



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 May 2011

Subject: APPLICATION 11/00058/FU – RETROSPECTIVE APPLICATION FOR EXTENSION OF UNIT 1 TO FORM ADDITIONAL SELF-CONTAINED WORKSHOP (B2) AT MUSHROOM STREET, SHEEPSCAR, LS9 7NB.

APPLICANT	DATE VALID	TARGET DATE
GSA Engineering	11 January 2011	8 March 2011

Electoral Wards Affected:

City & Hunslet

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE for the following reason:

The Local Planning Authority considers that the retention of unit 1A results in a demand for parking which cannot be satisfactorily accommodated within the site, causing servicing difficulties and an exacerbation of the existing level of on street parking on Mushroom Street to the detriment of highway safety and is therefore contrary to policies GP5, T2 and T24 of the Leeds Unitary Development Plan (Review 2006)

1.0 INTRODUCTION:

1.1 The application seeks to regularise unauthorised works that have created an additional workshop at Mushroom Street. Cllr Iqbal, a ward member, supports the application and has requested the application be presented to Panel.

2.0 PROPOSAL:

2.1 Retrospective planning permission is sought for an extension to one of the existing workshops within the site to create an additional general industrial workshop (gate manufacturers, use class B2). The 'wrap around' extension is to the rear and side of

unit 1. Works are understood to have commenced in September 2008 with completion and occupation shortly after.

3.0 SITE AND SURROUNDINGS:

3.1 The application site comprises two single storey industrial units (one of which is extended) located in an enclosed yard off Mushroom Street. The units are built in blockwork and metal cladding. The site is located within a busy primarily commercial area, characterised by mainly modern industrial and warehouse buildings. The surrounding streets are heavily congested with car parking. This is an unallocated site as defined by the Leeds Unitary Development Plan Review 2006.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site has a complex planning history, with a number of planning applications from 2005 onwards, relating to the construction of the 2nd workshop building and subsequent proposals for extensions to the two workshop buildings. Prior to 2005 the site was occupied by one light industrial unit (now known as Unit 1) approved under planning application ref: 34/131/92/FU approved on 6 December 1992.

4.2 34/157/93/OT: Outline application to erect vehicle repair garage - Refused 13 October 1993

This outline application to erect a vehicle repair garage was refused on highway safety grounds including; an inadequate number of car parking spaces (3 spaces) that would lead to vehicles being parked on the street and an impediment to the free flow of traffic. Also the location of the roller shutter doors and car parking spaces at the rear of the footway would have lead to vehicles reversing onto the highway.

4.3 34/160/05/FU: Detached workshop to existing works - Refused 07/06/2005

The above application sought to build a second workshop with a small annexe incorporating kitchen and WC facilities. The application was refused on the grounds of highway safety as the proposed detached workshop would result in an insufficient car parking provision to accommodate the observed demand on site, and the yard would be of an insufficient size to accommodate turning by commercial vehicles associated with the units. The proposed unit would have also resulted in an inadequate car parking arrangement resulting in a substandard manoeuvring aisle and the reduction of the width of access from Mushroom Street.

4.4 34/282/05/FU: Detached workshop to works - Approved 13 October 2005

In response to the earlier 2005 refusal, an amended application was submitted. The proposed second workshop building was reduced in size and 4 car parking spaces removed to enable off street servicing to the site. Highways did not object to the proposal, provided the use was principally for engineering purposes and not solely for the repair/ testing of cars, which would require more car parking spaces. The planning consent was conditioned requiring the second workshop premises to be used for engineering works only, unless otherwise agreed in writing by the Local Planning Authority.

4.5 06/06454/FU: Alterations including single storey side extension and new pitched roof to rear of workshop (Unit 1) - Approved 18 December 2006

The above application was approved for a single storey extension to the rear of the property to be used as storage. The approved extension was not constructed in accordance with approved plans resulting in the rear/side 'wrap around' extension now applied for. The extension as built is almost double its original size and has resulted in the loss of 2 of the car parking spaces indicated on the 2005 approval for the 2nd unit. The extension is now occupied by a gate manufacturer, who previously occupied unit 1 (which is now let to Pitstop motors) resulting in three businesses operating from the yard.

4.6 09/01978/FU: Enclosing of 2 parking spaces to works (Unit 2) - Approved 19 August 2009

This application related to the neighbouring unit and involves the enclosure of two car parking spaces to the side of Unit 2. Planning conditions were imposed to restrict the use of the enclosure to ancillary car parking for the existing business.

