



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 29th March 2012

Subject: APPLICATION 11/04612/FU - CHANGE OF USE OF PUBLIC HOUSE TO A PRIVATE HIRE OFFICE, WITH ALTERATIONS COMPRISING THE ADDITION OF AN AWNING TO THE REAR, BOUNDARY FENCE AND ENTRANCE GATES AT THE MIDWAY, 111 QUEENSWAY, YEADON, LEEDS LS19 7PL.

APPLICANT

Mr J Kotchie

DATE VALID

7th November 2011

TARGET DATE

2nd January 2012

Electoral Wards Affected:

Otley & Yeadon

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE subject to the following conditions:

1. Time limit three years for implementation
2. Development in accordance with plans
3. maximum five private hire vehicles on site between 22.00 – 08.00 daily
4. Office to be closed to the public between 22.00 – 08.00 daily
5. Music / amplified sound restriction
6. No vehicle access to rear canopy area outside the hours of 08.00 – 18.00 Monday to Saturday and 10.00 – 18.00 on Sundays. Gates and fencing to be provided in accordance with an approved scheme and this area to be closed off to vehicles between those hours.
7. Lighting to be approved
8. Details of landscape works to be submitted
9. All staff vehicles parked within the site
10. Parking area not to be used for customer parking
11. No more than 24 vehicles on site 08.00 – 22.00 daily unless otherwise agreed
12. Storage areas within building to be used for purposes of the taxi operation only

13. Area used by vehicles laid out, surfaced and drained
14. In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD6, T2, T24, E1

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Ward Councillor Colin Campbell, who objects to the proposal for reasons related to visual amenity, residential amenity and highway safety.
- 1.2 Panel Members will recall that the proposal was previously considered at the Plans Panel meeting of 1st March. At that meeting Officers reported that revised information had been received prior to the meeting regarding a request for private hire vehicles to be able to attend the site during night time hours. In view of the potential impact of this change Panel Members determined to defer the application for further consideration.

2 PROPOSAL:

- 2.1 The proposal is a full application for the change of use of a public house to a private hire office, with alterations comprising the addition of an awning to the rear, boundary fence and entrance gates at the former 'Midway' public house on Queensway in Yeadon.
- 2.2 The company presently operates from a site on Coney Park near Leeds Bradford International Airport. However the applicant indicates that the present site is unsatisfactory due to the poor quality of the accommodation in portable buildings, lack of parking provision and lack of security of tenure.

3 SITE AND SURROUNDINGS:

- 3.1 The application site consists of a large detached public house. The building is a two storey structure of brick and tile construction. External finishes also include render and timber boarding. The design of the building features a large asymmetrical gable structure facing Queensway, with a single storey element attached.
- 3.2 The building stands approximately in the middle of a relatively large site. This slopes gently from north to south, where it adjoins Queensway. The southern part of the site is a large car parking area and is bounded by a low stepped stone wall. To the north of the building there is more hard standing and a grassed area, bounded by a timber close boarded fence. This marks the boundary with the rear curtilages of

properties on Shaw Leys. These properties have rear gardens typically approximately 10m deep. The western boundary is marked by a dilapidated fence and three mature trees which separate the site from the adjacent site.

3.4 The local area is characterised by a mix of houses and flats.

4 RELEVANT PLANNING HISTORY:

4.1 The site adjoining to the immediate north west is presently vacant, but an extension of time application has been granted consent in March 2012 for the erection of a part two and part three storey block of 9 two bedroom flats with 11 car parking spaces.

5 HISTORY OF NEGOTIATIONS:

5.1 The application has been the subject of discussions regarding the hours of use of the site, aimed at addressing the impact of the proposal on residential amenity, and seeking modifications to some aspects of the design such as boundary treatments and landscaping. To this end revised plans were submitted on 24th February.

6 PUBLIC/LOCAL RESPONSE:

6.1 The application has been publicised by means of site notices and neighbour notification letters; eight objections have been received, including ones from Greg Mulholland MP, as well as Councillors Campbell and Downes.

6.2 Mr Mulholland objects on the grounds of:

- Loss of a community facility;
- The proposal would lead to increased traffic on Queensway;
- Opportunity should be provided for local people to buy and run the pub for the community.

6.3 Councillor Campbell objects on the following grounds:

- Drivers are likely to return to the site, particularly at anti-social hours, causing a loss of residential amenity.
- The use of the proposed canopy for vehicle repairs, cleaning etc is likely to lead to a loss of residential amenity, particularly if carried out in the evening or at weekends;
- The proposal might lead to overspill parking;
- The proposed fence would be detrimental to visual amenity;
- Existing traffic calming on Queensway is likely to result in drivers using other residential streets.

