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Plans Panel (City Centre)

Thursday, 15th March, 2012

PRESENT: Councillor B Selby in the Chair

Councillors G Driver, S Hamilton, J Jarosz,
J McKenna, E Nash, M Hamilton,
C Campbell, G Latty, A Castle and
A Blackburn

65 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during consideration of information arising in discussions at minute 69 as it is deemed likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated in terms of Access to Information Procedure Rule 10.4 (5) on the grounds that disclosure of the information to be discussed could undermine current and/or proposed legal proceedings

66 Late Items

There were no formal late items of business

67 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:

Minute 68 – applications for long stay commuter car parks

Councillor Jarosz – stated that her son attended Leeds College of Building which was very close to the Skinner Lane site (Application 11/05310/FU) although it was noted that this was not strictly a personal interest in terms of the Members Register of Interests

Councillor Castle – declared a personal interest as a member of Leeds Civic Trust in relation to the Midland Mills site (Application 11/04259/FU), as the Civic Trust had commented on the proposals

Additionally, Councillor G Latty stated that in 2010, he had written a letter arguing with the principle of closing the city centre car parks; however he would review the applications with an open mind and determine each on its own merits

68 Applications for Long Stay Commuter Car Parks

The Chief Planning Officer submitted a report on 16 applications relating to the provision of city centre commuter car parking. The report also addressed the purpose and status of the City Centre Commuter Car Parking Policy (CCCCP Policy) and how this had been applied as a material consideration in the assessment of each of the applications.

Members had regard to the CCCCPC policy which set out the basis for granting consent to applications for a maximum of 3,200 temporary commuter car parking spaces within the city centre core and fringe car parking areas for a period of 5 years. The submitted applications totalled 4568 spaces. Members were therefore aware of the assessment criteria and the competing nature of the 16 applications before them

The Head of Planning Services outlined the procedure to be adopted for this Panel meeting and stated that of the 4568 spaces proposed in the applications, 3391 were currently in use. The applications had been assessed on their merits in line with the Policy. It was noted that the cap of 3200 spaces had been reached taking the comments of the Highways Authority regarding highways safety and the capacity of the strategic highway network into account.

The Legal Adviser reminded Members that a comparative assessment of each of the applications was required and therefore it was essential that all Members remained in the meeting throughout in order to have any part in the necessary voting

The Area Planning Manager, Central Area Team, set out the relevant policies within the Unitary Development Plan and presented the background to the introduction of the CCCCPC strategy. Executive Board had agreed the CCCCPC Policy and the criteria by which to assess any applications as stated in Appendix 1. A team including officers from the Highways Authority and Leeds City Council (landscaping, highways and planning) had carried out a comparative assessment of each application and had ranked them in order of those that best met the preference criteria as shown in Appendix 3. This showed that the 11 highest scoring applications were recommended for approval, the remaining 5 lowest scoring applications were recommended for refusal. It was noted that the total recommended for approval would still exceed the cap – but by a marginal number (18 spaces)

Members paused at this point to consider the policy framework for the decision making and discussed the following:

- Any one of the 16 applications would be considered acceptable providing they were within the cap of 3200 as the Highways Authority did not consider any proposal to have an adverse impact on the strategic highway network.
- The difference between the strategic highways network (Highways Agency) and the input of the local highways authority (LCC) regarding local highway network issues.
- The assessment criteria and the weighting given to some criteria. Some Members commented that public safety (in terms of lighting/CCTV/natural surveillance) and biodiversity were of equal importance to the highways assessment
- Noted that Executive Board could not have predicted that all applications received would relate to city centre sites when setting the criteria which afforded city centre sites a maximum score of 10.
- The Area Planning Manager stated that due to the unusual comparative assessment procedure, it had not been appropriate to negotiate

improvements to the submissions in this instance (as Panel would normally expect officers to do). Applicants had been encouraged to present the best application they could in the context of the criteria agreed by Executive Board. If negotiations had followed, the LPA would have lost the ability to differentiate between the applications for the purposes of the comparative assessment process

