



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 23 June 2011

Subject: APPLICATION 09/04512/FU (SENTINEL) – APPEAL AGAINST NON DETERMINATION OF AN APPLICATION FOR THE USE OF LAND AS A SECURE OFF-SITE CAR PARK AT SENTINEL CAR PARK, WARREN HOUSE LANE, YEADON, LEEDS, LS19 7FT.

Subject: APPLICATION 09/05365/FU (LEARMONTH) – APPEAL AGAINST REFUSAL OF PERMISSION FOR THE CHANGE OF USE OF UNIT 1A FROM GENERAL INDUSTRIAL USE TO USE FOR OFF-AIRPORT CAR PARKING AT UNIT 1A, LEEDS BRADFORD AIRPORT INDUSTRIAL ESTATE, HARROGATE ROAD, LEEDS, LS19 7WP

Electoral Wards Affected:

Otley & Yeadon
Guiseley & Rawdon
Horsforth
Adel & Wharfedale

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decisions.

1.0 THE APPEAL(S) WERE HEARD AT A JOINT PUBLIC INQUIRY:

- 1.1 The Public Inquiry was held on 15th to the 18th, 22nd and 23rd, 25th and 28th to 29th March 2011.
- 1.2 09/05365/FU (Learmonth) was refused by Plans Panel West in September 2010 in accordance with officers recommendation. 09/04512/FU (Sentinel) was appealed against following presentations to Plans Panel West in September and October 2010. Members of Plans Panel West in December 2010, resolved that, if they had been able to determine the application, then they would have refused permission.
- 1.3 Both applications were refused permission on the grounds that the proposed development would undermine the Council objectives of providing sustainable surface access for the benefit of all airport users and the wider community by

providing parking outside the remit of a plan-led approach for future parking requirements at Leeds Bradford Airport.

- 1.4 09/05365/FU (Learmonth) was refused as the proposed development would result in a reduction in the choice of readily available industrial and warehouse properties of known good quality and the applicant has failed to show that the alternatives available locally are sufficient and of equivalent or better quality.
- 1.5 09/04512/FU (Sentinel) was refused as the proposed development as submitted would result in the loss of part of a key employment site, as designated in Policy E8 of the Leeds Unitary Development Plan (Review 2006), to a non-employment use that would under-utilise an important site in a strategic location. The applicant has failed to show that there are sufficient alternative sites available of equivalent or better quality in the locality.
- 1.6 09/05365/FU (Learmonth) was also refused on highway safety grounds as the scheme related to an option for the shuttle bus for the car park to use a new layby drop-off point on Whitehouse Lane, close to the airport terminal. This was instead of having direct access to the airport forecourt. It became clear that access to the airport forecourt would not (or could not in competition terms) be denied should planning permission be granted for this scheme. The Council agreed to withdraw this third reason for refusal on this basis subject to the imposition of a suitable condition restricting drop-off and pick-up to within the airport forecourt.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR:

- 2.1 The Planning Inspector identified the main issues as the impact of the proposals on the objectives of providing sustainable surface access to Leeds Bradford International Airport and the impact of the proposals on maintaining opportunities for local employment uses.

3.0 SUMMARY OF COMMENTS:

- 3.1 In terms of general background, the Inspector noted that no planning permission exists for the Sentinel site but they have openly operated as a long-stay airport car park since April 2000 with a licence from LBIA. The Inspector also noted that a Certificate of Lawful Use has been granted in February 2011 relating to the top part of the Sentinel site (space for 426 vehicles) but the appeal application seeks to regularise the planning position relating to the whole of the current Sentinel operation (spaces for 2,200 vehicles although this level has never been achieved). The Learmonth appeal site has the capacity for 643 vehicles both within the building (543 spaces) and in the outside parking area (100 spaces). The Inspector also noted that, in addition to the two appeal site, there is another established off site car park operation, known as LBA Carwatch. This operation is within Coney Park and has also received a Certificate of Lawful Use relating to 315 vehicles.
- 3.2 In relation to UDP policies, the reason for refusals made reference to saved policies SA2, T24A, T30 and T30A. The Inspector concluded that Policy T24A is concerned with commuter parking and in his view was of little relevance in the consideration of off-airport car parking. The Inspector also concluded that Policy T30A lists uses which are considered acceptable in principle within the defined Airport Operational Land Boundary (AOLB), including car parking; it does not suggest that uses connected with the airport would be unacceptable beyond this boundary.