6.4 Councillor Downes objects on the following grounds:

- The use of the proposed canopy for vehicle repairs, cleaning etc is likely to lead to a loss of residential amenity, particularly if carried out in the evening or at weekends;

6.5 Other objectors raise substantially the same points, and others including:

- The proposal would be likely to cause an increase in traffic on Queensway, particularly late at night;
- The building would be unsuitable for the proposed use;
- The large amount of car parking is likely to be used as a central waiting / parking point for large numbers of taxis;
- The proposal would lead to a loss of highway safety, in particular due to the proximity of a school.

6.6 In addition, five letters of support have also been received. These raise the following points:

- The business would not make a great difference to the numbers of taxis already using Queensway;
- The building is sufficiently far from residential properties so as not to cause a problem due to noise and disturbance;
- A 24hr business could bring a degree of safety / surveillance to the area;
- It is unlikely that drunks would congregate at the premises due to distances from public houses.
- The current premises cause problems of anti-social behaviour;
- The current premises are an eyesore in need of refurbishment.

6.7 Leeds Bradford International Airport have submitted a representation that requests that if the application is approved a condition should be imposed to limit the number of parking spaces for customers in order to prevent the site being used for off-site airport car parking.

7 CONSULTATIONS RESPONSES:

Non-statutory:

7.1 Highways – no objections subject to conditions referring to:

- Staff vehicles being able to park within the site and all parking to remain unallocated;
- Gates to remain open during all hours of operation of the building;
- A limit on the number of vehicles operating at any one time;
- Storage areas to be used for the purposes of the taxi operation only.

7.2 Neighbourhoods and Housing – if permission is to be granted it is recommended that the following conditions are imposed:

- No taxis to return to the site between 23.00 – 07.00;
- Office closed to the public after 22.00;
- Drivers shall not leave engines idling, rev engines or sound horns at any time;
- No playing of music or amplified sound in any external area;
- All work associated with vehicle servicing, repair, cleaning and maintenance under the proposed canopy carried out between 08.00 – 21.00 Monday to Saturday and 10.00 – 18.00 on Sundays;
- No lighting source shall be visible from nearby residential properties or a hazard to nearby highways.

7.3 Vehicle Licensing and Enforcement – a licence will be required to operate private hire vehicles from this site. A copy of the standard conditions has been provided;

this includes a requirement that the operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

8 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.

GP5 – general planning criteria
BD6 – alterations and extensions
T2 – highway access
T24 – parking guidelines
E1 – relocation of existing firms
SA8 – access to community facilities

8.3 National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS4: Planning for Sustainable Economic Growth.

Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

9 MAIN ISSUES:

9.1 The following main issues have been identified:

- Neighbour amenity
- Highways
- Visual amenity
- Loss of a community facility

10 APPRAISAL:

10.1 The site lies within the existing built up area of Yeadon and is currently in use as a public house. The surrounding land uses are predominantly residential. UDP policy states that existing land uses should generally remain the dominant uses of an area, and changes of use should be permitted only where the proposed uses are compatible with existing uses in the area.

10.2 The site is adjoined to the north by three terraced properties facing Shaw Royd, no.'s 29-31; and four terraced properties facing Shaw Leys, no.'s 47-53. Other

adjoining sites include two electricity sub-stations, and a vacant site formerly occupied by two shop / take away units located at the junction of Queensway with Shaw Royd which has an existing commitment for the erection of nine flats. These would be sited adjacent to Shaw Royd and Queensway in an 'L' shaped building. The nearest of these properties is located approximately 20m away, while the furthest is approximately 40m. Additionally there is a block of flats, 113-123 Queensway, located approximately 20m to the south east. Overall it is considered that there is a reasonably good degree of physical separation between the property and those of existing neighbouring occupiers.

