



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 12th August, 2010
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair) B Chastney A Castle T Leadley
J Akhtar J Matthews R Wood
M Coulson
J Hardy
J Harper

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the previous meeting held 15th July 2010 as a correct record</p> <p>(Copy attached)</p>	3 - 6
7	Headingley; Hyde Park and Woodhouse;		<p>APPLICATIONS 08/04214/OT; 08/04216/FU; 08/04217/CA; 08/04219/FU AND 08/04220/LI - RESIDENTIAL DEVELOPMENT AT LEEDS GIRL HIGH SCHOOL, HEADINGLEY LS6</p> <p>To consider the report of the Chief Planning Officer on applications for the residential redevelopment proposals comprising flats and terraced houses at the former Leeds Girl High School, Headingley Lane, Headingley</p> <p>(Report attached)</p>	7 - 64

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8	Bramley and Stanningley;		<p>APPLICATION 10/02354/FU - ALTERATIONS TO ATTACHED GARAGE INCLUDING NEW RAISED ROOF FORMING STORE ABOVE, 11 HORTON RISE, RODLEY LS13</p> <p>To consider the report of the Chief Planning Officer on an application setting out proposed alterations to a garage to form a store above at 11 Horton Rise, Rodley</p> <p>(Report attached)</p>	65 - 72
9	Headingley;		<p>APPLICATION 10/02052/EXT - EXTENSION OF PERMISSION OF APPLICATION 26/564/04/FU FOR CHANGE OF USE INVOLVING PART DEMOLITION AND 2.5 STOREY EXTENSION TO SIDE TO FORM 14 FLATS, ESCHER HOUSE, 116 CARDIGAN ROAD, HEADINGLEY LS6</p> <p>To consider the report of the Chief Planning Officer on an application seeking to extend the time limit on an existing permission (Application 26/564/04/FU) for the development of flats at Escher House, Headingley</p> <p>(Report attached)</p>	73 - 80
10	Hyde Park and Woodhouse;		<p>APPLICATION 09/00856/FU - PART 4, 5 AND 6 STOREY BLOCK COMPRISING 65 STUDENT CLUSTER FLATS, WITH 154 BED SPACES, CAR PARKING AND LANDSCAPING, FORMER GLASSWORKS, CARDIGAN ROAD, HEADINGLEY LS6</p> <p>To consider the report of the Chief Planning Officer on proposals to develop student accommodation at the former Glassworks site, Headingley.</p> <p>(Report attached)</p>	81 - 106

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11	Otley and Yeadon;		<p>APPLICATION 10/02227/LA - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF C2 (RESIDENTIAL INSTITUTION), HAWORTH COURT, CHAPEL LANE, YEADON LS19</p> <p>To consider the report of the Chief Planning Officer on an application for the development of a residential institution (C2) at Haworth Court, Yeadon</p> <p>(Report attached)</p>	107 - 118
12	Armley;		<p>APPLICATION 10/02221/LA - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF MISTRESS LANE, ARMLEY LS12</p> <p>To consider the report of the Chief Planning Officer on an outline application for residential proposals for land off Mistress Lane, Armley</p> <p>(Report attached)</p>	119 - 132
13	Kirkstall;		<p>APPLICATION 10/01298/EXT - EXTENSION OF TIME TO PERMISSION FOR PLANNING APPLICATION TO ERECT 9 RETAIL UNITS (CLASS A1) AND 3 FOOD & DRINK OUTLETS (CLASS A3 - A5), BRITISH HOME STORES SITE, BRIDGE ROAD, KIRKSTALL LS5</p> <p>To consider the report of the Chief Planning Officer on an application seeking to extend the time limit for permission to develop 9 retail and 3 food&drink units at the British Home Stores site, Kirkstall</p> <p>(Report attached)</p>	133 - 140
14	Pudsey;		<p>APPLICATION 10/01604/OT - OUTLINE APPLICATION FOR THE ERECTION OF 6 HOUSES TO VACANT SITE, FORMER BRITANNIA BOWLING CLUB, INTAKE ROAD, PUDSEY LS28</p> <p>To consider the report of the Chief Planning Officer on an application for the development of 6 houses to the former Britannia Bowling Club site, Pudsey</p> <p>(Report attached)</p>	141 - 152

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15			DATE AND TIME OF NEXT MEETING To note the date and time of the next meeting as Thursday 9 th September 2010 at 1.30 pm	

To:

Members of Plans Panel (West)
Plus appropriate Ward Members and
Parish/Town Councils

Chief Executive's Department
Democratic Services
4th Floor West
Civic Hall
Leeds LS1 1UR

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
4th August 2010

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 12th AUGUST 2010 AT 1.30 pm

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1 10.50 am On site Applications 08/04214/OT (outline application for residential development), 08/04216/FU (Change of use and extension including part demolition of school building and stable block to 32 flats and 3 terraced houses), 08/04217/CA (Conservation area consent for the demolition of rear and side extensions to main school building, lean-to to stable block and greenhouse and removal of storage containers), 08/04219/FU (Change of use involving alterations of Rose Court to form 12 flats) and 08/04220/LI (Listed building application for alterations of Rose Court to form 12 flats – Leeds Girls High School, Headingley Lane, Headingley.
Please could Members meet at the entrance off Headingley Lane if traveling independently.
Depart the site at 11.50 am to return to Civic Hall for 12 noon approximately

A minibus will leave the Civic Hall at 10.40 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10:35 am

Yours sincerely

Helen Gray
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 15TH JULY, 2010

PRESENT: Councillor N Taggart in the Chair

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

11 **Declarations of Interest**

The following Members declared person/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 Harper – Application 10/0236/OT retail food store, Armley – declared a personal interest as Vice Chair of West Leeds Gateway and a member of Armley Town Centre Heritage Group (minute 17 refers)

Councillor Matthews – Application 10/0236/OT retail food store, Armley – declared a personal interest as a member of West Yorkshire Integrated Transport Authority which had submitted comments on the proposals (minute 17 refers)

It was further noted that all Members of Panel knew the applicant in respect of Item 7 on the agenda (Application 10/02447/FU extension to 31A Half Mile Lane, Stanningley) as the applicant was a fellow Member of Council and Chair of Plans Panel East (minute 14 refers)

12 **Minutes**

RESOLVED – That the minutes of the previous meeting held on 18th June 2010 be agreed as a correct record

13 **Matters Arising**

The Lead Officer informed Members at the start of the meeting that on 6th July a letter had been received from the Chief Planner at Communities and Local Government informing Local Planning Authorities that the Secretary of State had announced the revocation of Regional Strategies with immediate effect. Members were therefore advised that RSS is no longer part of the Development Plan and any reference to RSS in reports before Members should therefore be ignored.

14 **Application 10/02447/FU - Single Storey Extension and Widening of Driveway to front of 31a Half Mile, Stanningley, Leeds LS13**

The report on this application was presented for Panel determination as the applicant was a Member of Council. Architects drawings of the proposals were displayed at the meeting along with an aerial photograph and photographs of the streetscene

RESOLVED – That the application be granted subject to the specified conditions contained within the report

Draft minutes to be approved at the meeting
to be held on Thursday, 12th August, 2010

15 Application 10/02226/LA - Outline Application for Residential Development comprising of C2 (residential institutions) on land at Farrar Lane, Adel, Leeds LS16

The Panel considered the report of the Chief Planning Officer on an outline application to develop a residential institution on land at Farrar Lane, Adel. Site plans, indicative site layout plans and photographs of the locality were displayed at the meeting. Officers explained the location of the site in relation to the Holt Park District Centre, Ralph Thoresby High School and a recently approved Well Being development.

Officers highlighted the key issues to consider with this application as being the principle and access; although some indicative drawings had been submitted showing how the site may be laid out. It was noted the applicants intended to build the new development and then move residents of the existing care home into it. The existing care facility would then be demolished.

Officers requested the recommendation to the report be amended following the receipt of consultation responses in order to defer and delegate approval of the application to the Chief Planning Officer with two additional conditions as follows

- that the red line boundary be extended to the existing highway – following comments from highways services
- to carry out a bat survey – following receipt of comments from Nature Conservation

The Panel commented on the piecemeal development of this locality and

- Sought clarification on the proposed access road off Farrar Lane;
- Sought reassurance that the scheme would be of sufficient high quality
- Sought reassurance that this development could be delivered should the development of the Well Being Centre be deferred

RESOLVED – That determination of the application be deferred and delegated to the Chief Planning Officer for final approval subject to the conditions contained within the report plus two additional conditions :

- a) to ensure the red line boundary is extended to the existing highway
- b) to carry out a bat survey

16 Application 25/407/05/OT - Terms of the Section 106 Agreement for Residential Development at land to the rear of Mid Point, Office Park, Dick Lane, Pudsey LS28

Further to minute 110 of the meeting held on 15 April 2010 when the Panel considered revised terms of the Section 106 Agreement associated with the development, the Chief Planning Officer submitted a further report on the outcome of subsequent discussions with the developer.

The Panel recalled the discussions on the viability of the scheme and their previous concerns about the revised framework for how Affordable Housing would be delivered on the site, whether 100% of the AH requirement should be a commuted sum and if so at what point the commuted sum was paid. At

that time the Panel had been keen to ensure the LPA received the full commuted sum and had suggested a phased approach.

The report set out the detail of the new phased approach proposed by the developer which would guarantee delivery of 51% of the total commuted sum (as opposed to 23% previously) with delivery of the remainder being subject to viability assessments.

The Head of Planning Services reiterated the developers' commitment to commence work on site prior to February 2011 and advised Members that in the light of new Government's change of approach to housing delivery significant weight should be given to facilitating the delivery of brownfield sites such as this.

The Panel received assurance from officers that the Asset Management Team had scrutinised the financial viability of the scheme and noted the comments of local ward Councillors who had expressed support for the scheme and the approach originally proposed by the developers. Members also discussed the merits of the Metrocard scheme proposed under the Green Travel Plan and asked that a report be presented to a future Joint Plans Panel meeting on the value for money provided by residents Metrocard schemes as part of Section 106 Agreements.

RESOLVED – That approval be given to the terms of the Section 106 Agreement in relation to Affordable Housing and Greenspace as set out in the schedule attached to the report

(Councillor Akhtar withdrew from the meeting at this point)

17 Application 10/02363/OT - Position Statement on Outline Application to erect Retail Foodstore with Car Parking and Petrol Filling Station, land off Car Crofts, Town Street & Modder Place, Armley, Leeds LS12

The Panel considered a progress report on an outline application for a new retail development in Armley. Members had visited the site prior to the meeting. Plans, indicative drawings and indicative sections were displayed along with photographs of the site.

Officers highlighted key issues of the proposals as;

- Retail development within a designated town centre. However due to the size of the proposals an impact assessment had been provided on the potential impact on Town Street and surrounding centres; further information (particularly on comparison goods) had been requested.
- Potential regeneration benefits with new investment and jobs.
- Part of the site lay within the conservation area and the proposals involve demolition of five buildings within the conservation area (four specifically designated as positive) to facilitate a new highway junction and a Petrol Filling Station
- Highways and trip generation. Highways had raised concern about the proposed new signalised junction on Town Street and the applicant had agreed to consider signalling at Tong Road

Additionally, objections had been received from the Environment Agency; however it was considered that the submission of a Flood Risk Assessment may satisfactorily address their concerns.

Members commented on the following matters:

- The scale of the retail proposal and its effect on Armley Town Centre trade. The Panel wished to investigate comparisons with the impact other stores in similar localities at Rothwell and Morley.
- The number of jobs this proposal could provide and the number which could be lost through relocation or closure of existing businesses within the site.
- Concern that the Armley Conservation Area had recently been designated and this application sought the demolition of buildings of note. Members were particularly keen to see the retention of the corner building and wanted an assessment of potential highway improvements on the other side of Carr Crofts to achieve this,
- Whether the petrol station could be removed to enable retention of other buildings in Conservation Area and improve linkages to the town centre
- Whether a smaller retail store would be viable on the site.
- The adequacy of the Tong Road junction and whether this should be signalised.
- Concern regarding the accessibility and suitability of the one-way railway bridge and whether this could be two-way to facilitate any increase in traffic.