- 3.3 In reviewing the Master Plan (MP), the Inspector noted that (because of the airport's location) a significant number of passengers are dropped off and/or picked up by a third party (referred to as 'kiss and fly') and if insufficient parking spaces are provided then the incidence of kiss and fly will increase thereby causing additional double car journeys involving extra travel distances. He also stated that, car travel is seen as being the preferred and only option for a large number of passengers for some time to come.
- 3.4 In relation to demand the Inspector agreed to look at the month of August as the peak month for car parking demand and thus the primary determining factor in assessing the maximum parking levels required.
- 3.5 The agreed parking demand in August 2010 for long-stay parking was 5,111 which included 1,474 at Sentinel, 311 at LBIA Car Watch and 79 at the Otley "meet and greet". The agreed long-stay on airport provision was 3,740. Based on the combined CLEUD provision at Sentinel and LBA Car Watch of 741 spaces there would be a potential shortfall of about 630 spaces in summer 2010 if the rest of the Sentinel site had not been available.
- 3.6 The Inspector then looked at the parking supply for the immediate future in August 2011. He included, the new permitted development car park recently laid out at the airport, the airports own block parking proposals and the lawful Sentinel and LBA Carwatch sites. The Inspector concluded that there could be a shortfall in peak provision ranging from 144 to 289 spaces in the summer 2011. To meet this deficit, the airport would need to block part 62% of their existing car parks but this would be broadly consistent with the level proposed by Bristol Airport which is seen as a good comparator.
- 3.7 However, in summarising demand, the Inspector stated that this small shortfall, should be looked at in context of the potential additional provision at Sentinel and Learmonth (2,417 spaces) and therefore there could be a be a considerable surplus of provision within the immediate future.
- 3.8 Revised predictions based on LBIA's forecasts, are that the airport will handle 2.93 million passengers per annum (mppa) in 2011/12, 4.0mppa in 2015/16 and 4.45mppa in 2018/2019. The Inspector, looking at 4mppa (and taking into account present on-airport parking, the lawful Sentinel and LBA Carwatch sites) stated that there could be a shortfall in provision at that point of between 1,594 and 1,927 spaces.
- 3.9 That being said, the Inspector went on to ask the question, what, if any, would be the harmful consequences of provided excess parking now bearing in mind that the Sentinel site has existed for some time without any demonstrable harm having arisen to the Surface Access Strategy (SAS)?
- 3.10 The Inspector stated that a means of achieving a higher public transport mode split is the provision of a new public transport fixed link to the airport (tram/train). However he noted that no engineering feasibility study has been carried out and no funding or timetable identified for such provision and this is likely to be a long-term prospect. Therefore, in the interim, the only realistic means by which public transport mode share is likely to increase in any fashion is by creating more bus routes or better connections between routes.

- 3.11 The airport is currently served by five bus routes which link it to Leeds, Bradford, Harrogate, Menston and Otley. The Inspector noted that there has been a rise in public bus patronage to the airport (4.4% in 2005 to 6.0% in 2010) at a time when car parking provision has increased (97% from some 3,029 to 5,987) whilst airport passengers have remained at about the same volume.
- 3.12 Whilst the inspector accepted that this rise may have been as a direct result of increasing efforts by LBIA to promote public transport, there is no demonstrable correlation between the volume of parking provision and bus patronage. Furthermore, there is nothing to demonstrate that had parking levels not increased the proportion of public transport users would have increased still further. The Inspector also concluded that there has been no manifestation of harm arising from an excess of car parking in winter months.
- 3.13 In discussing parking restraint and price control as a method that could be used to encourage public transport use, the Inspector concluded that there is no evidence that this has been used by LBIA in the past nor is there any guarantee that it would do so in the future.
- 3.14 The Inspector did not believe that allowing the proposed schemes would lead to an undermining of the viability of subsidised public transport serving the airport which would lead to a spiral of decline in public transport use by airport passengers. The two current appeal proposals, if allowed, would not affect the validity of this as they include S106 obligations towards public transport provision.
- 3.15 Whilst assessing what additional parking provision could be provided in the airport boundary as shown as future allocation in the MP, the Inspector commented that this land is 'greenfield' land within the Green Belt. By contrast, he noted the appeal sites are not within the Green Belt, being inset within it, the former being in a well-screened location, the latter within an established 'brownfield' industrial site.
- 3.16 The Inspector also stated that if the appeals were to be allowed this would not lead to any major undermining of future strategy that might be contained within the revised MP or SAS.
- 3.17 Overall, he concluded that the two proposals would result in a surplus in provision of airport related car parking which would be likely to persist into the immediate future. However, on balance and having regard to all the matters above he was not convinced that it has been demonstrated that they would harmfully prejudice the objective of providing sustainable surface access to the airport or that they would significantly conflict with the existing surface access strategy.
- 3.18 In terms of precedent, Sentinel proffered a Unilateral Undertaking stating that no larger area of land within its ownership would be used for airport car parking whilst any possible new applications at Leeds Bradford Industrial Estate could be assessed against new MP, SAS and LDF policies.
- 3.19 The Inspector also concluded that customer choice is an important factor in PPS4 and the recent ministerial statement 'planning for growth'.
- 3.20 In terms of employment policy and with regard to Sentinel, the Inspector stated that, any strict conflict with criteria (i) and (iii) of Policy E7 is outweighed by more recent policy advice within PPS4, supported by the Ministerial Statement *Planning for Growth*, and their emphasis on positive economic development and as the proposal would result in continuing employment use now.