- 10.3 The impact of the proposals on these neighbouring occupiers is critical to the determination of the application. In particular, the proposal clearly has the potential to create a significant number of vehicle movements, from taxi drivers returning to the base, staff parking, and customer parking. The application seeks 24 hour use of the site. However, the applicant states that it is proposed that the site is only open to the public until 21.00. It is not anticipated that customers would usually attend the site however. Staff numbers would also be very small, often only a single operator overnight. The demand for customer and staff parking, and related vehicle movements, would be very small.
- 10.4 In respect of drivers attending the site in order to return to base, the applicant states that a maximum of five drivers would attend the site at any one time. It is understood that a Licensing requirement is that the operator provides some off-street parking to enable this to happen when drivers do not have jobs on. However, driver numbers on night time shifts are very low, usually in single digits, with the exception of peak demand on a Friday and Saturday night. However at the same time the busy nature of these periods would generally mean that drivers would not attend site as they usually do not have a break between jobs, rather they will go from one job to the next. In view of this the applicant has indicated that he would accept a condition limiting the numbers of vehicles attending the site as proposed.
- 10.5 In respect of drivers attending the site for repairs to their vehicle radios and GPS systems, the application proposes the addition of a canopy to the rear of the property. This part of the site would be separated from the rest of the site by a gate and fence. The applicant has indicated that a condition limiting the use of this part of the site to between 08.00 – 18.00 Monday – Saturday and 10.00 – 18.00 Sundays, would be acceptable to him.
- 10.6 The current use of the site as a public house has the potential to cause amenity issues such as noise and disturbance, particularly at anti-social hours. Some of the representations in support have referred to such problems being caused by the existing premises. The public house is licensed to open 10.00 – 00.30 Monday – Thursday, and 10.00 – 01.00 Friday – Saturday.
- 10.7 Overall it is considered that with suitable conditions the proposal could be accommodated on the site without significant detriment to nearby residential occupiers. In order to protect amenity, it is recommended that conditions be imposed which limit the number of private hire vehicles on the site between 22.00 – 08.00, and that the office should be closed to the public between 22.00 – 08.00. Additionally it is proposed that access to the area to the rear of the building, including the area to be covered by the proposed awning, be limited by condition to usage between 08.00 – 18.00 Monday to Saturday and 10.00 – 18.00 on Sundays. Such conditions have been discussed with the applicant, who has indicated that they would be able to adhere to them.