The Panel noted that local ward Councillors broadly supported the development of a supermarket in this location provided the design was of high quality, but had commented whether the junction to the east side of Town Street could be widened instead which would not necessitate the loss of the buildings to the west side and that HGV access should be from Tong Road only. It was noted the ward Councillors would prefer to delete the petrol station from the scheme if this would improve connectivity with Town Street and preserved buildings in Conservation Area.

RESOLVED – That the contents of the report and the comments made by Panel be noted.

18 Application 10/01780/FU - Retention of Cattle Shed, Single Storey Side Extension to Cattle Shed and Erect Detached Sheep Shed, Low Green Farm, 40 Leeds Road, Rawdon, Leeds LS19

This item was withdrawn from the agenda prior to the meeting to allow time for further negotiations with the applicant

19 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 12th August 2010 at 1.30 pm



Originator: Mathias Franklin
Tel: 24 77019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12th August 2010

Subject: RESIDENTIAL REDEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY

APPLICANT	DATE VALID	TARGET DATE
The Morley House Trust	11.07.2008	10.10.2008

Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve planning applications 08/04214/OT, 08/04216/FU, 08/04219/FU and grant Listed Building Consent for 08/04220/LI and Conservation Area Consent for 08/04217/CA subject to the conditions attached (and any other conditions deemed appropriate) and the completion of a Section 106 agreement to cover the following matters:

1. On site greenspace to be laid out plus £35,528.98 towards equipped children's play provision if not delivered on site.
2. Delivery of Ford house Gardens for 10yr license for public use and commuted sum for minor improvements to the access.
3. Affordable housing contribution for 15% of the total number of dwellings to be constructed to be used to purchase properties in the Headingley area for use as affordable housing.
4. Residents Only Permit contribution, Public Transport Infrastructure Contribution and Travel Plan and monitoring fee of £2585 and contribution of £11,700.00.
5. Contribution for off site highway works to improve the vehicular access onto Victoria Road, close up the existing access onto Headingley Lane and create footpaths and cycle-way links.
6. Education contribution £172, 394
7. Administration fee of £600 per clause

Proposed Conditions:

08/04214/OT: Outline Application for residential development

1. Reserve Matters for Appearance and Landscaping to be submitted within 3 yrs of the date of this permission;
2. Approved plan list;
3. Sample of materials for walls, roof and windows to be submitted and approved;
4. Surfacing materials to be submitted and approved (porous materials to be used where possible);
5. Levels plan to be submitted and approved showing existing and proposed and off site datum points;
6. Landscape scheme to be submitted and approved;
7. Tree removal and tree placement scheme;
8. Landscape implementation scheme;
9. Provision of cycle and footways within the site;
10. Off site highway works to be completed prior to occupation of any dwelling;
11. Car parking areas to be laid out prior to first occupation;
12. Sewer easement;
13. Separate systems of foul and surface water drainage;
14. Scheme for surface and foul water drainage to be approved prior to commencement;
15. Surface water drains to pass through oil interceptors;
16. SUDS scheme to be submitted and approved prior to the commencement of development;
17. Surface water from main school site to achieve balancing rates of a minimum 30% reduction of existing peak flows up to 1 in 100yr storm event;
18. Dwellings and apartments to be occupied within C3 Use Class and no permitted change to C4 without prior approval;
19. Permitted Development Rights for outbuildings and dormers removed;
20. The use of any garages must remain for the purpose of the storage of motor vehicles.
21. Parking spaces to remain unallocated and not sold off with individual units;
22. Notwithstanding the approved plans, render shall be removed from the outer faces of the stone boundary walls, and fencing shall be removed from walls;
23. There shall be no vehicular access from Headingley Lane at any time following the commencement of development; and
24. notwithstanding the information shown on the approved plans natural slate shall be used on all new dwelling houses, apartment buildings, including extensions and outbuildings.

08/04216/FU: Change of use and extension including part demolition of school building and stable block to 32 flats and 4 terrace houses in Stable Block

1. Commencement of development in 3yrs;
2. Plans listed in schedule;
3. Samples of all external walling and roofing and window materials;
4. 1:20 detailed plans;
5. External surfacing materials to be submitted;
6. landscaping (hard and soft landscaping) scheme to be submitted and approved;
7. landscaping implementation programme;
8. car parking area to be laid out prior to first use
9. Apartments and flats to be in C3 Use Class, no permitted change to C4.
10. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.

08/04219/FU: Change of use involving alterations of Rose Court to form 12 flats

1. Commencement of development in 3yrs.
2. Plans listed in schedule
3. Samples of all external walling and roofing and window materials.
4. 1:20 detailed plans
5. External surfacing materials to be submitted
6. landscaping (hard and soft landscaping) scheme to be submitted and approved

7. landscaping implementation programme
8. car parking area to be laid out prior to first use
9. Apartments and flats to be in C3 Use Class, no permitted change to C4.
10. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.

08/04220/LI: Listed Building application for alterations of Rose Court to form 12 flats

1. Listed Building Consent for 3ys
2. Plans in schedule to be approved
3. Recording of proposed demolition and recording of key features prior to any demolition works being undertaken.
4. Samples of all external walling and roofing, window and door materials.
5. 1:20 detailed plans
6. External surfacing materials to be submitted

08/04217/CA: Conservation Area Consent for the demolition of rear and side extensions to main school building, lean-to to stable block and greenhouse, and removal of 4 storage containers

1. 3 year commencement of development
2. No demolition or alteration of any of the buildings on site shall take place before a method statement has been submitted to and approved in writing by the Local Planning Authority.
3. No demolition or alteration of any of the buildings on site shall take place before a contract for carrying out the works of redevelopment has been let (and confirmation thereof supplied to the Local Planning Authority) and planning permission has been granted for the redevelopment for which the contract provides.
4. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 08:00 hours and 18:00 Hours Mondays to Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
5. Trees on site to be retained in accordance with the approved tree survey plan in accordance with BS5337:2005

In granting permission, conservation area consent and listed building consent for these 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) and The Development Plan consisting of the save policies of the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N6, N12, N13, N19, T2, T24, H4, H12, H13, H15, BD5, BD6, BC7, LD1

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 and on balance planning permission should be granted for these applications.

1.0 INTRODUCTION AND UPDATE:

- 1.1 This application is brought to Panel due to the scale and amount of development on the site and due to the planning history of the site. Members may recall that these applications were brought to Panel on 1st October 2009 with a position statement updating Members as to the progress of the application. Members should note that

there are 5 planning applications being considered within this one report. The applicant is seeking a determination of each application on its own merits.

The text below is the resolution from the October 1st 2009 Plans Panel West meeting.

- 1.2 *The key issues for consideration were outlined as the principle of the development; the impact on the Headingley Conservation area and its' character and appearance developer contributions and highways and parking implications.*

Members commented:

- 1.3 *Site Designation - Clarification required on whether the site was greenfield as locally the sites would be regarded as green sites and it was LCC policy to defend these. Officers advised the sites were regarded as "curtilage" of the former school and therefore, were previously developed brown field sites but agreed the LPA must be sure of the designation of the sites prior to permission.*
- 1.4 *Sports Hall & Pool – local ward members reported the University no longer wished to manage these and Panel considered what impact this would have on the merit of the overall proposals.*
- 1.5 *Objections – some Members felt that a large number of the existing objections received before the proposals were revised, would still stand.*
- 1.6 *Buildings – building on site very important to locality and needed to be retained and re-used*
- 1.7 *Officers listed the information still required from the developers as the submission of detailed design drawings, an updated Transport Assessment; Travel Plan: detailed heads of terms of the S106 and a Design Access Statement.*
- 1.8 *Members commented that the proposals had been in the public domain since 2008 and expressed their disappointment that the detailed documents had still not been submitted. Panel further commented that from the information available there did not appear to be a significant difference between the proposals originally mooted and these before Panel today. Some Members were minded to propose refusal of the scheme at this point, to allow the applicants the opportunity of submitting a fresh application with fresh details, rather than continue to amend elements of the scheme which created confusion about the proposals actually to be determined.*
- 1.9 *In conclusion Members reiterated their concerns over the designation of the greenspaces as "brownfield curtilage" and subsequent proposed loss of the playing pitches. The Panel wished to see the detail of the applications presented as soon as possible and the Chief Planning Officer agreed to write to LGHS to express the Panels' concerns and seeking submission of all relevant documents pertaining to the application within the next 2 weeks.*
- 1.10 **Following the October Panel the developer in consultation with Officers revised the scheme and reduced the number of units across the site in order to try and ameliorate Members and Officers concerns in relation to design, layout and density of development across the site. The revised plans were publicised and local residents were reconsulted on the plans submitted. This consultation exercise took place through November and December 2009. The responses will be addressed in the main appraisal below.**

- 1.11 In July 2010 the applicant further revised the scheme to address car parking provision and internal road layout. The revised plans are currently being consulted on with local residents and the responses received after this report is published will be presented verbally to the Panel. The points below outline the changes that have taken place to the plans submitted in July 2010:
- 1.11.1 The car parking area and part of the undercroft car parking to the Main School Building has been reconfigured to increase the car parking provision for the Main School Building element of the scheme to 32 spaces in total;
 - 1.11.2 One townhouse unit has been deleted from the plan so that the scheme now totals 3 townhouses attached to the Main School Building;
 - 1.11.3 The changes also include the creation of 2 driveway car parking spaces along the gable elevation of the Main School Building to serve Block J.
 - 1.11.4 The South West Block has changed to create two levels of car parking at lower ground and ground floors with residential accommodation at first, second and third floor. Overall the apartment provision has been reduced by 3 apartments, leaving 15 apartments proposed in the South West Block.
 - 1.11.5 Rose Court proposes 12 apartments which is unchanged.

2.0 PROPOSALS:

- 2.1 The redevelopment proposals for the site comprise of six separate planning application and these can be described as: -
- 2.2 Main school site, Leeds Girls High School, Headingley:
- Planning application 08/04214/OT – outline application for residential development.
 - Planning application 08/04216/FU – change of use and extension including part demolition of school building and stable block to 32 flats and 3 terrace houses.
 - Planning application 08/04217/CA – conservation area application for the demolition of rear and side extensions to main school building, 2 villas to north west of site, lean-to to stable block and greenhouse and removal of 4 storage containers.
- 2.3 At Rose Court, Main School Site, Leeds Girls High School, Headingley:
- Planning application 08/04219/FU – change of use involving alterations and extension of school building to form 12 flats.
 - Planning application 08/04220/LI – listed building application including part demolition and extension to form 12 flats.
- 2.4 At Victoria Road, Leeds Girls High School, Headingley:
- Planning application 08/04218/OT – outline application for residential use at Leeds Girls High School, playing fields and sports centre. **This application was withdrawn by the applicant in November 2009.**
- 2.5 The table below outlines the current numbers of dwellings proposed across the Leeds Girls High School site:

Revised Plans July 2010	Number of dwellings
Main School Building (Conversion and extension)	32 apartments and 4 townhouses in the stable block
Rose Court (conversion)	12 apartments
South West Block (new build)	15 apartments
Rose court lodge (existing)	1 dwelling
Main School site (new build)	51 townhouses within the Outline application
North West Lodge (conversion)	2 dwellings within the existing lodge building proposed
Total number of units	117 (121 previously)

Outline Residential Schemes:

- 2.6 Application 08/04214/OT seeks outline planning approval for the redevelopment of the main school site for residential use, including the approval of access, layout and scale. The outline application is accompanied by an indicative layout plan showing the position of buildings to be proposed for the site, the access points and the areas of recreational open space. Indicative landscaping plans are also included and a design scheme for the approval of reserved matters included in the design and access statement. The application includes the proposed layout and siting of the proposed new build properties and an indicative split of the mix of units in terms of size and height.
- 2.7 The scheme has been revised so that vehicular access is now from Victoria Road only. The apartments of Rose Court would have an access from the eastern access point (an existing school entrance by the lodge building) with the remainder and majority of the development being accessed from the southern access point mid way along Victoria Road. The Headingley Lane access would be closed off to all vehicular traffic but would be retained for cyclists and pedestrians. It is proposed to promote pedestrian and cycle routes through the site enabling access from Headingley Lane through to access points onto Victoria Road.
- 2.8 The south western corner of the site adjacent to Victoria Road is to be developed, again with terraced properties accessed from Victoria Road along the western boundary of the site. This area of development is to be separated from the Main School building and development to the north by a landscaped amenity area.
- 2.9 The other main area of development is a row of properties to be developed to the front of Rose Court with gardens facing Victoria Road. These properties are to be accessed from the existing school entrance.