3.21 The Inspector accepted that parking within an industrial estate would not reduce the supply of premises to the extent that this would harmfully prejudice opportunities for local employment uses within the locality.

4.0 THE DECISION

4.1 The appeals were allowed and permanent planning permission was granted to each proposal subject to conditions in a letter dated 18 May 2011.

4.2 The Sentinel permission is limited to 2,000 parking spaces, whilst Learmonth permission is conditioned to 643 parking spaces and both schemes must use the airport forecourt to pick up & drop off passengers.

4.3 Members should be aware that there are now a total of **2,958** off-site long stay parking spaces and a provision of **3,740** long stay spaces on-site.

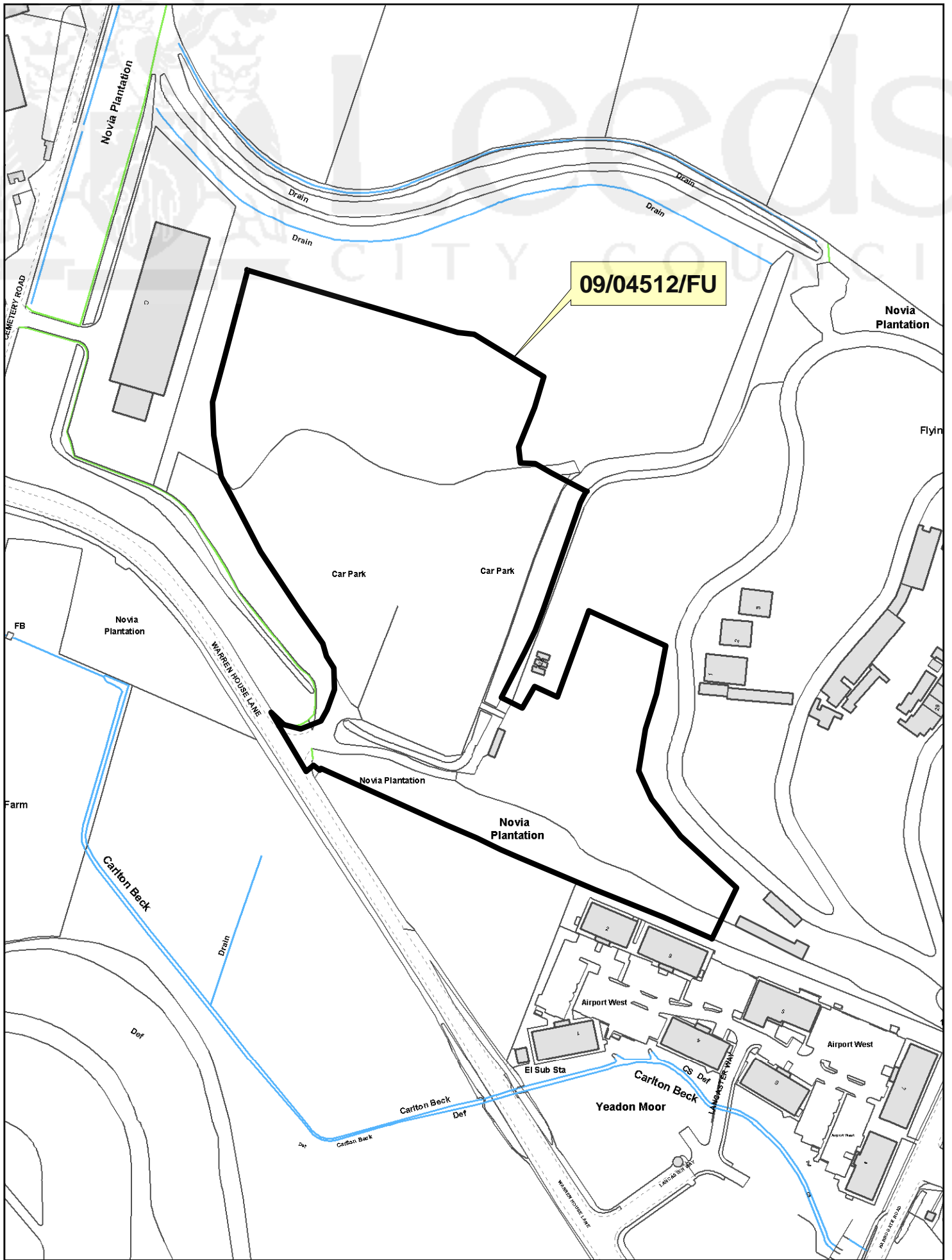
4.4 Both permissions are subject to a Section106 agreement for public transport contributions. Sentinel is to pay £91k within 2 months and Learmonth £36k, 50% prior to occupation and the other 50% within a year of opening.