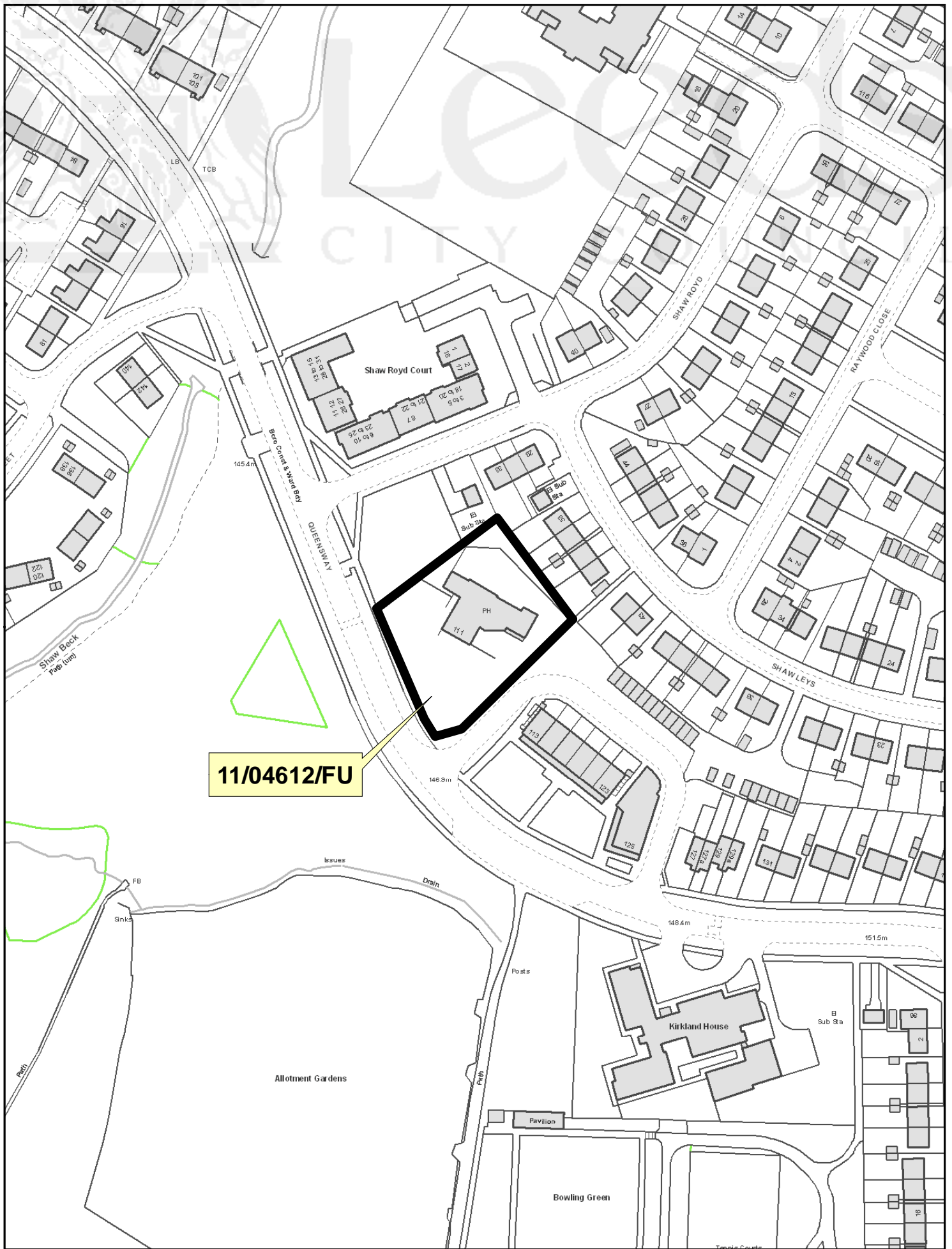
- 10.8 The use of the building itself would principally be by a small number of radio operatives. Proposed floor plans depict a ground floor operations room, an office and a meeting room. Much of the rest of the building is shown as ancillary storage, toilets etc. The use of the building itself is not considered likely to cause overlooking, noise or disturbance which would constitute a loss of amenity for neighbouring occupiers.
- 10.9 The proposed layout plan depicts an amount of parking, 24 spaces, arranged predominantly adjacent to the site boundary adjoining Queensway. Given the foregoing information regarding the parking behaviour of drivers and customers there does not seem to be a need for this parking. The application states that this would be used for staff, visitors and emergency parking. However the current car park surface is in poor condition, and this would be resurfaced with macadam with white lining to show marked bays. This would be an improvement in visual terms. Highways officers have estimated that the hard standing on the site could potentially accommodate 60-70 vehicles. While the applicant has agreed that the site would be attended only by small numbers of drivers at any one time as referred to above, in view of the location and amount of proposed parking this would be considered acceptable in this respect.
- 10.10 An assessment of the impact of the proposals in terms of two-way traffic movements based on a maximum of 56 operating vehicles indicates that this level of traffic could be satisfactorily accommodated by the highway network. Again it should be stated that this would seem to be a worse case scenario as the applicant has stated that taxi drivers would return to the site only rarely. The access visibility splay from the slip road onto Queensway meets the requirements of the Street Design Guide and there have been no recorded accidents within the last five years. It is therefore considered that the existing vehicular access to the site onto the slip road and onto Queensway are acceptable. The proposal also includes the addition of an electronic sliding gate; this would be kept shut the majority of the time, but operatives inside the building would have prior notification of private hire vehicles attending the site and would be able to open the gate as required.
- 10.11 The proposal also includes a 600mm timber fence which would be sited to the top of the existing boundary wall which is approximately 800mm. There would also be a small amount of landscape planting to the south and western corners of the site adjacent to Queensway. The overall approach is considered acceptable in terms of the visual impact of the proposal.
- 10.12 Public houses often perform an important and valuable function in acting as a focal point for their communities. Not only do they provide a venue for meeting and socialising but they often help to create a sense of place and identity. The retention of public houses for their own intrinsic value is therefore a worthwhile aim. Members will note that the MP Greg Mulholland has objected to this application on the basis of loss of a valuable community asset. This argument is not without merit. The Midway serves the residential community lying between Guiseley and Yeadon and no doubt is of value to that community. There are however, a range of alternatives, the nearest being the Tut n' Shive on Kirk Lane which is around 600m or about a 10 minute walk along Queensway and a range of other pubs in Yeadon a little further beyond that. On balance, it is concluded that it would be difficult to substantiate grounds for refusal based on loss a community asset, no matter that some users of the pub would be disadvantaged.

11.1 Overall it is considered that the proposal is a finely balanced one. While there may be the potential for uncontrolled use of the site as a private hire office to cause loss of amenity for surrounding residents, officers consider that the recommended conditions would overcome residential amenity objections. In reaching the recommendation that planning permission should be granted, officers have also had careful consideration to the existing use of the building as a public house and the consequent residential amenity issues that such usage can bring with it.

Background Papers:

Application file;

Certificate of Ownership.



11/04612/FU

WEST PLANS PANEL