Main School Building:

- 2.10 Application 08/04216/FU seeks full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 3 dwellings.
- 2.11 The stable block is to be converted in its current form to four dwellings with vehicular access was proposed from Victoria Road from the south along the western most entrance.

Rose Court:

- 2.12 Applications 08/04219/FU and 08/04220/LI seek full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments. The application includes utilising the existing modern extension on the western elevation of Rose Court, itself a later addition to the original building.

Ford House Gardens:

- 2.13 Whilst replacement playing pitches for those lost at the site are being provided at the Alwoodley site, the school have agreed to make Ford House Gardens available to the Headingley community as an additional benefit. The Council has been offered Ford House Gardens to form a new public park for an initial 10 year licence period whilst the Victoria Road site is considered for redevelopment. Should this be secured Ford House Gardens could potentially be given in perpetuity to the Council for use as a public park which would be a community benefit. Transfer of this area would be contingent upon this transfer being at no cost to the Council and for agreement being reached for a commuted sum to be paid to improve the site for use as a public park and to cover future maintenance. This would need to be included within a S.106 Agreement, which would indicate the point in the development process such monies would be paid. Once the commuted sum and the access to Ford House Gardens has been secured Officers would undertake a community consultation exercise to determine what the best use of this space would be to maximize the benefit of gaining publicly accessible open space in this locality. It is envisaged that the use of Ford House Gardens would require minimal changes to its existing character and appearance for the initial 10 year period, thereafter further community consultation would be undertaken should it be secured in perpetuity.

Conservation Area Consent:

- 2.14 Application 08/04217/CA seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. These buildings include the later extensions to the main school the arts and crafts style lodge on the North West corner of the site is to be retained and converted into dwellings.

3.0 SITE AND SURROUNDINGS:

Main School Site:

- 3.1 The main school site is a 2.44 hectare site located off Headingley Lane. The site is triangular in shape with Headingley Lane to the north east, Victoria Road to the south and Headingley Business Park to the west. The site is within the Headingley Conservation Area and there are two listed buildings within the school site: Rose Court (subject to a change of use application) and the Lodge building (not subject to these planning applications).
- 3.2 The site is located in a predominantly residential area with densely populated areas directly to the north east, south and south west. To the west of the site is Headingley Business Park and to the south east, Hyde Park.
- 3.3 The main school building is a 3 - 4 storey red brick building which has undergone a number of structural alterations and extensions to facilitate the continual growth of the school. The building is located on the north western part of the site facing

Victoria Road to the south. Views of the building from Headingley Lane are obscured due to the topography and boundary treatment, whilst views from the south are interrupted by mature trees. The building is not listed but is a good quality building in the conservation area that makes a positive contribution towards the local character and appearance of this part of the Headingley Conservation Area.

- 3.4 The site is also occupied by Rose Court and Rose Court Lodge, both listed buildings located to the eastern end of the site. Rose Court is set to the north eastern part of the site with landscaping to the front, whilst the Lodge is located in the south east corner of the site, adjacent to Victoria Road.
- 3.5 The site also includes amenity areas constituting open space and tennis courts to the front of the main school building and car parking to the south of the site. The site also includes a large variety of mature trees both within the site and on the boundaries.
- 3.6 The site currently has two main access points, from Victoria Road to the south east corner of the site, adjacent to the Lodge and one to the North West directly onto Headingley Lane.

Rose Court:

- 3.7 The application site is Rose Court, a Grade II Listed Building located within the Leeds Girls High School site off Headingley Lane. Rose Court is within the grounds of the school.
- 3.8 Rose Court is set to the north eastern part of the site with landscaping to the front. Rose Court is a villa built as a large house in the 1840s in the formal classical tradition. The property has a garden to the front taking advantage of the steeply sloping site. The terrace to the front conceals a basement with windows and lightwells set into areas around the ground floor facade. The views from the terrace currently are of extensive car parks and hard surfaced tennis courts.
- 3.9 The property previously had a Victorian conservatory at the western end projecting forward of the main frontage. This has subsequently been replaced with a new extension erected in stone with classic columns as a portico to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A draft Planning & Development Brief was prepared by GVA Grimley on behalf of the school (the Morley House Trust) in consultation with LCC. The aim of the brief was to help bring about a comprehensive approach to the re-use and redevelopment of the Main School site, Ford House Garden and Victoria Road site, as the basis for considering future planning applications. The Elinor Lupton Centre (Grade II listed building) was and is subject to separate negotiations, given the specific requirements for providing an alternative occupier for this building.
- 4.2 Following public consultation, the draft Development Brief was presented to Members of the Executive Board on 22 August 2007. Where it was resolved that the planning brief be withdrawn and the future of the school site be determined through the planning process.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Fundamental to the development of the site is an assessment of the balance of any loss of protected playing pitches versus their relocation and betterment and on-site greenspace provision provided by the development as a whole. As such, the application proposals have provided an evaluation of the proposals within a PPG17 Assessment. This report has been under review since the submission of the applications and following recent amendments it is considered that the PPG17 assessment has addressed earlier shortcomings identified by the Council and Sport England and is a complete and comprehensive report.
- 5.2 Following original consultations, technical discussions have also been held with Council Officers and the School, looking at the detailed design and layout of the proposals and seeking revisions to address significant issues.

6.0 PUBLIC/LOCAL RESPONSE:

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press. The application has also been made available for public inspection at Headingley Library. The application was reconsulted on in November 2009 and has been reconsulted again in July 2010. The following individuals and groups have also been consulted directly:

- 6.1 **MP:**
- Greg Mulholland
- 6.2 **Ward Members:**
- Bernard Atha (Kirkstall)
 - Councillor James Monaghan (Headingley Ward)
 - Councillor Martin Hamilton (Headingley Ward)
 - Councillor John Illingworth (Kirkstall Ward)
- 6.3 **Amenity Groups:**
- Headingley Development Trust
 - Far Headingley Village Society
 - North Hyde Park Neighbourhood Association
 - HMO Lobby
 - Friend and Residents of Orville Gardens
 - Cardigan Triangle Community Association
 - South Headingley Community Association
- 6.4 The LGHS Action Group have also produced their Community Planning Brief for Leeds Girls High School.
- 6.5 In summary the letters of objection raised concerns: The points below summarise the objections:-
- The loss of the area designated as Protected Playing Pitch would have a detrimental impact upon the locality;
 - Children in the area should have access to play areas;
 - Increase traffic congestions;
 - Lack of car parking and likely increase in on street parking;
 - Poor overall design;
 - Over development;
 - Harm to the conservation area;

- Limited amenity space for Rose Court;
- Inadequate size and shape of amenity space;
- Proposed Victoria Road access would result in loss of trees;
- Limited Environmental assessments;
- Six different developers could build on the site;
- Too many one bedroom flats;
- Concern over new extension to main School building;
- Retain Victoria Road site as open space;
- Intensity of conversion of Rose Court; and
- Lack of community involvement.
- Concern over August Panel determination and request deferral to Autumn Panel.

6.6 The objections raised by Local Residents are summarised below and contained in further detail in the Annex of the position statement from the October 2009 Plans Panel meeting which is appended to the end of this panel report.

- Paying pitches should be retained;
- The applicant has failed to demonstrate that the playing pitches are surplus to requirements;
- No need for more flats in the area;
- There are no clear proposal for affordable housing on the sites;
- There are no clear proposal for Ford House Gardens;
- Negative impact on the Conservation Area and listed building;
- Impact on trees;
- Highway safety and congestion; and
- Lack of community involvement.
- Object to the revised plans as they have not addressed concerns relating to over development or poor design and layout.

6.7 The total number of letters received in response to the publicity of all the applications is around 1250. Each letter refers to each of the 5 planning applications. The table below is an estimate of the total number of objections received to each application.

Application	Estimated number of objections
Main School (08/04214/OT)	1203 objections
School Building Conversion (08/04216/FU)	1000 objections
Rose Court Conversion (08/04219/FU)	1000 objections
Rose Court Listed Building(08/04220/LI)	1000 objections
Conservation Area Consent (08/04217/CA)	1000 objections
Victoria Road site outline (08/04218/OT)	1000 objections

6.8 There have been 20 objections received to the July 2010 consultation so far. Councillor Illingworth has also objected to the latest revised plans. The following issues have been raised to the latest reconsultation exercise:

- Loss of protected playing pitches is still not acceptable,
- Local schools will have lost out on potential outdoor play areas
- Harm to human health

- Over development and over crowding on site
- Impact on surrounding highway network from additional cars
- Buildings should be used as museums or art gallery
- Determination of the applications should be deterred until the Autumn when residents are back from holidays
- Determination should also be deferred until the full results of the PPG17 survey of sports facilities and pitches in the area is complete.
- Concerns that the flats and dwellings may be occupied by students.
- Concerns are raised regarding harm to the conservation area by reasons of over development and loss of trees.
- Poor community engagement with residents by the applicant
- July revisions are minor in nature and do not address earlier objections.
- Insufficient car parking is still proposed

7.0 CONSULTATIONS RESPONSES:

7.1 More detailed summaries of the consultation responses were provided in the Position Statement considered by Panel Members at the Plans Panel meeting of 1st October 2009. An outline of the main points raised are provided below which are relevant to the current scheme and the updated plans which are the subject of this panel report for determination by Members:

Statutory:

- 7.1 ENVIRONMENT AGENCY:
No objections subject to conditions being appended to any subsequent planning consent relating to improvement of the existing surface water disposal system.
- 7.2 YORKSHIRE WATER:
No objection subject to conditions for drainage and an easement for sewer running through the site being conditioned.
- 7.3 MAINS DRAINAGE:
No Objections subject to conditions.
- 7.3 HIGHWAYS:
The revised plans submitted in July 2010 have gone some way in addressing the concerns raised by highway officers in relation to the car parking and access proposals for the site. The principle of the access arrangements are accepted but the detail is yet to be finalised. Further revisions will be required to address the issues of narrow access points within the internal road accessed from the south of the site onto Victoria Road. The car parking provision is in line with the required one space per one unit. In addition further information is requested showing the tracking of a refuse vehicle moving through the site. It is anticipated these matters can be addressed and a further section in the report will be added or a verbal update at Panel will be provided on the outcome of the meeting and revised drawings that are required to address these issues.
- 7.4 SPORT ENGLAND
No objection to the loss of the N6 protected playing pitches as they are satisfied the provision at the Alwoodley site meets the policy requires of PPG17 and UDP policy N6. They retain their non statutory objection relating to the need for a planning contribution of £56,000 towards enhancing formal provision in the locality.