4.7 10/00757/FU: Retrospective application for retention and change of use of the single storey extension to Unit 1 as a self contained workshop - Withdrawn on 10 June 2010.

This resulted in an objection from the occupier of Unit 2 and Council Officers raised concerns about the adverse impact on existing amenities of the resulting parking, access and servicing arrangements.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Cllr Iqbal became involved in the 2010 withdrawn planning application. He was keen to support all the existing businesses on the site.

5.2 Meetings were held with the applicant's agent, Cllr Iqbal and the occupier of Unit 2 both prior to and following the withdrawal of the planning application. The applicant was advised to reach an agreement with all yard users to manage and resolve the parking issues within the yard, including the implementation for a trial period of the agreed vehicle management measures, prior to submitting a revised application. The yellow hatching currently visible within the yard was introduced shortly after withdrawal of the planning application.

5.3 However an objection was received in November 2010 from Unit 2 confirming that the parking issues at the site were still ongoing. This has resulted in the current application.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was publicised via a Site Notice posted on 21 January 2011 expiring on 11 February 2011.

6.2 Cllr Iqbal was consulted on 14 January 2011 and a response was received on 28 March 2011 that outlined support for the application. Cllr Iqbal stated that the applicant's business does not attract large volumes of customers to the premises and that most customers ring to agree appointments for the applicant to visit the customer to discuss the work to be carried out (gate design/fitting). Cllr Iqbal questions whether the highways surveys carried out attributed increased traffic or parking to the applicant but believes most of the highway issues are created by the operator in Unit 1, Pitstop Motors. Cllr Iqbal considers GSA Engineering are being

penalised for something they do not contribute to and that in difficult financial times small businesses should be supported, not eliminated.

6.3 Three letters of objection received from Leeds Exchange Engines (Unit 2) on 11 and 23 February and 21 April 2011 raising the following issues:

6.3.1 Residential Amenity:

- The site is located in an area that is increasingly residential in focus.
- It is alleged that Unit 1 does not abide by their set opening hours and it is noted by nature the car repair industry is likely to work late to finish repair work.
- The site is now noisier during the day.

Response: There are residential units within the area, the nearest known being 1-7 Cherry Row 35 metres away. However, given the juxtaposition of intervening buildings and the nature of existing authorised commercial uses in the area it is considered that the proposed use would not unduly increase the level of noise disturbance for nearby properties.

6.3.2 Nature of the use of Unit 1 as vehicle repairs and MOT testing centre:

- Previously approved permissions at the site specifically excluded any use for the purposes of car repair.
- When the yard was split in 2005 GSA were chosen as they were the only non car repair related business.

Response: GSA is a gate manufacturer that once occupied Unit 1 but has since leased to Pitstop car repairs and MOT Testing. GSA now operates from the extension known as unit 1A. Only the use of Unit 2 is restricted to engineering works by the previous planning permissions. Please see relevant planning history referring to previously approved/refused applications.

6.3.3 Negative Impact upon trade of Unit 2:

- Agreement between Unit 1 and Unit 2 to pass any engineering business to Leeds Exchange engines and car repair work to Pitstop.

Response: This is an informal agreement between the two businesses, not a material planning consideration fundamental to the determination of the application.

6.3.4 Parking:

- From the outset the yard was not considered large enough to contain sufficient parking for even a single business in connection with car repair/servicing.
- The very nature of the car repair use creates large volumes of traffic, staff and customers, exactly why this use was controlled in previous applications at the site.
- Specific car parking requirements for car repair/servicing could not be met in 1992 and 2005. This cannot have improved.
- Previously approved layout omitted parking in areas shown as 8 to 12 on the submitted plan, to provide a turning area to allow vehicles to enter and leave the site in forward gear, upon the insistence of the Local Planning Authority.
- The unauthorised extension of Unit 1 covers two parking spaces and space that would be available for vehicle turning.
- Recovery of broken down vehicles obstructs the yard and often the whole street.

- Car Parking spaces available to Pitstop Motors are continually filled with immobile vehicles awaiting parts or repair.
- Attempts to agree an organised approach to parking within the site have proved fruitless as Pitstop have ignored agreements made.
- Site plan and Certificate A are inaccurate. The red line is shown around the whole yard and certificate A is signed that presumes the whole site is within the ownership of the applicant. This is not the case. Half the yard is owned by Unit 2, no notice has been served on the neighbouring unit, nor has certificate B been signed.

