

PLANS PANEL (WEST)

THURSDAY, 9TH SEPTEMBER, 2010

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, A Castle, B Chastney,
M Coulson, C Fox, J Hardy, J Harper,
T Leadley and J Matthews

34 Chairs Opening Remarks

The Chair welcomed all parties to the meeting and invited Panel Members and officers to briefly introduce themselves

35 Late Items

There were no late items of business

36 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 Akhtar - Application 09/05365/FU Unit 1a Leeds Bradford Industrial Estate – declared a personal interest as Branch Secretary for the Yorkshire Private Hire Association, part of the GMB union (minute 41 refers)

Councillor Akhtar – Application 10/02661/FU Stonegate Road - declared a personal interest as he stated he knew the owner of the site (minute 43 refers)

Councillor Castle – Application 09/04512/FU Sentinel Car Park – declared a personal interest as she had used this facility when flying from Leeds Bradford International Airport (minute 40 refers)

Councillor Coulson - Application 09/04512/FU Sentinel Car Park – declared a personal interest as a member of West Yorkshire Integrated Transport Authority as METRO had commented on the application; and as a member of the Leeds Bradford Corridor Working Group. (minute 40 refers)

Councillor Coulson – Application 09/05365/FU – Unit 1a Leeds Bradford Industrial Estate – declared a personal interest as a member of WYITA as METRO had commented on the proposals; and as a member of the Leeds Bradford Corridor Working Group (minute 41 refers)

Councillor Fox - Application 09/04512/FU Sentinel Car Park – declared a personal interest as a member of West Yorkshire Integrated Transport Authority as METRO had commented on the application; and as a member of Bramhope Parish Council, which he noted from the report had not objected to the proposals (minute 40 refers)

Councillor Fox - Application 09/05365/FU – Unit 1a Leeds Bradford Industrial Estate – declared a personal interest as a member of WYITA as METRO had commented on the proposals; and as the report outlined the local ward Councillor briefing held on 19 January 2010 and his comments were reported at para. 6:4. plus as a member of Bramhope Parish Council which he noted from the report had not objected to the proposals. (minute 41 refers)

Councillor Matthews - Application 09/04512/FU Sentinel Car Park – declared a personal interest as a member of West Yorkshire Integrated Transport Authority METRO had commented on the application (minute 40 refers)

Councillor Matthews - Application 09/05365/FU – Unit 1a Leeds Bradford Industrial Estate – declared a personal interest as a member of WYITA as METRO had commented on the proposals (minute 41 refers)

37 Apologies for Absence

Apologies for absence were received from Councillor Wood. The Chair welcomed Councillor C Fox as substitute

38 Minutes

Minute 25 Leeds Girls High School - The Panel recalled their detailed discussions and agreed the minute should be amended to more robustly express Members dissatisfaction over the loss of the playing pitches in Headingley and their replacement with pitches outside of the immediate locality. It was also noted the resolution to minute 25 should refer to playing pitches, not fields

RESOLVED – That the minutes of the previous meeting held 12th August 2010 be agreed as a correct subject to the amendments outlined above

39 Application to register Yeadon Banks, Yeadon, Leeds, as a Town or Village Green under the provisions of Section 13 of the Commons Registration Act 1965 - Judicial Review

The Panel considered the report of the Chief Officer (Legal, Licensing and Registration) on the progress of an application to register Yeadon Banks, Yeadon, as a Town or Village Green. The Panel had previously considered the matter on 22nd February 2007. Officers reported the outcome of a Judicial Review that took place in March 2010 and the landowners' subsequent application to appeal to the Supreme Court in November 2010

RESOLVED – To note the contents of the report and that a further report will be presented in due course on the outcome of the appeal to the Supreme Court

40 Application 09/04512/FU - Use of land as a secure off-site car park, Sentinel Car Park, Warren House Lane, Yeadon LS19

The Panel considered a report setting out proposed reasons to refuse a retrospective application seeking to regularise the use of land at Sentinel Car Park, Yeadon as a secure off-site car park for Leeds Bradford International Airport (LBIA). It was noted this application site was situated very close to the site of the next matter on the agenda but that each matter should be

considered separately and on their own merits. Members had visited the site prior to the meeting

Officers highlighted the key policy issues for Members to consider as:

- Employment land use – the site lay within a UDP Key Employment Site which afforded the site a higher level of protection from non-employment uses. Under Policy E7 such sites were normally retained for employment use. The car park use was not regarded as “employment use” as defined by the UDP although it is economic development.
- Transport policy – Policy T24A of the UDP maintains that permission for long stay car parking would not normally be granted outside the curtilage of employment premises. Officers acknowledged the current public transport access difficulties at LBIA and that private car transport remained the principle mode of transport to LBIA, however urged Members to consider whether there was a compelling reason to set aside the Policy presumption against the grant of a long term car park usage.
- LBIA Surface Access Policy - Officers further discussed the issue of LBIA related car parking and the current take-up of offsite car parking at Sentinel. A survey completed on 31 July 2010 by Sentinel indicated 1700 Airport related cars parked in off-airport locations, 1400 of which occupied the Sentinel site. The comments of LBIA challenging the suggestion of a shortfall in spaces were reported, as LBIA had stated additional car parking could be provided on-site and had submitted a plan showing 600 new possible spaces. Officers confirmed that under Permitted Development (PD) rights, LBIA could provide car parking, within the airport’s operational boundary, without the need for a planning application. LBIA would need to formally consult with the Council before exercising PD rights but, after taking into account any matters raised by the Council, following the consultation LBIA could then proceed to exercise its PD rights.

Officers referred to the proposed reasons to refuse the application and requested they be amended to include reference to the following additional Policies:

- SA2 of the UDP (Revised) (relating to sustainable transport)
- TA30A of the UDP (Revised) (acceptable uses)
- Government Guidance in PPS1 and PPG13

Members made the following comments:

- The view that public transport services to LBIA were inadequate which created a greater need for private car use and parking facilities
- Concern that no enforcement action had been taken given the car parking facility had operated from this site for a number of years. In response officers stated that both the Authority and LBIA had presumed the site did have permission, and car parking statistics for the Sentinel site had been included in the LBIA 2005 Transport Assessment. Further investigation of the Coney Park site had revealed a number of temporary uses and had resulted in this application for a

permanent facility. No Certificate of Lawful Use for the operations had been obtained by the operator and so the lawfulness of any operations at the site could not be assumed in determining the planning application

- The option available to LBIA to create additional car parking facilities on site without the need for express planning permission from the Authority although Members noted that as yet, LBIA had not sought to exploit its PD rights
- The merits of a temporary permission to allow time to assess the seasonal car parking requirements and the informal plan submitted by LBIA for on-site car parking balanced against the applicants request for permanent permission

(Councillor Akhtar joined the meeting at this point)

The Panel went on to further discuss:

- The recent informal submission by LBIA of a plan showing an additional 600 possible spaces by LBIA and the fact that it did not amount to the exercise by LBIA of its PD rights and therefore it had no bearing on Members' deliberations at this meeting
- The length of time the site had operated as a car park
- Whether any harm could be demonstrated by the use of the site
- The impact of the refusal of the application and subsequent closure of the site in terms of site users and where their vehicles could be parked
- any possible enforcement action to be taken by the Authority. Officers pointed out that in the event of a refusal of planning permission the Council was obliged to consider what enforcement action (if any) was appropriate.

Members voiced their sympathy with the applicant and considered the merits of overturning the officers' recommendation in order to allow the grant of the application. Members however indicated that they were minded not to support the application for a permanent planning permission although they were not prepared to refuse the application at this Panel meeting. Rather, they were minded to support the principle of a temporary planning permission (although it was acknowledged that any decision of this Panel could not bind a future Panel who would need to consider any application on its own merits). Possible timescales of 5 or 10 years for the use, landscaping and measures to off-set the carbon footprint were also discussed.

The Panel was aware that this approach would represent a material change to the application before them which would require an amendment to the application should the applicant wish to proceed on the basis of a temporary permission.

RESOLVED – That determination of the application be deferred to allow officers time to discuss the Panels comments and suggested approach with the applicant and a further report be presented in due course

41 Application 09/05365/FU - Change of use of general industrial unit to off Airport car parking, Unit 1A, Leeds Bradford Airport Industrial Estate, Harrogate Road, Yeadon LS19

The Chief Planning Officer submitted a report setting out proposed reasons to refuse an application seeking the change of use of a general industrial unit at Leeds Bradford International Airport Industrial Estate to off-airport car parking. Members had visited the site prior to the meeting. Aerial photographs and site plans were displayed at the meeting.