Non-statutory:

- 7.5 ENGLISH HERITAGE
The revised plans from November 2009 have not adequately addressed EH's concerns regarding the impact of views into the site.
- 7.6 METRO:
Seek contributions towards the proposed Bus Priority Lane, metro cards for future occupiers.
- 7.7 NGT / PUBLIC TRANSPORT TEAM:
The formula within the adopted SPD gives a required public transport contribution of £81,517.
- 7.8 CONTAMINATED LAND:
No objection to planning permission being granted, as long as conditions and directions are applied.
- 7.9 TRANSPORT POLICY (TRAVEL WISE):
In accordance with the SPD on Travel Plans the Travel Plan should be included in a Section 106 Agreement. Including:
- a) Leeds City Council Travel Plan Evaluation fee of £2585 (for 117 dwellings); and
 - b) £100 pot for travel plan measures for each dwelling. Using this fund the first occupant for each dwelling should be offered a free car club trial (with membership), public transport ticketing, a voucher towards a bike purchase or repairs. The offer must only be taken up by those living at the development (e.g. not to be taken by landlord if not living at the development). Given the location of the site all measures should be made available to all residents. £11,700 for 117 dwellings, £100 per dwelling.
- 7.10 ENVIRONMENTAL HEALTH:
No objection in principle to the residential development proposals.
- 7.11 LOCAL PLANS
Greenspace calculation below based on the revised scheme comprising 62 apartments and 58 houses (total 117 units):-
- 7.12 N2.1 Local Amenity Space
The indicative masterplan (ref. 2006-239/050) identifies three main areas of useable greenspace. Together these areas provide a total of 0.46ha greenspace. This satisfies the N2.1 requirement (0.468ha / 0.004 ha per unit), allowing for cartographic variation. So long as these areas are delivered as part of the development scheme, there will be no further requirement for an N2.1 contribution.
- 7.13 Equipped Children's Play
Given the nature and mix of development in the first instance provision should be made within the site layout for a LAP (Local Area for Play) playspace for younger children. The area immediately to the east of Rose Court may be an appropriate location, subject to design and surveillance considerations. If this is not achievable, a commuted sum payment of £35,528.98 is required for off-site provision at Woodhouse Moor.
- 7.14 VICTORIAN SOCIETY

Object to the outline application due to the over developed nature of the proposals and the harm this would have on the Headingley Conversation Area. They do not object to the Conservation Area Consent Application for demolition.

7.15 LEEDS CIVIC TRUST

Object to the July 2010 revised plans and retain their original objection on the grounds of over development, houses proposed are too small and have too small gardens, the public open space will not be inviting or usable to none residents of the development, the Ford House Garden offer for only 10years is insufficient, concern over the proposed off site commuted sum for affordable housing and they are concerned over the impact of more development on the highway network.

8.0 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 Leeds Unitary Development Plan Review (2006).

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

UDPR Policies:

- SA1 Securing the highest environmental quality.
- SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
- GP5: General planning considerations.
- GP7: Guides the use of planning obligations.
- GP9: Promotes community involvement during the pre-application stages.
- BD5: Consideration to be given to amenity in design of new buildings.
- H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- H3: Delivery of housing land release.
- H4: Residential development on non-allocated sites.
- H11, H12 and H13 Affordable Housing.
- H15, Area of Housing Mix
- LD1: Criteria for landscape design.
- N2 and N4: Provision of green space in relation to new residential developments.
- N6 Protected Playing Pitches.
- N12: Development proposals to respect fundamental priorities for urban design.
- N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.
- N14 to N22: Listed buildings and conservation areas.
- N19, Conservation Area assessment
- N23: Incidental open space around new built development.
- N38B and N39A: set out the requirement for a Flood Risk Assessment.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T15: Improving vehicle accessibility.
- T24: Requires parking provision to reflect detailed guidelines.

- 8.3 National Planning Policy Guidance:
- PPS1: Delivering Sustainable Development;
 - PPS3: Housing;
 - PPG13: Transport;
 - PPS5: Planning for the Historic Environment;
 - PPG17: Planning for Open Space, Sport and Recreation; and
 - PPS25: Development and Flood Risk.
- 8.4 Supplementary Planning Guidance
- Neighbourhoods for Living.
 - Affordable Housing Policy.
 - Greenspace relating to New Housing.
 - Draft Headingley Neighbourhood Design Statement (not adopted but post consultation)

9 **MAIN ISSUES:**

- 9.1 Having considered this application and representations, the main issues in this case are considered to be:
- Principle of development / loss of protected playing pitches;
 - Design issues and Impact on the character and appearance of the listed building and of this part of the Headingley Conservation area;
 - Highways, access and parking implications;
 - Residential amenity considerations;
 - Developer contributions; and
 - Conclusions.

10 **APPRAISAL:**

Principle of development/Loss of playing pitches

- 10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.2 The application site lies within Headingley and has an N6 designation within the UDP Review (2006).
- 10.3 The school and its grounds are now vacant as a merger resulted and the relocation of Leeds Girls High School (LGHS) to the current Leeds Girls High School (LGS) site at Alwoodley Gates. Ideally the sites should retain their existing uses or conform to the predominant use of the immediate area. In principle, given the surrounding area is predominantly residential, a suitable family residential redevelopment on this sustainable site is considered acceptable.
- 10.4 As the Headingley Conservation Area covers the Main School Site and there are two listed buildings on site and also buildings to be retained and converted which make a positive contribution to the character and appearance of the conservation area, a high quality development would be expected and needs to be delivered through the detail of the Reserve Matters applications for Appearance and Landscaping.
- 10.5 In principle, a significant benefit of the scheme is that it proposes family accommodation within a residential area that is predominantly dominated by houses

in multiple occupation. Given the designation of this site within the defined Area of Housing Mix, the proposal would enhance the balance and sustainability of the housing mix in the local community. This would conform with the main thrust of Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion. The site is considered suitable for redevelopment for residential purposes given its location in a highly sustainable area of the existing inner suburbs of the City. The delivery of family housing and converting and re-using both listed buildings and non listed buildings which contribute positively to local character and distinctiveness is considered to enable the principle of this development.

- 10.6 The removal of the statutory objection by Sport England to the loss of the protected playing pitches has also enabled the principle of developing on the former tennis courts. Sport England have accepted that the provision of new playing field facilities at the Alwoodley site is sufficient to meet the planning policy criteria of PPG17 and their 'exceptions' policy relating to the development of playing pitches. Officers have also judged that the proposed development also meets the criteria of policy N6 of the UDP in justifying the loss of designated protected playing pitches. The assessment that the playing pitches at Alwoodley meet the criteria in both replacement of quality and quantity of playing pitch provision is a contentious matter given the sites are about 5 miles apart but it is also important to note that the playing pitches at the Headingley site have never been publicly available facilities and as such it is accepted that they are not a loss of provision to the local community. It is considered that as the Leeds Girls High School was a private school not a community school its relocation to Alwoodley is still considered to be within the locality which meets with the policy tests on replacing both qualitative and quantity playing pitches in the locality.
- 10.7 Whilst the creation of a large area of public open space on site and the licence to the council to enable public access to Ford Gardens are not part of the N6 policy considerations it is noted that these two elements of the proposal are substantial enhancements on the current situation regarding open space provision in this densely populated suburb of Headingley.

Design issues and Impact on the character and appearance of the listed building

- 10.8 Full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments is sought with application 08/08419/FU & 08/04200/LI respectively. The proposed conversions and internal and external alterations proposed to Rose Court have been carefully considered and broadly the conversion works are considered sympathetic to the listed building and should preserve or enhance the setting and appearance of the listed buildings in line with the importance of protecting this heritage asset. The proposed conversion to apartments and the creation of the units within the existing extension on the side of the listed building are considered likely to afford future occupiers with a good level of amenity in terms of outlook, light and privacy. The creation of the public open space area in the formal gardens should provide a good setting to the apartments and create an attractive landscaped area that enhances the listed building and adds to the sense of place being created by the proposed redevelopment of the entire site.
- 10.9 Rose Court Lodge which is also grade II listed and located at the site entrance off Victoria Road is considered to make a positive contribution to the sites setting and appearance. This dwelling is not included within the planning applications but its setting and appearance needs consideration in the determination of the planning

considerations. The proposed access for both listed buildings would be off Victoria Road. This access would only serve the development at the eastern end of the site. There are no objections to utilising this existing access and the proposed block pavers are considered an improvement over the current surfacing material. The proposed new building elements are considered to preserve or enhance the existing listed buildings.

- 10.10 The creation of formal areas of public open space in front of both Rose Court and Lodge building are considered positive design considerations. The frame created by the new build and retained buildings around these formal open spaces should create an attractive setting in which the listed buildings will contribute towards the character and appearance of this new housing development which overall is considered to preserve or enhance the setting and appearance of both listed buildings.

Design issues and Impact on the character and appearance of this part of the Headingley Conservation area:

- 10.11 The proposal is submitted in Outline with Access, Scale and Layout detailed. Appearance and Landscaping area reserved for later consideration under detailed Reserve Matter applications. The scheme is a purely residential proposal comprising of a mix of houses and apartments. The majority of the apartments will be within the existing buildings on site to be retained including the Main School building and the Listed Building Rose Court. The layout plans show the scheme would be comprised of a mixture of 2 and 3 storey new build town houses. The scheme also proposes a 4 storey block for apartments located in the south west corner of the site on the former tennis courts adjacent to Victoria Road. The scheme is designed around the central open space area which is a Georgian traditional design concept. Broadly the layout and the scale of development is considered acceptable given the surrounding character is mixed in appearance and has substantial villas to the north along Headingley Lane and terraced rows located in the densely packed southern suburbs around the site. The creation of a large central swathe of Public Open Space within the site is considered a positive and attractive design concept that should positively enhance the character or appearance this part of the Headingley Conservation Area.
- 10.12 The proposal is submitted in Outline and Appearance and Landscaping matters are reserved. The Design and Access statement refers to a modern form of architectural treatment being applied to the new build elements. A contemporary form of development is considered acceptable in conservation areas and within the setting of listed buildings subject to the quality, layout and character of the new build elements preserving or enhancing that part of the conservation area and the heritage asset. In this instance the broad layout arrangements and the scale of the development is considered compatible with the character and appearance of this part of Headingley which has varied house types and vernacular treatments. The urban design concept of creating a Georgian square in which public access and opportunity to enjoy the space is being created is welcome and overall creates a sense of place that responds to the sites existing character and opportunity.
- 10.13 The full application for the change of use of the main school building to create apartments involves demolition of the existing buildings which do not make a positive contribution to the character or appearance of the conservation area. The proposed extensions to create additional living accommodation are considered acceptable in terms of design, siting, scale and appearance. It is proposed to create a modern appearance to these extensions which should contrast well with the traditional design and appearance of existing buildings. There are no serious design objections to the change of use applications. The proposed extension to the rear of the main school

building will create a courtyard effect where residents car parking will be provided. Some car parking will be undercroft but given the secure nature of this space along with the increase in natural surveillance from the new apartments facing into the courtyard there is no objection to this design approach.

Residential amenity considerations

- 10.14 The proposal is considered acceptable in terms of the amenity afforded to future occupiers in relation to privacy, overlooking and space about dwellings. The Outline application does not contain detailed floor plans of the proposed houses or apartments and as such Reserved Matters applications will assess the living conditions of individual units. The principle of residential development is being sought along with layout and scale. These considerations are considered to be acceptable in affording future occupiers with a satisfactory living arrangement. The private gardens to the dwellings are considered sufficient in size and usability to create decent family housing and meet the needs of future occupiers. The space about the dwellings should not result in an over developed or over dominant relationship between buildings that could be detrimental to the amenity of future occupiers. Broadly the proposed layout is considered conducive to creating a good quality housing scheme that should add to the quality and variety of housing available in the area. It is noted that whilst there are some compromises between retaining trees, creating the internal roads and siting the development plots overall the scheme is considered to fit within the site and is not envisaged to be detrimental to local character. The applicant has stated that units will likely be three bedroom houses which supports the idea they will be suitable for occupation by families which should assist with addressing the imbalance in the population and housing mix in the area which delivers on a wider planning objective for this part of the City. A condition is proposed to ensure the dwellings are occupied as C3 dwellings and not permitted to change to C4 HMOs without prior planning permission being granted.
- 10.15 The proposed apartments within the main school building and the proposed conversion within the school building to apartments are considered to afford future occupiers with an acceptable level of daylight, outlook, privacy and outdoor amenity space. The car parking provision of the main school building is located within easy access of the buildings proposed entrances. The car parking spaces for the future occupiers of the Rose Court building are slightly remote from the building but this on balance is an acceptable consequence of making on site amenity space for both future occupiers and members of the public to enjoy. The car parking spaces are considered acceptable in this instance.

