested a report back on what would happen if there was a conflict between what the CPO wanted to approve and the wishes of Panel.

**York Bus**

- Panel confirmed their wish to see the £50k allocated within the short term fund (i.e. prior to 3.8 mppa) and noted that consideration of the short term fund would lie with the SG

## Trigger

- Members were unhappy with new trigger of 33 as they felt this would allow 33 occasions when the target figure would be breached which they felt to be unacceptable.
- A trigger figure of 33 could allow 64 incidents of high traffic volume when no funding would be released for mitigation works
- Members stated the trigger incidents should be an exceptional circumstance, not a normal occurrence and advocated a lower figure.
- Some Members advocated a trigger figure of 0.
- Officers advised the 2005 permission had not placed any restrictions on the airport. Part of this 2009 application was to encourage LBIA towards the modal split, and without a trigger there would be no encouragement to reduce car usage because all payment would be linked to reaching 3.8 mppa.
- Members commented that some events would be out of LBIA control – such as heavy traffic associated with music festivals or the likely increase in passengers and traffic associated with the 2012 Olympics.
- The Panel considered the feasibility of dealing with the trigger as they did night flights (a report is presented when night flights have been undertaken with the reasons) as LBIA could report back on exceptional airport related traffic circumstances when the peak had been breached. Members stated that emergencies such as re-routed flights would be accepted in mitigation

(Councillor Coulson left the meeting at this point)

The Panel then heard from **Mr Lapworth** from Leeds Bradford airport who responded to the comments made so far on the “trigger. He stated the 831 and 1332 figures were not peaks, and the traffic network was not at gridlock. These were figures LBIA knew they could achieve when at 3.8 mppa and had been referred to in the car park planning application.

The Panel considered the opposing views as to whether the figures were peak or normal figures, but emphasised that either way, these figures had been recorded in the summer months when the background network figures were lower and were being used to predict network use throughout the whole year.

Members noted among other things that the report did not indicate the level of use on the highway network overall. They felt they still did not have sufficient information to determine this element of the application.

## Travel Plan

- Members did not feel the Plan as presented could achieve a reduction in the number of private car users.
- The Panel felt LBIA could influence the travel choices of LBIA staff and contractors and that it would be appropriate to include penalties in the Plan if the Airport did not achieve the targets.

- Members also considered the merits of amending the targets and referred to a Travel Plan associated with another large development which had set rigorous targets and included penalties for not achieving those targets. Members felt that any financial penalty incurred for failing to meet a target could be referred to the SG

Members agreed the following modal shift targets for airport company staff using other than single occupancy car:

Not less than 10% by end 2010

Not less than 20% by end 2011

Not less than 30% by end 2012

Not less than 20% using other than single occupancy car by end of 2012 for all other staff employed at the airport

Members requested the wording of the Travel Plan, to include how targets would be enforced, be presented to the next Panel meeting for approval

### **Other Updated Matters**

Disabled Groups Representatives – The Panel suggested that 2 representatives should be co-opted to the Airport Transport Forum

Condition 12 – Agreed the wording

Condition 13 – Agreed the wording

Forecourt – Members requested that the forecourt management plan, including reference to the waiting time, be presented to the Panel for approval

Private Hire Booking Office – Members noted and agreed the wording, welcoming the re-siting of the booking office.

### **RESOLVED –**

- a) Steering Group - Members therefore agreed the Terms of Reference of the Steering Group, with the proviso the Group was chaired by LCC and that the outcomes would be reported to Panel prior to submission to the CPO and Airport Transport Forum. Members requested further clarification of what would happen in the event of a difference of opinion between the wishes of Panel and the CPO.
- b) York Bus Service - Panel confirmed the £50k should be allocated within the short term fund and noted that consideration of the short term fund would lie with the SG
- c) The Trigger - Members did not feel they had sufficient information to deal with this element of the application and asked officers to bring a further report to the next meeting of the Panel.
- d) Travel Plan - Members requested the wording of the Travel Plan to deal with the enforcement of agreed targets be presented to the next Panel meeting for approval

### **31 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 1<sup>st</sup> October 2009 at 1.30 pm