Officers referred to the proposed reasons to refuse the application and requested they be amended to include reference to following additional Policies:

- SA2 of the UDP (Revised) (relating to sustainable transport)
- TA30A of the UDP (Revised) (acceptable uses)
- Government Guidance in PPS1 and PPG13

The following key issues were highlighted for consideration:

- Employment use. Although the site did not have a specific UDP allocation for employment use, the area did fall within Policy E7 of the UDP (Revised) as an existing employment site and district wide consideration must be given to whether there was an adequate supply of employment land. It was noted that some empty units were identified on the industrial estate, however this was felt to be as a result of the current economy and the retention of the units would be required for the economic recovery in the long term
- Transport policy – Policy T24A of the UDP maintained that long term car park permission would not normally be granted outside the curtilage of employment premises. Officers acknowledged the current public transport access difficulties at LBIA and that private car transport remained the principle mode of transport to LBIA, however urged Members to consider whether there was a compelling reason to set aside the Policy presumption against the grant of a long term car park usage.
- LBIA Surface Access Policy - The comments of LBIA challenging the suggestion of a shortfall in spaces were reported, as LBIA had stated additional car parking could be provided on-site and had submitted a plan showing 600 new possible spaces. Officers confirmed that under Permitted Development (PD) rights, LBIA could provide car parking within the airport's operational boundary without the need for a planning application although the submission of the plan by LBIA not amount to a formal request by LBIA that it wished to exercise its PD rights
- Temporary Use – this was not the application that was before the Panel so granting of a temporary planning permission was not an option for Members at today's meeting
- Passengers – the Authority was concerned about the proposed access arrangements from the site to the airport terminal. The drop off/pick-up point on Whitehouse Lane was considered to be an unsatisfactory arrangement for passengers accessing the airport terminal

The Panel heard from Mr J Everett, agent for the applicant who stated the units had been marketed to attract tenants but the decreased occupancy of the units was part of a 10 year decline. The applicant was struggling to achieve viability on the estate and sought a short term solution. Mr Everett stated the applicant would be willing to consider a temporary 3 year permission in order to retain the Unit for long term manufacturing use. Mr Everett also responded to Members questions regarding the drop-off/pick-up point and the style of covered parking operation proposed.

The Panel then heard from Mr K Gibbs on behalf of Leeds Bradford International Airport who stated LBIA could introduce a similar block parking proposal within the curtilage of the airport using PD rights and supported the officer view that the best way to approach the provision of long term car parking was through the Airport Masterplan and the Access Strategy. He also supported the view that it was not possible for the Panel to consider a temporary use and pointed out that a temporary use was not in accordance with Circular guidance. Mr Gibbs also responded to queries regarding the perceived car parking space shortfall within the airport curtilage and access arrangements and referred to other examples of Airports providing car parking using their PD rights and the fact that it could be provided in months and not years at the Airport.

(Councillor Akhtar declared a personal interest at this point as Branch Secretary for the Yorkshire Private Hire Association, part of the GMB union)

The Panel went onto consider whether a temporary permission would be acceptable, given the safety concerns regarding the Whitehouse Lane drop-off/pick-up point and the difficulty of the walk from that point to the terminal building for passengers with luggage. The highways officer responded regarding road safety issues and the results of the 2009 Transport Assessment compared to the 2010 Transport Assessment.

Members expressed their dissatisfaction with the lay-by proposed on Whitehouse Lane in terms of safety; access for passengers to the terminal and particularly with regard to passengers with mobility issues
RESOLVED – That the application be refused for the reasons as set out in paragraphs 1, 2 & 3 of the submitted report with amendments to include reference to Policies SA2 and TA30A of the UDP and Government Guidance in PPS1 and PPG 13

(Councillor Fox withdrew from the meeting at this point)

42 Application 10/02643/FU - Two storey side extension and garage to rear, 1 Spen Gardens, West Park LS16

The Chief Planning Officer submitted a report on proposals to extend a residential property at 1 Spen Gardens, West Park. Members visited the site prior to the meeting. Plans and photographs of the site were displayed along with architect's drawings of the proposals.

Officers reported the content of 4 further letters of objection and one e-mail from local ward Councillor Bentley received since the despatch of the agenda for the meeting. Members noted the request by Councillor Bentley to restrict any future expansion of the house through the removal of permitted development rights and to restrict the future use of the house by students.

Officers reported that, following the site when a "to let" sign had been visible in the grounds, an approach had been made to the agent to clarify whether the house was still with a letting agent and seeking confirmation the applicant would accept a condition relating to student occupancy. The agent had requested the application be deferred until he had been able to discuss the matter with the applicant

The Panel heard representation from Mr A Richards, a local resident who set out his concerns regarding the impact of increased traffic on Spen Road that he anticipated due to the expansion of the house and the possibility the house could be used for student occupancy

Members considered matters relating to:

- the space within the site to accommodate car parking
- the scale of the extension and whether it was appropriate to the size of the house
- whether measures to ensure non student occupation of the house were enforceable
- concerns regarding the future use of the dwelling which could not be addressed in the absence of the applicant

RESOLVED – That determination of the application be deferred until the next Panel meeting

43 Application 10/02661/FU - Change of use of Cafe to a Bar (A4 Use) including external alterations at 4 Stonegate Road, Meanwood LS6

The Chief Planning Officer submitted a report on an application for the change of use of a café to bar (A4 use) at 4 Stonegate Road, Meanwood. Members had visited the site prior to the meeting and had noted the unit adjoined a dwelling located to the rear.