Impact upon highway network

- 10.16 The proposal has been assessed by highway officers in relation to its impact on the surrounds street network and it is accepted that the site is suitable for residential redevelopment and the proposal can be accommodated within the highway network subject to the conditions attached to the report and the contributions towards public transport infrastructure, residents parking permits and off site highway works being achieved. The on site level of car parking is in accordance with the desire to deliver one space per unit within the main school building application. The ratio of car parking for the new build properties is higher than 1 space per unit but the spaces allocated for individual units is not always ideal, however officers recognise the sites constraints and have balanced out the amenity considerations of future occupiers with the need to protect trees, provide public open space and create internal roads. It is considered that given the sites highly sustainable nature and the measures proposed within the

travel plan to reduce private car use and ownership the applications are in accordance with adopted guidance.

10.17 The internal road layout and the access points onto Victoria Road are the subject of ongoing debate and detailed consideration. Further amendments are required in order to ameliorate officers concerns relating to the width of the internal road at the south eastern end of the site accessed onto Victoria Road. However, the broad layout and access arrangements are acceptable subject to the resolution of outstanding detailed matters relating to the width of the internal road and the width of the access onto the junction with Victoria Road.

10.18 The proposed internal footpaths and cycle routes are considered positive and should create a site that is integrated within the existing community and should promote sustainable forms of travel and add to local permeability.

Public Transport Infrastructure:

10.19 In accordance with the requirements of SPD Public Transport Improvements, a public transport contribution of £81,517 would be required.

Greenspace /Landscaping and Tree Issues:

10.20 The proposed layout is designed to create two areas of public open space within the site that can be enjoyed by both future occupiers and existing local residents. The areas are both sufficient in quality and size to accord with the policy requirements for delivering public open space within residential development sites and is envisaged they will make a positive contribution to the character and appearance of this part of the Headingley Conservation Area. The footpath and cycle routes proposed through the development site are envisaged to make the site connected with the local community. The routes through the site from Victoria Road and Headingley Lane pass through the main areas of public open space between the main school building and the proposed new build properties located towards the lower end of the site at Victoria Road. The second area of open space would be between the front of Rose Court and the new build properties towards the Victoria Road end of the site. These routes through the site both enhance local connectivity and also assist in creating a sense of place. The formal areas of greenspace on the site should be well managed landscaped lawned areas that are usable to residents and neighbours for outdoor amenity. Though the detail will be delivered via planning condition and through the detailed Reserve Matters applications.

10.21 The proposed tree loss has been carefully considered by the City's Arboricultural officer. The proposed layout arrangements are considered to protect the important and healthy trees which make a positive contributions to the areas appearance and character. The internal road layout and position of dwellings is considered well throughout and should ensure that the sites existing character which is enhanced by its existing tree coverage is retained and enhanced through appropriate replacement and additional tree planting. On balance the landscaping and tree removal and retention plan is considered acceptable to enable the site to be developed and the internal roadways to be created. In addition the retention of many of the good trees along the boundary with Victoria Road is considered a positive benefit to the streetscape and the character of the area.

Affordable Housing:

- 10.22 Council policy requires that on sites where 15 or more units are proposed affordable housing will be required. In this location the Council's Affordable Housing Interim Planning Guidance indicates that 15% of the total number of units should be affordable. The proposal for the delivery of affordable housing is to secure a commuted sum equivalent to the provision of 15% of the total number of dwellings on site being provided. It is proposed to use this money to then purchase vacant former HMO properties in the locality that could be then transferred back into affordable housing for sub market sale or social rented accommodation. This approach would by proxy address some of the issues in the Headingley area with the over concentration of HMO and student accommodation. The approach is a departure from the policy basis for the delivery of on site affordable housing.
- 10.23 It is requested that if the off site commuted sum fails to deliver on the aspiration of purchasing a suitable number of dwellings in the Area of Housing Mix due to cost implications of purchasing on the open market and altering existing properties to make them suitable for sub market resale then Members are asked to default the fall back position to delivering the required 15% of affordable housing on site in accordance with the SPD on Affordable Housing. The wording for this would need to be considered within the Legal Agreement that is to be drawn up should Members accept the recommendation.

Ford House Gardens

- 10.24 Following the withdrawal of the planning application at the Victoria Road swimming pool site the developer withdrew the offer of gifting Ford House Gardens to the Council for use as a public garden in perpetuity. The application at Victoria Road would, if it had been acceptable to develop on that site enables the developer to release the Ford House Garden site however, the developer is a registered charity and as such it is understood under the requirements of charity law it cannot gift land. As such Ford House Gardens is being offered to the Council with a commuted sum to improve the access arrangements to the Gardens for a period of 10 years. Whilst this is not perpetuity it is considered a 10 year guarantee of public access to this site which is currently closed to the public would provide a rare opportunity to provide a benefit to the local community and future occupiers of the development. It is understood that further development proposals are likely to be advanced at the Victoria Road site. If an acceptable scheme resulted in planning permission then Ford House Gardens may be offered in perpetuity as a publicly available garden. This however, is not the consideration of this application and as such the offer in relation to the Council is for a 10 year use which on balance is considered to result in a positive benefit to the community.

11.0 CONCLUSION:

- 11.1 The applications for the redevelopment of the Leeds Girls High School site have been considered against the relevant planning policy criteria and having regard to the receipt of public representations and consultations. The aim has been to deliver a high quality residential scheme that promotes a mixtures of houses across the site to provide family accommodation. The site lies within the Area of Housing Mix which seeks to address the imbalance of the local community which this scheme is considered in part to be doing by providing housing suitable for occupation by a family. It is considered that the proposed house types, layout, public open space areas and pedestrian footpaths and cycle routes along with the mix of accommodation proposed would accord with the wider aims of addressing this policy.

- 11.2** The proposed conversion of the listed buildings is considered overall to be acceptable in terms of the quality of accommodation for future occupiers. The conversion is considered to be sympathetic to the historical features of the heritage assets on the site. The re-use of the vacant listed buildings will bring back into use buildings which have been assessed and listed for their architectural merit and/or their value to local history. It is considered that the proposed creation of areas of public open space on site will provide a good setting in which the listed buildings can be viewed by the public. Overall the proposed change of use and conversion to residential apartments and town houses are considered to have had a positive effect on setting and character of the listed building, Rose Court. In addition the proposed site layout is also considered to preserve or enhance the character and appearance of this part of the Headingley Conversation Area.
- 11.3** The scheme has been carefully assessed by highway officer and the matters of on site car parking, public transport contributions, travel plan measures and mechanisms to reduce private car use have been appraised and overall it is considered that the site can accommodate the amount of development proposed. As with all the considerations outlined in this report a balanced approach has been required given the sites competing constraints. Highway Officers considered the principle of the internal road ways and the location of the vehicular access points as being acceptable. Though further detail is being sought in relation to the access roads from Victoria Road to ensure the site can be serviced by refuse wagons and also so that the site can be safely driven through overall the Outline application and the change of use applications are considered acceptable in relation to highway considerations.
- 11.4** Throughout the process of negotiating the redevelopment of the Leeds Girls High School site a constant difficulty has been the lack of detail that has been submitted by the applicants in order to progress this scheme. A lack of detail has been problematic for enabling this site because the site is located within the Conservation Area and also has two listed buildings on site along with other buildings which make a positive contribution to local character and distinctiveness, namely the main school building, the arts and crafts lodge and stone stable block both located adjacent to the existing Headingley Lane access. Officers recognise the school is not a developer and as such is looking to take any planning approval to the market in order for a developer to come forward and deliver a scheme on the site. On balance it is considered that the lack of detail can be accepted in this instance given the detail can be picked up at Reserve Matters stage and through the use of appropriate planning conditions and in addition the layout details which have been provided are considered on balance to be acceptable.
- 11.5** The proposed Section 106 package delivers on the policy requirements of providing affordable housing (off site contribution in the first instance with fall back mechanism to deliver on site should the unique approach for buying existing HMO stock be unsuccessful). The delivery of public access to the open space within the site is also in accordance with policy and delivers a local benefit with access to greenspace. The use of Ford House Gardens though only for a 10 year period initially is considered a positive outcome from negotiations with the applicant. The public transport contributions and money for travel plan measures to promote sustainable forms of travel is also considered positive. The applicant has not accepted the request from Sport England to provide £56,000 towards the enhancement of formal playing pitch provision in the locality. This request is considered on balance difficult to support given the Council does not have a planning policy on which to make this request. As such Officers have not insisted upon this contribution.

11.6 After careful consideration of the material planning considerations, assessment of the applications in the context of the Development Plan and considering all representations received, on balance approval of all planning applications and associated listed building and conservation area consents is recommended.

Background papers:

Application File

October 2009 Position Statement



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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 1 October 2009

Originator:	Tim Poupard
Tel:	01132475647

Subject: RESIDENTIAL REDEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY.

APPLICANT	DATE VALID	TARGET DATE
The Morley House Trust	11.07.2008	10.10.2008

<p>Electoral Wards Affected:</p> <p>Headingley Hyde Park & Woodhouse</p> <p><input checked="" type="checkbox"/> Ward Members consulted (referred to in report)</p>
--

<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

The position statement is intended to formally introduce the redevelopment proposals for the Leeds Girls High School in Headingley. The position statement will also outline the history of the site which lead to these applications being submitted.

Members are requested to note the contents and issues raised within this position statement.

Members are invited to comment in relation to the key issues of the principle of the development proposals, the impact on the Headingley Conservation Area and character and appearance of the area, highways, access and parking implications and developer contributions matters which are highlighted in the report.

Members are also requested to agree that the application (subject to amended plans and reports being received) now be subject to full re-consultation to a timescale agreed in consultation with Ward Members.

1.0 INTRODUCTION AND BACKGROUND:

- 1.1 This report summarises the present position regarding the planning application(s) submitted for residential redevelopment by Leeds Girls High School. It is provided to inform Members of the application and its content, the policy background, consultation and public responses to date and identify key issues and progress in dealing with the application.
- 1.2 In January 2004, the Governors of Leeds Girls High School (LGHS) and Leeds Grammar School (LGS) announced that the two schools were to merge to form 'The Grammar School at Leeds' (GSAL). The merger resulted in the relocation of all pupils 7 years and above and staff at LGHS to the current LGS site at Alwoodley Gates, Leeds.
- 1.3 In August 2006, the City Council resolved to grant full planning permission for alterations and extensions to the existing school buildings (30/618/05/FU) and associated highway works (06/00720/FU) in Alwoodley to enable this merger to take place.
- 1.4 As a consequence of the expansion of the Alwoodley Gates site, the current LGHS sites located on Victoria Road/Headingley Lane has become surplus to requirements. The school has vacated the sites in July 2008, and the land has been unoccupied, with the exception of Ford House which is being retained to provide accommodation for the Pre School for children under 7 years of age.
- 1.5 The school occupies four sites, comprising the main school site bordered by Headingley Lane and Victoria Road; Ford House and its garden/sports pitch on the north side of Victoria Road; the swimming pool and gym and hockey pitch on the south side of Victoria Road; and the Elinor Lupton on Headingley Lane/Richmond Road. With the exception of the Victoria Road site, all lie within the Headingley Conservation Area. The Main School site includes a Grade II listed building (Rose Court) and three of the sites (excluding the Elinor Lupton Centre) are allocated as protected playing pitches.
- 1.6 In this context, six applications have now been submitted with the aim of securing the principle of residential redevelopment on the LGHS Headingley sites. The development proposals relate to the all the LGHS sites in Headingley, with the exception of the Elinor Lupton Centre. The purpose of this report is to provide a briefing statement to Members and to highlight key issues as well as seeking general comments from Members prior to any formal consideration of these applications.