- Generally, any applications approved today would be expected to be implemented within 3 months

The Panel then moved on to deal with each application in turn and received a presentation on each from the relevant planning officer. Site plans, photographs and architects impressions where appropriate were displayed for each of the applications and it should be noted that the Panel had conducted a site visit to all sites prior to the meeting:

11/02640/FU Wellington Place (North) (recommendation to approve) – an amendment to paragraph 6.0 was required to correct the date the site notice was posted to 27 July 2011. No comments had been received, however as the site boundary had expanded, this was now regarded as a “major” application and the recommendation for approval required amendment to “defer and delegate final approval subject to the expiry of the advertisement period”. Additionally, as this was a retrospective application, officers requested amendments to the following conditions:

Condition 6 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 7 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Condition 8 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority”. No comments were made.

10/04358/FU Wellington Place (South) (recommendation to approve) – As the site boundary had expanded, this was now regarded as a “major” application and the recommendation for approval required amendment to “defer and delegate final approval subject to the expiry of the advertisement period”. Additionally, as this was a retrospective application, officers requested amendments to the following conditions:

Condition 6 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 7 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Condition 8 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority”. No comments made

11/05031/FU Former Carlsberg/Tetley, Hunslet Lane (recommendation to approve) – noted that grant of permission would be dependant on completion of Section 106 agreement with regard to the 10 year lease; and to control the timing and delivery of the art hub, including a schedule of the necessary fitting out works. Officers also stated that a further condition would be added to give a 10 year consent for the proposed art hub in order to provide greater assurance for the operator. Members commented on the landscaping

scheme, the location of the short stay car parking, the management of the art hub, the treatment of the revealed eastern elevation and suggested that pedestrian access should provide connectivity along Hunslet Road to the City Centre after the car park is closed

11/05281/FU City One', Sweet Street/Meadow Road (recommendation to approve) – site currently in operation, landscape scheme, public art and marketing materials were proposed. Amendments were required to the following conditions:

Condition 3(d) and 3(h) relating to landscaping works – deletion of reference to public art and advertisements respectively

Condition 5 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission.

Condition 6 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority”.

Also an additional condition was proposed to control the details of the proposed public art. Members commented on the public art.

10/04375/FU Whitehall Riverside (recommendation to approve) - officers requested amendments to the following conditions;

Condition 6 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 7 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Condition 8 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority”. No comments were made.

11/05310/FU Skinner Lane (recommendation to approve) - officers requested amendments to Condition 3 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission.

Members commented on the site layout once parking spaces had been properly marked out and the species of trees proposed within the landscaping scheme which could be dealt with in the detail of the scheme

11/05218/FU Globe Road (A); 11/05216/FU Globe Road (E) & 11/05215/FU Globe Road (C) (recommendation to approve) - officers requested amendments to the following conditions:

Condition 5 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 6 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Condition 7 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority.

Members commented that (C) was not currently operating and expressed concern that permission could be granted for a scheme that would not later be implemented. Officers advised that sites (A) and (B) currently attracted commuter car parking, so it was likely that the applicant would operate (C) as proposed in the application.

One Member reiterated earlier discussions on the weighting given to the biodiversity and safety of car park users.

11/04259/FU Midland Mills, Water Lane (recommendation to approve) - officers requested amendments to the following conditions:

Condition 5 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 6 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Condition 7 relating to oil and petrol interceptor to include “unless otherwise agreed in writing by the local Planning Authority

Officers reported that the treatment to the palisade fencing would be dealt with through detailed discussions. No comments were made.