Response: With regard to the certificate/application form being incorrectly completed, the Local Planning Authority is not in a position to get involved in disputes over ownership as this is civil issue between 3rd parties. However in this case it is considered that the objector has not been prejudiced in respect of consultation, as they have been notified by the Local Planning Authority and has used the opportunity to comment upon the application. It should also be noted that the determination of this planning application would not prejudice or override the ownership rights of the occupiers of the site.

The parking issues raised are addressed in the appraisal section below.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory:

7.2 None required due to the nature of the application.

7.3 Non-statutory:

7.4 Highways: Objection. The extension protrudes in to the parking and servicing area and could only add to the servicing and parking constraints related to the 3 businesses operating at the site. The extension removes space which would have been available for parking whilst increasing the size of the small workshop/storage building at the back of the site. Given the parking problems experienced by adjacent businesses and the difficulties in accommodating deliveries within the site boundary a highway objection is raised. The small extension should be removed and the area reinstated for parking purposes as per the original permission.

7.5 Neighbourhoods and Housing: No adverse comments.

8.0 PLANNING POLICIES:

8.1 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. There are no RSS policies of particular relevance, all issues are covered by the UDPR policies identified below.

8.2 Leeds Unitary Development Plan Review 2006 (UDPR)

- Policy GP5 (All planning considerations)
- Policy BD6 (All alterations)
- Policy T2 (Adequate highway and access arrangements)
- Policy T24 (Parking Provision)

- 8.3 Government Planning Policy Guidance/Statements
- PPS1 Delivering Sustainable Development
 - PPS4 Planning for Sustainable Economic Growth

9.0 MAIN ISSUES

Highway Safety
Design and Visual Amenity

10.0 APPRAISAL

10.1 Highway Safety

- 10.1.1 An extension to Unit 1 was approved in December 2006 and was intended to operate as a store to the existing workshop accommodated by GSA. This extension essentially infilled a small area behind the existing large workshop already used for the storage of materials. The approved extension permitted the retention of two parking spaces adjacent to Unit 1. However, the approved extension was not constructed but an extension approximately 50% bigger has been constructed that has removed these two parking spaces and permitted the creation of an additional commercial unit occupied by GSA, a gate manufacturer, whilst the original unit 1 has been occupied by a motor vehicle repairs and MOT testing facility.
- 10.1.2 The UDPR recommends a maximum of 2 car parking spaces for the gate manufacturer in Unit 1A; these are included in the submitted plan.
- 10.1.3 The Leeds Unitary Development Plan Review 2006 (UDPR) states that parking requirements for a vehicle service garage should be considered on its own merits. It has been observed on numerous site visits by Officers that the parking provision on site is grossly insufficient to accommodate the demand for parking generated by the use of Unit 1 for motor vehicle repairs workshop and an MOT testing facility. Officers have visited the site throughout 2010 plus dates in February, March and April 2011, photographs taken during those site visits will be presented to Members.
- 10.1.4 A hatched area had been introduced to the site in an attempt to define a reserved servicing and turning area for the three businesses operating from the site. However Highways Officers have confirmed the extent of this hatching is not large enough to accommodate the turning of larger vehicles. In addition it is observed that the hatched area is routinely parked on by visitors, creating conflict within the site that often results in dangerous manoeuvres requiring vehicles to reverse out onto the highway and double parking on the highway.
- 10.1.5 It is suggested by the applicant that only car repairs are offered at the site and the use as an MOT testing centre is discontinued. However it is considered that even a use exclusively for car repair also has great potential to create a demand for parking that cannot be accommodated on site safely.
- 10.1.5 Whereas Planning Policy Statement 4 'Planning for Sustainable Economic Growth' (PPS4) seeks to promote sustainable economic growth, policy EC10 of PPS4 specifically refers to the effect of economic development upon road traffic levels and accessibility of the site. The site is observed to be unable to meet demand for parking spaces upon the site causing congestion within the site and onto Mushroom Street, and is therefore considered not to accord with the objectives of this policy.

10.2 Design and Visual Amenity

10.2.1 The extension to Unit 1 is located in an enclosed and recessed position within the yard in respect of its visibility from Mushroom Street. From the rear the view of the extension is obscured by further light industrial units accessed from Skinner Lane. The extension is of a modest scale (approximately half the height of the existing buildings on the site) and appears to be of a timber construction with a flat roofed finish. It has been painted in a white and blue colour to match the colours of Unit 1. It is considered that in the context of the existing character of functional industrial and warehouse buildings in this area and due to its partial screening by existing buildings and boundary fencing, that the extension does not have an adverse impact on the visual amenity of the site or wider area.