2.0 RELEVANT PLANNING HISTORY:

- 2.1 A draft Planning & Development Brief was prepared by GVA Grimley on behalf of the school (the Morley House Trust) in consultation with LCC. The aim of the brief was to help bring about a comprehensive approach to the re-use and redevelopment of the Main School site, Ford House Garden and Victoria Road site, as the basis for considering future planning applications. The Elinor Lupton Centre (Grade II listed building) was and is subject to separate negotiations, given the specific requirements for providing an alternative occupier for this building.
- 2.2 Following public consultation, the draft Development Brief was presented to Members of the Executive Board on 22 August 2007. Where it was resolved that the planning brief be withdrawn and the future of the school site be determined through

the planning process. Outside of the planning process the Council would facilitate further discussions on the future of the site should relevant parties request.

3.0 SITE AND SURROUNDINGS:

Main School Site:

- 3.1 The main school site is a 2.44 hectare site located off Headingley Lane. The site is triangular in shape with Headingley Lane to the north east, Victoria Road to the south and Headingley Business Park to the west.
- 3.2 The site is located in a predominantly residential area with densely populated areas directly to the north east, south and south west. To the west of the site is Headingley Business Park and to the south east, Hyde Park.
- 3.3 The main school building is a 3 - 4 story red brick building which has undergone a number of structural alterations and extensions to facilitate the continual growth of the school. The building is located on the north western part of the site facing Victoria Road to the south. Views of the building from Headingley Lane are obscured due to the topography and boundary treatment, whilst views from the south are interrupted by mature trees.
- 3.4 The site is also occupied by Rose Court and Rose Court Lodge, both listed buildings located to the eastern end of the site. Rose Court is set to the north eastern part of the site with landscaping to the front, whilst the Lodge is located in the south east corner of the site, adjacent to Victoria Road.
- 3.5 The site also includes amenity areas constituting open space and tennis courts to the front of the main school building and car parking to the south of the site. The site also includes a large variety of mature trees both within the site and on the boundaries.
- 3.6 The site currently has two main access points, from Victoria Road to the south east corner of the site, adjacent to the Lodge and one to the North West directly onto Headingley Lane.

Rose Court:

- 3.7 The application site is Rose Court, a Grade II Listed Building located within the Leeds Girls High School site off Headingley Lane. Rose Court is within the grounds of the school.
- 3.8 Rose Court is set to the north eastern part of the site with landscaping to the front. Rose Court is a villa built as large house in the 1840s in the formal classical tradition. The property has a garden front taking advantage of the steeply sloping site. The terrace to the front conceals a high basement with windows set into areas. The views from the terrace currently are of extensive car parks and hard surfaced tennis courts.
- 3.9 The property previously had a Victorian conservatory at the western end projecting forward of the main frontage. This has subsequently been replaced with a new extension erected in stone with classic columns as a portico to the north.

Victoria Road Site:

- 3.10 The application site covers an area of approximately 1.02 ha and is located to the south of Victoria Road. The site is bound to the east by the rear gardens of a number of terraced properties on Ash Grove, to the south by the Headingley Rise apartments, to the west by Back Chestnut Avenue and the rear gardens of the terraced properties on Chestnut Avenue and Chestnut Grove and to the North West by 63 Victoria Road.
- 3.11 The site is part of the larger Leeds Girls High School complex and comprises two distinct elements; the northern section of the site comprises a large swimming pool and sports hall which are both of modern construction. These buildings also include the swimming pool changing area and sports hall changing facilities. The southern section of the site is currently open space utilised as playing fields. It is on this where the main section of development is proposed.
- 3.12 The site is located in a predominantly residential area with densely populated areas directly to the east, south and west. To the north of the site is Headingley Business Park and to the north east, the main buildings of the Leeds Girls High school.
- 3.13 Current access to the site is from Victoria Road which lies opposite to the Headingley Business Park entrance, although there is an access opportunity off Chestnut Grove / Back Chestnut Avenue on the western site boundary.

4.0 PROPOSAL:

- 4.1 The redevelopment proposals for the site comprise of six separate planning application and these can be described as: -
- 4.2 Main school site, Leeds Girls High School, Headingley:
- 4.2.1 Planning application 08/04214/OT – outline application for residential development.
 - 4.2.2 Planning application 08/04216/FU – change of use and extension including part demolition of school building and stable block to 32 flats and 4 terrace houses.
 - 4.2.3 Planning application 08/04217/CA – conservation area application for the demolition of rear and side extensions to main school building, 2 villas to north west of site, lean-to to stable block and greenhouse and removal of 4 storage containers.
- 4.3 At Rose Court, Main School Site, Leeds Girls High School, Headingley:
- 4.3.1 Planning application 08/04219/FU – change of use involving alterations and extension of school building to 8 flats and 4 terrace houses.
 - 4.3.2 Planning application 08/04220/LI – listed building application including part demolition and extension to form 8 flats and 4 terrace houses.
- 4.4 At Victoria Road, Leeds Girls High School, Headingley:
- 4.4.1 Planning application 08/04218/OT – outline application for residential use at Leeds Girls High School, playing fields and sports centre.

Outline Residential Schemes:

- 4.5 Application 08/04214/OT seeks outline planning application for the redevelopment of the main school site for residential use, including the approval of access, layout and scale.
- 4.6 The original layout of the site shows three areas accessed from three separate points into the site. The north western part of the site is to be developed with rows of terraced townhouses with an access from the existing school entrances on both Headingley Lane and Victoria Road. The Headingley Lane access was to be utilised by a number of properties on the western boundary of the site with a larger proportion to be accessed from the south.
- 4.7 The south western corner of the site adjacent to Victoria Road is to be developed, again with terraced properties accessed from Victoria Road along the western boundary of the site. This area of development is to be separated from the Main School building and development to the north by a landscaped amenity area.
- 4.8 The other main area of development is a row of properties to be developed to the front of Rose Court with gardens facing Victoria Road. These properties were to be accessed from the existing school entrance.
- 4.9 Application 08/04218/OT seeks outline planning application for the redevelopment of the Victoria Road site for residential use, including the approval of access, layout and scale.
- 4.10 The layout of the site shows two areas accessed from a single point into the site. The northern part of the site is to be left as existing with swimming pool and sports hall including a large car parking area to the north east of the site (outside the 'red line' boundary). The access road sweeps right continuing north to south through the centre of the site until into a turning head at the southern end of the site.
- 4.11 The above outline applications are accompanied by an indicative layout plan showing the position of buildings to be proposed on the site, the access points and the areas of recreational open space. Indicative landscaping plans are also included and a design scheme for the approval of reserved matters included in the design and access statement. The applications include layout and an indicative split of the units, however the specific number of properties is not being identified at this stage to allow for flexibility for future developers of the site.

Main School Building:

- 4.12 Application 08/04216/FU seeks full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 4 dwellings.
- 4.13 The stable block is to be converted in its current form to four dwellings and access was proposed from Headingley Lane. The main school building is to be converted to 28 dwellings and is to include an extension to the rear to create room for a further 4 dwellings, with access through the site to the south.

Rose Court:

- 4.14 Applications 08/04219/FU and 08/04220/LI seek full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12

apartments. The application previously included a modern extension to be on the western elevation of Rose Court, itself a later addition to the original building.

Conservation Area Consent:

- 4.15 Application 08/04217/CA seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. These buildings include the later extensions to the main school building and potentially the arts and crafts style lodge on the North West corner of the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Fundamental to the development of the site is an assessment of the balance of any loss of protected playing pitches versus their relocation and betterment and on-site greenspace provision provided by the development as a whole. As such, the application proposals have provided an evaluation of the proposals within a PPG17 Assessment. This report has been under review since the submission of the applications and following recent amendments it is considered that the PPG17 assessment has addressed earlier shortcomings identified by the Council and Sport England and is a complete and comprehensive report that must now be fully reassessed and consulted upon.
- 5.2 Following original consultations, technical discussions have also been held with Council Officers and the School, looking at the detailed design and layout of the proposals and seeking revisions to address significant issues. The key Issues being discussed are:

Outline Residential Schemes:

- 5.3 The SW corner of the site: In previous correspondence, Council Officers had expressed concerns about the impact on trees and over dominant car parking in this area. The application proposals have been amended in relation to the design of this element and a revised scheme identifying these changes can now be re-assessed.
- 5.4 Vehicular access onto Headingley Lane: The Council have expressed a strong preference for this access to be closed to all but pedestrian and cycle traffic and that all vehicular access should be taken off Victoria Road. The application proposals have been amended to remove vehicular access at this point and alternative access proposed on Victoria Road. A revised scheme identifying these changes can now be re-assessed.
- 5.5 Central area of open space: A fundamental key to the success of the design of the scheme and to ensure that the Listed Buildings and character of the Conservation Area are preserved is the layout of the open space within the site. The application proposals have been amended in relation to the design of this element (increase the size of this area by realigning the central access spine road) and a revised scheme identifying these changes can now be re-assessed.

Main School Building:

- 5.6 Rear element of main school building: 'In principle' agreement had been reached regarding the demolition of the rear element of the main school building but there is concern about the design of any replacement building. The application proposals have been amended in relation to the design of this element (handing of the rear

elements to make a court yard) and a revised scheme identifying these changes can now be re-assessed.

Rose Court:

- 5.7 Proposal to build two houses on Rose Court Garden (NE corner of the site): The Council have consistently objected to this element. The application proposals have been amended to remove this element of new build. A revised scheme identifying these changes can now be re-assessed.
- 5.8 Vertical extension to western wing of Rose Court: The Council and English Heritage object to this proposal. These fundamental concerns has resulted in this element being removed and a revised scheme identifying these changes can now be re-assessed.
- 5.9 Numbers of units proposed in Rose Court: This is a Listed Building issue and stems from the potential loss of 6-panel mahogany double doors and excavation of lightwells. The application proposals include revisions to the design of this element with additional information to take into account these concerns and these changes can now be re-assessed.

Ford House Gardens:

- 5.10 In mitigation for the loss of the playing fields at the Main School Site and Victoria Road. The 'offer' to the Council of Ford House Gardens to form a new public park still stands. Transfer of this area would be contingent upon this transfer being at no cost to the Council and for agreement being reached for a commuted sum to be paid to improve the site for use as a public park and to cover future maintenance. This would need to be included within a S.106 Agreement, which would indicate the point at which in the development process such monies would be paid. Clarification is being sought from the School regarding the basis of such transfer and whether a commuted sum is also being offered to help pay for the site's improvement and future maintenance.

Sports Hall & Swimming Pool:

- 5.11 The application states that it is still the intent of the School to convey this facility to Leeds Met University. However, should this be successful, it has been agreed in principle that there would be a Community Access Agreement to facilitate public access at convenient times and at affordable prices.

Continuing discussions:

- 5.12 PPG17 Study: Previous PPG17 Assessments submitted with the application proposals were found to be unsatisfactory and not fit for purpose. Following original consultation with Sport England and the Council's Parks and Countryside Section, the Council has explained why the previous reports were not acceptable. The application proposals now include an addendum to the previous PPG17 Assessments (prepared by different consultants working on behalf of the school) in order to address the Council's and Sport England's concerns. The addendum has now been submitted addressing this fundamental issue relating to the principle of developing any part of the playing field areas. As stated in paragraph 5.1, this report needs fully reassessing and this matter must be resolved to the satisfaction of the Council and Sport England.