11/05238/FU Ingram Street (recommendation to approve) and 11/05239/FU Ingram Row (recommendation to refuse) – a drawing of the fencing and landscaping scheme proposed to the site boundaries was displayed. Officers requested amendments to the following conditions:

Condition 3 scheme of surface water drainage works – details of the scheme to be required within 3 months of the grant of permission

Condition 4 details of the Flood Risk Management Plan – details of the Plan to be required within 3 months of the grant of permission

Members noted that both schemes had scored the same against the criteria, with Ingram Street taking the total number of car parking spaces slightly over the 3200 space limit and Ingram Row falling just within the 3200 space limit but that it was recommended to approve Ingram Street and that Ingram Row was proposed to be refused. Members also noted a shelter in situ on the Ingram Street site and discussed whether this was a bus or smoking shelter. It was reported that this site was contracted for use by Asda staff and that the provision of the shelter may be related to this use but it did not form part of the planning proposals for the site.

11/05225/FU Former Doncaster Monkbridge, Whitehall Road (recommendation to refuse) – Officers commented that this application missed an opportunity to address landscaping and pedestrian access. The contents of a letter received on 14 March 2012 from Indigo Planning on behalf of the applicant disagreeing with the assessment of the scheme were read out at the meeting. No comments were made.

11/05214/FU Globe Road (Car Park B) (recommendation to refuse) – Officers highlighted the isolated nature of the site, the lack of lighting, CCTV and significant planting. No comments were made.

11/05220/FU Globe Road (D) (recommendation to refuse) – officers highlighted the security issues related to the continued use of the former warehouse building as a car park. No comments were made.

10/01420/FU Globe Rd/Whitehall Road (recommendation to refuse) – officers highlighted the conflict between the access point to this site and the access to

the Latitude development across the road; Also insufficient detail had been submitted to properly assess the arrangements. No comments were made.

Having noted the contents of the officer presentations, Members considered the representations from the following speakers:

11/05031/FU Former Carlsberg/Tetley, Hunslet Lane

Dr A Beaumont addressed the Panel on concerns relating to the level of consultation undertaken with existing and adjacent site owners/users, land ownership and access rights, safety, security and traffic flow along Hunslet Road. He was also concerned over the impact on the Grade II listed Salem Chapel adjacent to the proposed park area in terms of potential damage from ball games.

Mr Bickers, on behalf of the applicant, then advised on the consultation and media campaign undertaken, the land ownership claim and he suggested that the overall proposals for the Art Hub/Car Park would reduce the amount of traffic past Salem Chapel compared with when the Brewery was in use. Members discussed issues of security, land ownership and the proposed public route along Hunslet Road. The Panel commented that this route should be open longer than the car park as it would be used to access the city centre at all hours. Mr Bickers confirmed that it was proposed to be open 06:00 to 00:00.

11/05239/FU Ingram Row

Mr J Brunt, applicants' representative, made submissions in respect of the applicants' continued commitment to develop both the Ingram Row and Ingram Street sites. He confirmed that the Ingram Street site was let exclusively to Asda. He suggested that refusal of Ingram Row would prevent improvements being made to safety and pedestrian access and would lead to additional cars travelling further into the city to park. He also generally argued against the principal of restricting car parking spaces as this encouraged unregulated "pop-up" car parks.

11/05225/FU Former Doncaster Monkbridge site

Mr Crolla, the applicants' representative, addressed the Panel on his concern that the weighting of the policy preference criteria had not been subject to detailed consultation with third parties and had not been agreed by Members. He urged the Panel to consider each application on its own merits and not have regard to the 3200 cap; and highlighted the public art, public space and car sharing benefits of this scheme.

11/05220/FU Globe Road (D)

Mr Irving addressed the security concerns previously raised and outlined the use of a key fob to operate the security gates. He requested the matter be deferred to allow Members time to undertake a site visit where security measures could be viewed

10/01420/FU Globe Rd/Whitehall Road

The applicants, Ms Khan and Ms Aka, addressed the Panel on the planning history of the site and the steps they had previously taken to ensure the site

could operate as a car park. Members heard that Planning Services had confirmed in an email in 2008 that the site could operate as a car park and the applicants had therefore signed a lease which would expire in 2013. Since then, enforcement action had been commenced and a previous planning application for car park use had been refused. Officers had discussed the position with the applicants so that they were clear of their position in planning law.