11.0 **CONCLUSION**

11.1 The extension constructed has resulted in an additional commercial unit operating from this site. It has been observed over a prolonged period of time that current uses at the site generate a significant demand for parking. The addition of another commercial unit has further increased the parking demand that cannot be safely accommodated within the yard and consequently leads to vehicular movements and practices that are considered detrimental to highway safety. As a result the application does not accord with policies GP5, T2 and T24 of the UDPR and is recommended for refusal.

Background Papers:

Application File: 11/00058/FU

Historic Files:

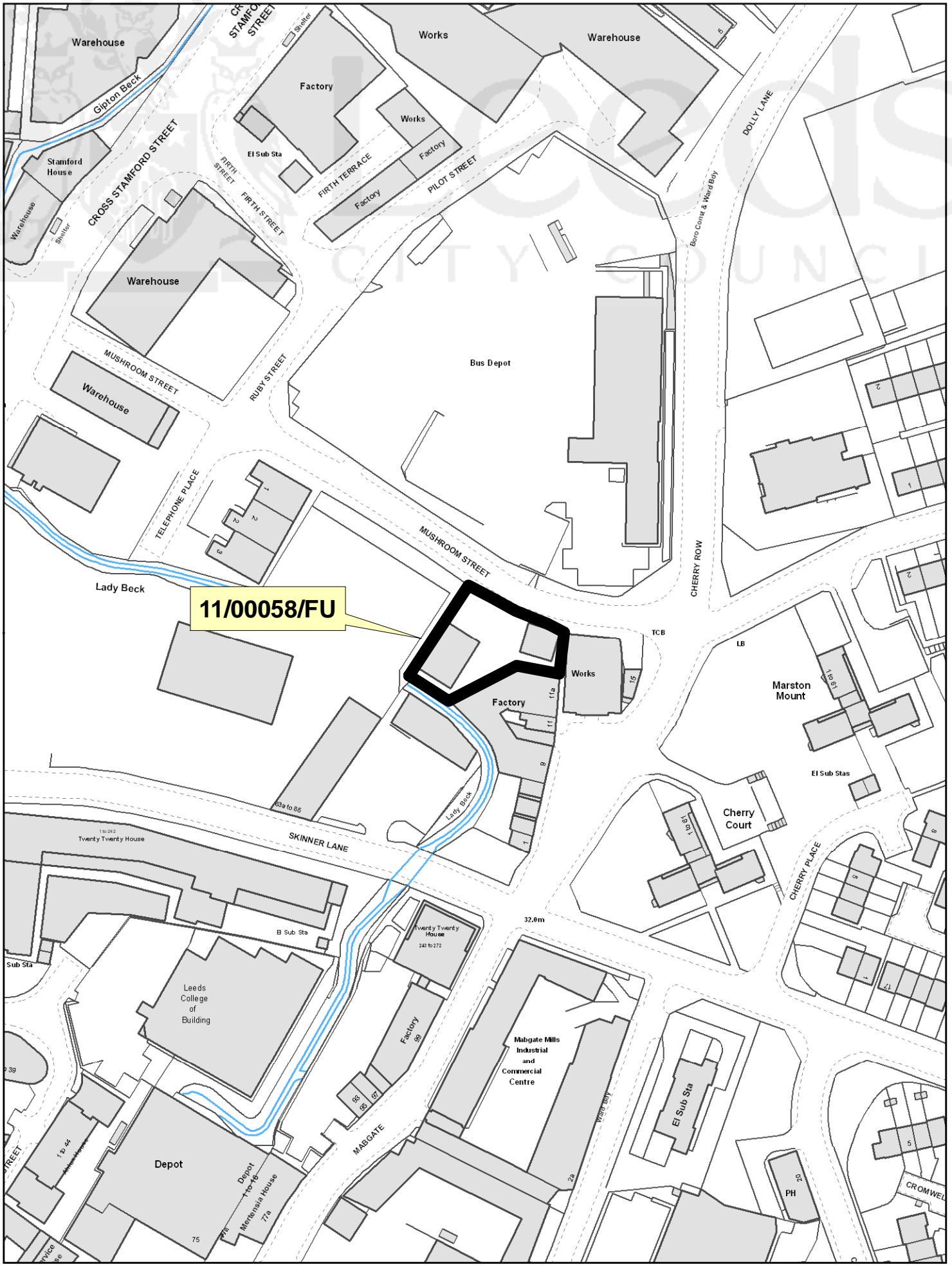
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