- 5.13 Development on the Victoria Road site: The question about whether development here is acceptable in principle planning terms is again dependent upon the outcome of the PPG17 Report. In addition, the application proposals have been amended in relation to the design of this scheme and a revised scheme identifying these changes can now be re-assessed.
- 5.14 Transport Assessment. A revised Transport Assessment and a Travel Plan have been requested and we are awaiting submission.
- 5.15 Section 106 Legal Agreement: Details of the 'Heads of Terms' for a S.106 legal agreement remain outstanding. It is envisaged that these would cover enhancements to strategic public transport infrastructure, site access provision, provision of additional or improved greenspace (including Ford House Gardens and swimming pool) and affordable housing.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press. The application has also been made available for public inspection at Headingley Library.
- 6.2 ***All responses made reference to within this position statement relate to the originally submitted and advertised scheme. It is intended that the revised proposals and report will be re-advertised and re-consulted***
- 6.3 Objections have been received on behalf of the following:
- 6.4 **MP:**
- Greg Mulholland
- 6.5 **Ward Members:**
- Cllr Kabeer Hussain (Hyde Park & Woodhouse)
 - Bernard Atha (Kirkstall)
 - Councillor James Monaghan (Headingley Ward)
 - Councillor Martin Hamilton (Headingley Ward)
- 6.6 **Amenity Groups:**
- Headingley Development Trust
 - Far Headingley Village Society
 - North Hyde Park Neighbourhood Association
 - HMO Lobby
 - Friend and Residents of Orville Gardens
 - Cardigan Triangle Community Association
 - South Headingley Community Association
- 6.7 The LGHS Action Group have also produced their Community Planning Brief for Leeds Girls High School.
- 6.8 The objections raised by MPs, Ward Members and Amenity Groups are summarised below and contain in detail in Annex 1.
- The loss of the area designated as Protected Playing Pitch would have a detrimental impact upon the locality;
 - Children in the area should have access to play areas;

- Increase traffic congestions;
- Poor overall design;
- Limited amenity space for Rose Court;
- Inadequate size and shape of amenity space;
- Proposed Victoria Road access would result in loss of trees;
- Limited Environmental assessments;
- Six different developers could build on the site;
- Too many one bedroom flats;
- Concern over new extension to main School building;
- Retain Victoria Road site as open space;
- Intensity of conversion of Rose Court; and
- Lack of community involvement.

Local Residents:

6.9 A total of 4,459 letters of objection have been received from local residents.

Application	Estimated number of objections
Main School (08/04214/OT)	733 objections
School Building Conversion (08/04216/FU)	745 objections
Rose Court Conversion (08/04219/FU)	741 objections
Rose Court Listed Building(08/04220/LI)	743 objections
Conservation Area Consent (08/04217/CA)	740 objections
Victoria Road site outline (08/04218/OT)	747 objections

6.10 The objections raised by Local Residents are summarised below and contain in detail in Annex 2.

- Paying pitches should be retained;
- The applicant has failed to demonstrate that the playing pitches are surplus to requirements;
- No need for more flats in the area;
- There are no clear proposal for affordable housing on the sites;
- There are no clear proposal for Ford House Gardens;
- Negative impact on the Conservation Area and listed building;
- Impact on trees;
- Highway safety and congestion; and
- Lack of community involvement.

7.0 CONSULTATIONS RESPONSES:

7.1 The following comments have been received to date:

7.2 ***All responses made reference to within this position statement relate to the originally submitted and advertised scheme. It is intended that the revised proposals and report will be re-advertised and re-consulted.***

Sport England:

- 7.3 Holding Objection – as Sport England is not satisfied that any of the exceptions of their Playing Field Policy have been demonstrated and as no additional provision or financial contribution towards formal sports provision is proposed to compensate for the increased demand Sport England objects to these applications.
- 7.4 The redevelopment of the Leeds Girls High School and adjacent playing field will result in the loss of existing playing field and sports facilities and the additional residential units will create additional demand on the existing sports facilities in the area. The application proposes to retain the existing sports hall and swimming pool however confirmation on the proposed management or community use of these facilities would be required.
- 7.5 Sport England does not consider the originally submitted a PPG17 Assessment to be sufficiently robust. There appear to be discrepancies throughout the report where reference is made to a lack of access to football pitches in the area which has resulted in pitches being overplayed and reduced in quality but conclusions are made which state there is no significant current or future demand.

Yorkshire Water:

- 7.6 Objections - in that proposed buildings will be located over the line of sewers and this could jeopardise Yorkshire Water's ability to maintain the sewerage Network.

English Heritage:

- 7.7 Holding objections (Outline Residential Scheme 08/04214/OT, Main School Building 08/04216/FU and Conservation Area Consent), as the character and appearance of the conservation area is generated by relatively large residential and institutional blocks in formal relationships with relatively large and open mature landscapes. The proposed layout appears to threaten this by breaking up the open areas with smaller residential blocks. These would have reduced potential for the creation and future management of coherent landscaped settings.
- 7.8 English Heritage would urge the Council to consider whether the proposed form of development as small blocks of townhouses is an appropriate means of preserving and enhancing the character and appearance of the conservation area and the setting of affected listed buildings.
- 7.9 Holding objections (Rose Court 08/04219/FU & 08/04220/LI), as the proposed upward extension of the western wing would erode the coherent design of the listed building and may dominate by virtue of its height and design. English Heritage would urge the Council to consider whether the additional space is justified and if it is, to review the impact of the proposed design.

Environment Agency:

- 7.10 No objections - subject to conditions to control drainage and flooding.

Transport Policy (Travel Wise):

- 7.11 Comments - A residential travel plan is required to cover all the dwellings to accord with the Travel Plan SPD, the development should be contributing to the upgrade of the A660, which will provide improved cycle facilities. WhizzGo have stated they are interested in locating one or two cars at the application site.

NGT/Public Transport Team:

- 7.12 Comments - The scale of the development will also trigger a requirement for a contribution to be sought for enhancements to strategic public transport

infrastructure. A contribution is being sought and this can also be secured through a section 106 agreement.

Highways:

- 7.13 Holding objections – The current proposals can not be supported as submitted as a Travel Plan, revised Transport Assessment and more details of general parking provision are required. The proposed vehicular access onto Headingley Lane is not supported. Further discussions on the design on the internal road layout are also required.

Mains Drainage:

- 7.14 No objections - subject to conditions to control surface water drainage.

Education Leeds:

- 7.15 No objections - There may be a requirement for an educational contribution to secure provision of education facilities which will be needed as a result of the proposed housing development.

Metro:

- 7.16 No objections – subject to improvement to two bus stops on Headingley Lane, contributions towards the Bus Priority Lane and provision of public transport information pack to each new resident.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan which consists of the Regional Spatial Strategy for Yorkshire and the Humber published on 1 December 2004 and the Leeds Unitary Development Plan (Review 2006).

- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

- 8.3 Regional Spatial Strategy adopted May 2008:
- H1: Provision and distribution of housing;
 - H2: Managing and stepping up the supply and delivery of housing; and
 - H5: Housing mix.

- 8.4 UDPR Policies:
- SA1 Securing the highest environmental quality.
 - SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
 - GP5: General planning considerations.
 - GP7: Guides the use of planning obligations.
 - GP9: Promotes community involvement during the pre-application stages.
 - BD5: Consideration to be given to amenity in design of new buildings.
 - H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
 - H3: Delivery of housing land release.
 - H4: Residential development on non-allocated sites.
 - H11, H12 and H13 Affordable Housing.
 - LD1: Criteria for landscape design.

- N2 and N4: Provision of green space in relation to new residential developments.
- N6 Protected Playing Pitches under.
- N12: Development proposals to respect fundamental priorities for urban design.
- N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.
- N14 to N22: Listed buildings and conservation areas.
- N23: Incidental open space around new built development.
- N38B and N39A: set out the requirement for a Flood Risk Assessment.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T15: Improving vehicle accessibility.
- T24: Requires parking provision to reflect detailed guidelines.

8.5 National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing;
- PPG13: Transport;
- PPG15: Planning and the Historic Environment;
- PPG17: Planning for Open Space, Sport and Recreation; and
- PPS25: Development and Flood Risk.

8.6 Supplementary Planning Guidance

- Neighbourhoods for Living.
- Affordable Housing Policy.
- Greenspace relating to New Housing.

9.0 MAIN ISSUES

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- The principle of the development proposals;
- The impact on the Headingley Conservation Area and Character and Appearance of the Area;
- Highways, access and parking implications;
- Developer contributions; and
- Conclusions.

10.0 APPRAISAL

THE PRINCIPLE OF THE DEVELOPMENT PROPOSALS:

10.1 The application sites lie within the urban area of Headingley, but are now vacant as a merger resulted and the relocation of Leeds Girls High School (LGHS) to the current Leeds Girls High School (LGS) site at Alwoodley Gates. Ideally the sites should retain their existing uses or conform to the predominant use of the immediate area. In principle, given the surrounding area is predominantly residential, a suitable family residential redevelopment on these sustainable sites seem the most appropriate and deliverable option.

10.2 As the Headingley Conservation Area covers the Main School Site and encompasses the Victoria Road Site, a high quality development would be expected which is sympathetic to its surroundings which includes a grade II listed building in a

parkland setting. Residential use is obviously subject to the usual planning and highways considerations.

- 10.3 In principle, a significant benefit of the schemes are that they propose family accommodation within a residential area that is predominantly dominated by houses in multiple occupation. Given the designation of this site within the defined Area of Housing Mix, the proposal would enhance the balance and sustainability of the housing mix in the local community. This benefit conforms with the main thrust of Regional Planning Guidance in the RSS, Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion.
- 10.4 That being said, The Main School, Victoria Road and Ford House Garden sites are all allocated as protected playing pitches (and Greenfield by definition) in the Leeds UDP. Therefore, the principle of redevelopment of the sites would be contingent upon the requirements of PPG17 and Policy N6 of the UDP being satisfactorily addressed.
- 10.5 It has been the consistent view of officers that a comprehensive view needs to be taken about the future of the whole campus and that we help to deliver a high quality scheme which respects its landscape setting and Conservation Area status, as well as create lasting benefits to the local community. Our approach has continued to be to prevent the individual parts of the campus from being considered in isolation of each other and to balance potential community benefits with development options across the whole school site.

Protected Playing Pitches

- 10.6 Policy N6 of the UDP states that, development of playing pitches will not be permitted unless
- There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions; or
 - There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the city's needs, and city wide, and development would not conflict with UDP policies concerning protection of the green belt, protection and enhancement of greenspace and provision of additional greenspace, urban green corridors and other open land.
- 10.7 The Government objectives in relation to open spaces, sport and recreation are contained within PPG17 as they all underpin people's quality of life. Protection of open space, sport and recreation are therefore fundamental to delivering broader Government objectives.
- 10.8 Although Leeds City Council are currently producing a district wide greenspace strategy, as this is not currently available, government guidance does indicate that developers can do their own to support a scheme.
- 10.9 Therefore the application proposals contain a PPG17 assessment which aims to show:
- The playing pitches have been replaced and or bettered;
 - Reviews potential alternative uses for the protected pitches that will be lost;

- There is sufficient playing field provision in the area, and
- The scheme provides sufficient Greenspace for the new dwellings.

Playing Pitches Re-provision

- 10.10 The application proposals contend that the playing facilities to be lost as a result of these applications have already been or are in the process of being replaced by Girls School, which is sited at Alwoodley Gates. The new playing facilities were formed following the merger of LGHS and Leeds Grammar School, which formally opened in September 2008. GSAL has been developed with the necessary facilities for the number of pupils who attend the school including the pupils of LGHS; therefore every person who would have had access to the facilities at LGHS now has access to facilities in a new location. These facilities are also available to the public in a controlled manner with proper supervision. The swimming pool and sports hall which abut the Victoria Road Site will also become potentially available to the public.
- 10.11 LGHS has now closed and the fields and facilities are no longer in use by the school. As a consequence of the School's merger with Leeds Grammar School these facilities have been replaced at The Grammar School at Leeds ("GSAL") which is a campus of 125 acres providing the up to date facilities with effective and efficient management.
- 10.12 The application states that the sporting facilities at GSAL include multipurpose outdoor Astroturf courts and football/rugby/hockey pitches and tennis courts. These facilities are of a better quality and more accessible to the general public than the facilities at LGHS were in the past. Astroturf courts utilise modern materials to provide grip to the users in various weather conditions.
- 10.13 The application also states that these facilities receive regular maintenance from GSAL and have 24 hour security surveillance. The football/rugby/hockey pitches are also regularly maintained to provide a level playing surface, which again reduces the risk of injury. Without regular maintenance and restrictions upon use, the quality of grass sports fields can be greatly reduced over time as was the case with the Victoria Road field. Every effort has been made to identify an organisation to operate and manage the LGHS playing pitches or maintain them as areas of informal open space, but no such organisation has been identified or come forward.