Members discussed the information as presented. Ms Aka read the contents of the email from Planning Services dated 19 November 2008 as requested by Panel.

The Panel expressed concern over this particular aspect of the proceedings and requested that the public be excluded in order that the legal implications of this matter be discussed

RESOLVED – To exclude the public

69 Closed Session (10.4 (5))

RESOLVED –

- a) To note the legal advice provided and subsequent discussions and
- b) To re-open the meeting to the general public and consider the applications in public

70 Applications for long stay commuter car parks

The Panel reconvened the meeting in public. Members confirmed that the applications would be determined as submitted, having regard to the Policy and the 3200 cap as set by Executive Board.

Members considered first whether they agreed with the assessment of those applications recommended for refusal. There was general support for the assessment of the Ingram Row site to be re-considered at this point in the proceedings. Members were aware that by permitting this application in addition to the others recommended for approval the cap of 3200 would be exceeded by 243 car parking spaces; and therefore one scheme mooted for approval may need to be reconsidered.

The Panel received legal advice on the assessment process undertaken by officers for each application and the need for Members to make a final decision on the comparative merits of each of the 16 applications taking into account the officer assessments and all material considerations.

Members noted the support for the reconsideration of the Ingram Row application and considered the fairest approach would be to take a view of the assessments of those applications which had scored slightly higher. Members supported the assessments of Ingram Street and Midland Mills but noted the comments made regarding Globe Road (C) which had a low score against the “safety” criteria. The Panel discussed the merits of this scheme in detail, after which general support remained for this application

For clarity the Head of Planning Services suggested that the number of spaces per site should be included within the conditions for each permission granted to prevent block parking and over use of the site

The Panel then moved to consider the recommendations for each application in turn and

RESOLVED – That the contents of the report and its appendices be noted and be taken into account during consideration of the individual applications and

a) That the following applications be determined as follows:

- i. 11/02640/FU Wellington Place (North) – deferred and delegated to the Chief Planning Officer for final approval subject to the expiry of the advertisement period
- ii. 10/04358/FU Wellington Place (South) - deferred and delegated to the Chief Planning Officer for final approval subject to the expiry of the advertisement period
- iii. 11/05031/FU Former Carlsberg Tetley, Hunslet Lane – approved subject to the completion of a section 106 agreement and the conditions set out in the submitted report and as updated at Panel

b) That the following applications be approved as per the recommendations and conditions set out in the submitted reports and subject to any necessary amendments to conditions identified by officers at the Panel meeting:

- i. 11/05281/FU City One', Sweet Street/Meadow Road
- ii. 10/04375/FU Whitehall Riverside
- iii. 11/05310/FU Skinner Lane
- iv. 11/05218/FU Globe Road (A)
- v. 11/05216/FU Globe Road (E)
- vi. 11/05215/FU Globe Road (C)
- vii. 11/04259/FU Midland Mills, Water Lane
- viii. 11/05238/FU Ingram Street

c) 11/05239/FU Ingram Row – that the officer recommendation to refuse the application be not agreed. Members noted the officer recommendation had been made having regard to the policy and cap on spaces however felt that the proposals for this car park had merit, but would provide 225 spaces above the cap. Members therefore agreed with the suggestion to defer determination of this application in order to allow time to seek the comments of the Highways Agency and the Council's transport policy section on the impact of exceeding the cap and the implications for the assessment process and request a further report on this application be presented to the April or May Panel meeting

d) That the following applications be refused for the reasons set out in the submitted reports:

- i. 11/05225/FU Former Doncaster Monkbridge, Whitehall Road
- ii. 11/05214/FU Globe Road (Car Park B)
- iii. 11/05220/FU Globe Road (D)
- iv. 10/01420/FU Globe Rd/Whitehall Road

e) That one additional condition to limit the number of car parking spaces on site (in the interests of highways safety and to prevent block parking) be included on those applications granted permission in a) and b) above

71 Date and time of next meeting

RESOLVED – To note the date and time of the next meeting as Thursday 12th April 2012 at 1.30 pm

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