Officers reported the applicant had reduced the intended hours of operation since the application had first been made and the hours would be conditioned should permission be granted. Officers requested that Condition No 5 be deleted from the 6 suggested conditions.

Seven further letters of support had been submitted since the agenda for the meeting had been despatched. The Panel had concerns about noise generated by persons congregating and smoking and with regard to bins/waste management. Members were not convinced by the proposed use of signage to encourage patrons to be quiet

(Councillor Akhtar declared a personal interest at this point as he stated he knew the owner of the site)

The Panel considered whether they could restrict permission to the use by this applicant through an additional condition. The Chair noted the Panel's comments and following a break, invited Mr Gyngell, the applicant to address the meeting.

Mr Gyngell described the nature and likely capacity of the proposed operation, and discussed measures to address the Panels concerns including

- Measures to prevent patrons congregating to smoke either to the rear/side of the premises near to Bay Cottage or to the front
- noise attenuation measures proposed to insulate the party wall
- the internal layout ensuring the rooms nearest to the party wall were office and toilets, not a bar area

The Panel discussed the merits of a personal condition. Mr Gyngell responded with concern about such a guarantee and suggesting the noise inaudibility clause should future proof the premises should another licensee take over. Members considered the merits of creating a gated access to the side driveway in order to prevent patrons congregating, however noted the response of the Highways officer regarding access/egress and the required setbacks for gated access off such a busy road

(Councillor Coulson withdrew from the meeting at this point)

Members were minded to approve the application subject to additional conditions

RESOLVED – That the application be granted subject to the conditions within the report (with the deletion of No.5) plus additional conditions to cover submission of

- a management plan to cover external activities to be agreed in writing with the Local Planning Authority
- further details of the bin store to be submitted to show how the levels change will be managed
- assessment of noise attenuation measures

44 6 Applications - 10/02792/LA: 10/02791/LA: 10/02886/EXT; 10/02790/LA: 10/02789/LA and 10/02950/EXT - 4 applications to vary conditions relating to number of dwellings, delivery of affordable housing, greenspace requirements, education provisions, public transport provision & land contamination; and 2 applications to extend the time limit of applications for Residential Development on 2 Little London sites at 53 Carlton Gate, Meanwood Street, and at Oatland Lane, Sheepscar LS7

The Chief Planning Officer submitted a report on six applications relating to residential development proposals on two sites within Little London. The applications sought to revise previous permissions and related to the delivery of affordable housing, greenspace requirements, education provision, public transport provision and land contamination and sought a revised timetable for the implementation of the schemes.

Appended to the report was a schedule containing conditions to be attached to the permissions should they be granted.

Four schemes for the Little London area Public Finance Initiative redevelopment had been granted permission on 19 September 2008. Since then the scheme had been reduced with the Leicester Place and Cambridge Road schemes no longer going forward.

Applications 10/02792/LA; 10/02791/LA and 10/02886/EXT related to permission 08/02857 at Carlton Gate.

Applications 10/02790/LA; 10/02789/LA and 10/02950/EXT related to permission 08/02852/LA at Oatland Lane.

Aerial photographs and plans showing the revised schemes were displayed at the meeting. Plans showing the original submissions were also available for reference.

Officers highlighted the quantum of development had been significantly reduced including the deletion of the 8-10 storey apartment blocks. Delivery of 125 family type council homes was now proposed through a phased approach. Subsequently the existing conditions required amendment to take account of the reduced scheme and to ensure the conditions were still applicable to the development.

Officers requested a further amendment to Condition 8 (public transport improvements and highway, pedestrian and cycle measures) to ensure a Transport Assessment was undertaken on completion of Phase 1 to cover the revised Phase 2 works. Any highway works shown to be required by that Transport Assessment were to be provided at the appropriate time through the Phase 2 scheme. It was noted the Reserved Matters applications were expected to be submitted by the end of the calendar year with development to commence on site by the end of 2011.

RESOLVED – That the applications be granted subject to the specified conditions contained within Appendix 1 of the submitted report and an amendment to Condition No.8 to require a Transport Assessment is undertaken following completion of Phase 1 of the development to support Phase 2 of the development and that any works arising are funded through Phase 2 of the scheme.

45 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 7th October 2010 at 1.30 pm