5.0 IMPLICATIONS:

5.1 The Council will need to consider whether to include a Core Strategy policy or produce other adopted supplementary guidance in the form of a DPD or SPD if we wish to restrict further off site airport car parking outside the operational boundary of the airport.

Background Papers:

Application and history files.



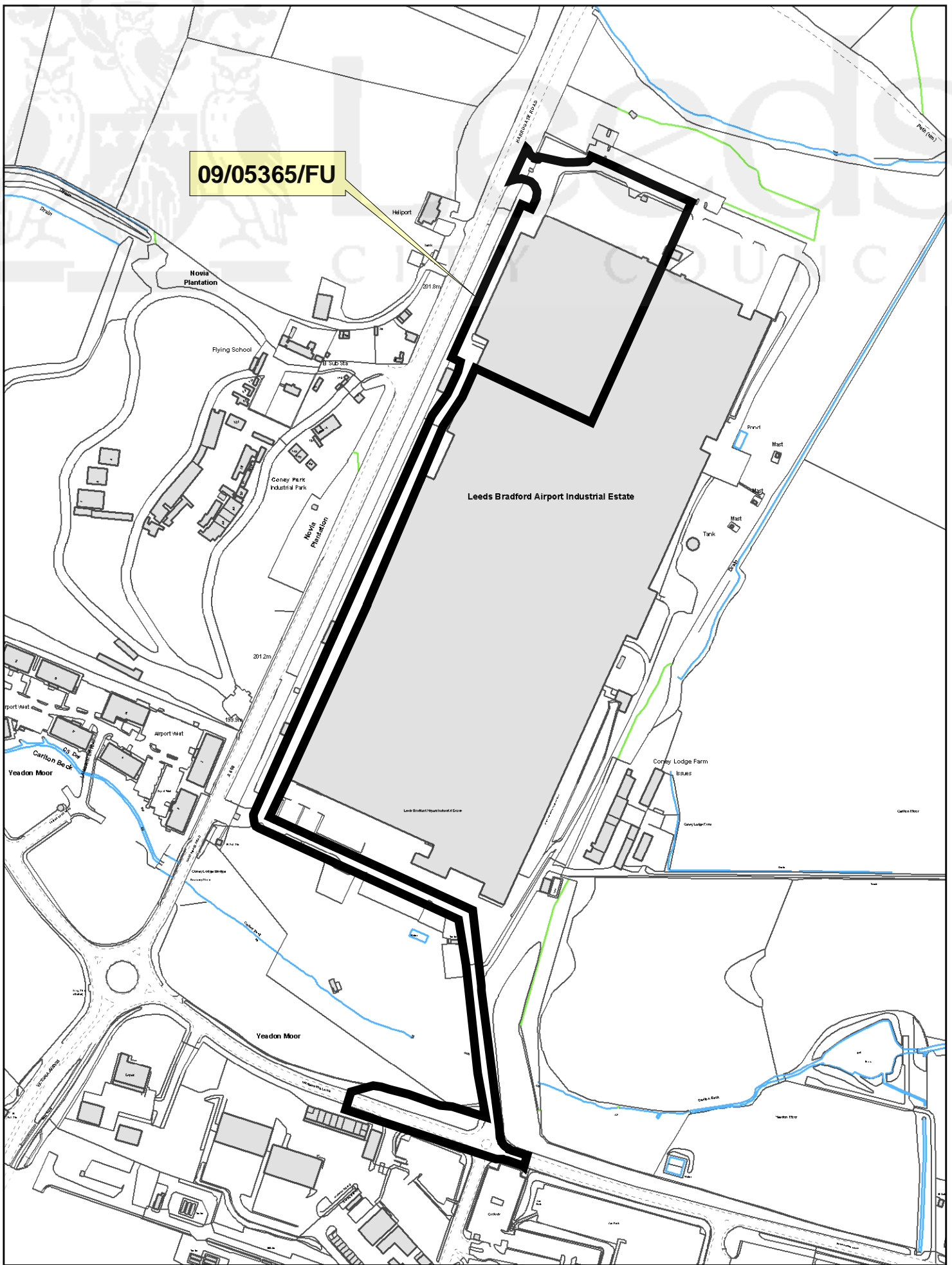
WEST PLANS PANEL

○
Scale 1/2500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
 This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 (c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 (c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567



09/05365/FU



WEST PLANS PANEL

Scale 1/4000

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
(c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
(c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567