Alternative Uses

- 10.14 The PPG17 Assessment also requires application proposals to look at whether the protected land could be reasonably used for alternative play or open open space use.
- 10.15 The main school site contains two tennis courts and a large amount of grassland. Whilst the Victoria Road site contains the swimming pool and gymnasium, the sport pitch behind was used for periodic hockey training. The Ford House Garden site is currently used a play area for prep school and summer sports days.
- 10.16 The application proposes that the tennis courts have only been used by students of LGHS, however in the latter years of the schools occupancy of the site, this use reduced due to the poor quality of the facilities and risk to the pupils. The grassed area has not been open to public use and has only ever been available for uses associated with LGHS, due to its substandard size and condition the use even by LGHS has been limited.

- 10.17 The Victoria Road Site comprises a grassed area which also is allocated as a protected playing pitch. Although insufficient for the accommodation of any formal sports pitches, the Victoria Road site has previously been used as a practice field for hockey. However, the application indicates that this use ceased due to problems being frequently waterlogged, having an uneven surface, no publically available changing or car parking facilities, unacceptably close proximity to existing residential properties for the purpose of organised sports activities and spectator participation. The field has historically been used solely by pupils of LGHS with no public access and has only been used as a practice area. The School have pointed out that there has been some unauthorised use by people climbing over the fence to access the site.
- 10.18 Following this analysis, the report indicates that it would not be easy or reasonable to reuse these areas for other uses. The full details of facilities lost, retained and provided are attached in appendix 3, while details of public/private facilities lost and gain are provided within appendix 4.

Playing field provision in the area

- 10.19 The application proposals are within 300 metres of Woodhouse Moor, which is designated as Greenspace within the UDP Proposals Map. Woodhouse Moor measures approximately 21.5 hectares in size and is considered to be a major city park. The PPG17 assessment seeks to show that, the green space and facilities provided by Woodhouse Moor ensure that the applications have suitable access to the hierarchy of green spaces which are sought by Policies N1, N2 and N4.

Greenspace Provision

- 10.20 As stated below (paragraph 10.51 to 10.55) the application proposals assess the scheme a single development unit for the purpose of assessing the Greenspace contributions. These assessments have shown there is an under provision of Greenspace on site for potential future residents.
- 10.21 The application proposals have sought to solve this under provision of Greenspace at Ford House Gardens. The use of Ford House Garden in this way was not just a device to create the Greenspace in a mathematical way, but to create a valuable community facility which would address the needs of the development and contribute to the needs of the wider community where there is a recognised need to improve greenspace provision.
- 10.22 The availability of Ford House Garden would also help to allay concerns about the physical usability of some of the landscaped amenity areas given their very close proximity to residential property on the indicative plan.
- 10.23 It is considered that Ford House Garden represents a unique opportunity in this community to start to redress this deficiency as well as meet the needs of any new residents generated by this scheme.

Future of the Pool/Sports Hall

- 10.24 The application proposals make reference to the Pool and Sports Hall in the PPG17 assessment. It is your officers understanding that Leeds Metropolitan University are progressing their interest in taking over this facility.

- 10.25 It is considered that we need to agree an appropriate mechanism (Day to day management and Community Access Agreement) to deliver this important community benefit (this would also ensure that there would be no running costs passed onto the Council). This is also clearly of importance to a satisfactory outcome being achieved through the determination of the PPG17 Assessment.

Ford House Gardens

- 10.26 An essential benefit to the local community (not only as Greenspace for new residents) is the very real prospect of bringing Ford House gardens into public ownership in order to form a new local park/informal greenspace area. Ford House Gardens is included within the development proposals and it clear what the school's intentions are in respect of this part of the campus. The consequence of this area being put forward for greenspace use would be that the overall balance of new built development and retained greenspace would be an overall improvement.
- 10.27 We have therefore asked for formal clarification of the school's intentions for Ford House Gardens to ensure we obtain details of land ownership transfer and suitable commuted maintenance sum (and there inclusion within a legal agreement). Details of ongoing day to day running of a future park would also be required to assess how the community would use and access the gardens and what affect that would have on the part of the school that is still located in Ford House.
- 10.28 We are continuing to look at these aspects in detail and will need to determinate in conjunction with Sport England the Council's Parks and Countryside Section.

- ***Members comment are sought on the approach of achieving linked internal spaces on the main school site and the re-provision of outdoor facilities on the Alwoodley Gates Site and the benefits of the gift of Ford House Gardens to achieve a public park; and***
- ***Wider public accessibility of the new development and the scope for retention of the swimming pool and sport hall with greater public accessibility.***

Level of Detail within application(s)

- 10.29 The application includes layout and an indicative split of the units, however the specific number of properties are not being identified at this stage by the application, this, they state is to allow for flexibility for future developers of the site. The layout of the dwellings includes showing the dimensions of the buildings and indicative garden areas, however the exact split in terms of the number of units in a terrace or the inclusion of a large detached or two smaller semi-detached properties has not been submitted and the applicants have state this is to be included within a subsequent reserved matters application. Notwithstanding this, the location and scale of the buildings is shown on the plans.

Design rationale

- 10.30 The scheme proposes a mix of predominantly new build family housing in the form of 2 and 3 storey terrace dwellings and the conversion of the existing buildings to residential flats. The application (as a basic principle) seeks to ensure that all new buildings respect the exiting buildings, but have a contemporary look.

Residential Amenity

- 10.31 The application is in outline form with design and external appearance to be determined at the reserved matter stage. As such any concerns with regard overlooking would be dealt with upon the submission of a detailed reserved matters application.
- 10.32 Notwithstanding this, a layout plan accompanies the planning application, which shows the location of the properties demonstrating separation distances to allow your officers to ensure that any reserved matters application(s) can be designed in such a way as that issues of overlooking, overshadowing and the dominance of properties would not reduce the residential amenity of either the occupants of the existing neighbouring properties or the future occupants on the site.

The impact on the Headingley Conservation Area and Character and Appearance of the Area

- 10.33 The Main School Site and Ford House Garden are located within the Headingley Conservation Area, which was designated in November 1980 following the amalgamation of the seven smaller conservation areas in Headingley.
- 10.34 The historical built form of Headingley comprises large detached stone villas set back from the road behind stone boundary walls and in large landscaped grounds. The industrialisation of Leeds in the early nineteenth century brought great wealth and the development of mansions in the more rural surroundings of Headingley.
- 10.35 In the 1830s, the development of this part of the Headingley Conservation Area began through the selling of building plots to affluent industrialists and the establishment of large villas. To the north of Headingley Lane, semi-detached villas were built, with the exception of Headingley Terrace. Development continued through the mid-nineteenth century with the construction of substantial villas of varying sizes and a range of architectural styles set in large gardens. Further villas were built to the south of Headingley Lane, including Morley House in c.1830.
- 10.36 In the 1850s, Headingley was a very popular middle class residential area. This prompted the Earl of Cardigan to develop smaller villas and terraces on land south of Headingley Lane with a different character. In particular, the area to the south of Victoria Road was developed as brick-built terraced housing for the less wealthy. Infilling continued into the last quarter of the twentieth century. During this period, the School continued to develop and grow.
- 10.37 From the mid 1970s, plots to the north and south of Headingley Lane were brought forward for large scale developments. The most notable is Headingley Business Park, a multi-storey office redevelopment of the former Wool Association site. This was followed by the development of student halls of residence, housing association dwellings and the subdivision of villas into flats.
- 10.38 By the end of the twentieth century, the built form of the Headingley/Hyde Park area had experienced large-scale change. This significantly altered the character and appearance of the area. However, a strong landscape character of trees and open spaces remains, with plot demarcation by substantial stone boundary walls and ornate entrance piers. Some of these elements are in need of renewal or repair.
- 10.39 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area.

- 10.40 The application proposals do retain significant buildings on site, including Rose Court, Rose Court Lodge, the Stable Block and the front element of the Main School Building.
- 10.41 Two landscaped squares in front of the Main School Building and Rose Court are proposed will be connect by adopted footpaths to create a green corridor, amenity space and suitable settings for the main buildings.
- 10.42 All the new building has been sited to assist in forming these open squares and are two/three storey in scale to ensure they appear subservient to the Main School Building and Rose Court.
- 10.43 Access points and internal roads and footways have been minimised, which the use of existing accesses, roads, paths and hard standings to assist in the parkland approach of the new development.
- 10.44 The application proposals seek to ensure that detailed design of the new buildings and extension to the Main School Building are such that the proportions of the parts relate to each other and to the primary and listed buildings
- 10.45 The application proposals seek to the ensure that careful attention is given to the design and quality of boundary and landscape treatment by retaining and enhance the boundary walls and entrances to Victoria Road and Headingley Lane
- 10.46 A complete revised scheme identifying these changes can now be re-assessed.

The impact upon the Listed Building

- 10.47 As stated in paragraphs 3.4 and 3.7 the application site contains two listed buildings. Rose Court and Rose Court Lodge. As Rose Court Lodge was last used for residential use, is to be retained as residential use and does not require a planning application.
- 10.48 Rose Court is set to the north eastern part of the site with landscaping to the front. Rose Court is a villa built as large house in the 1840s in the formal classical tradition. The property has a garden front taking advantage of the steeply sloping site. The terrace to the front conceals a high basement with windows set into areas. The views from the terrace currently are of extensive car parks and hard surfaced tennis courts. The property previously had a Victorian conservatory at the western end projecting forward of the main frontage. This has subsequently been replaced with a new extension erected in stone with classic columns as a portico to the north.
- 10.49 The proposals include the conversion of the basement with the ground floor into four large duplex apartments. The first floor is designed for two duplex apartments (using the roof space), one two bedroom apartment and 1 No. one bedroom apartment on one level. An apartment makes use of the existing space of the servant's stair case to gain access to the attic floor but remove the existing stair above the first floor. The remaining one has a purpose- built stairs that rises through the existing ceiling.
- 10.50 Positive discussion have taken place with respect of the listed building design elements of the scheme. This has resulted in the removal of the modern extension on the western elevation of Rose Court and the new building block to the north west of Rose Court. Amendments have also included increasing the setting to Rose

Court and enlarged amenity space and more suitable entrance and parking arrangements with Rose Court Lodge.

The impact upon trees and Landscape

- 10.51 The Main School Site is considered that the sites have a reasonable treescape. The trees are generally in good condition and appear to have been maintained on a regular basis. The age structure and species diversity are both limited with the vast majority of the trees being Mature Sycamores, Lime and Horse Chestnut. There is only minimal recent planting. While the schemes on The Main School Site do involve some tree loss, this is restricted to individual trees spread around the site and the applications do seek to retain the vast majority of the trees particularly on the boundaries to ensure the treescape. Discussions are ongoing in relation to the siting of new builds and footpaths to ensure tree protection.
- 10.52 The outline applications do not seek permission for landscaping at this stage, however indicative zones and planting themes have been identified in the Design and Access Statements. Hard and soft landscaping details have been provided for the full and listed applications.
- 10.53 We are in ongoing discussions on these detailed landscaping and tree protection elements of the applications and a revised scheme identifying these changes can now be re-assessed.

Members comments are sought on the form and nature of proposed development in relation to the retained listed buildings and retained main school building in their settings and in the wider conservation area context

HIGHWAYS, ACCESS AND PARKING IMPLICATIONS

- 10.54 Detailed discussions have been ongoing since the submission of the application into the access and internal road layout on all site in the context of this sensitive environment dominated by important existing buildings, mature trees and boundary treatments.
- 10.55 These negotiations have resulted in the removal of the Headingley Lane access and revised layout for both the Main School site and the Victoria Road site. The scheme has also been revised in relation to improving cycling links across the site and measures to improve access to public transport.
- 10.56 That being said, the Council's Highways Section is not yet in a position to fully respond at this juncture. The submitted Transport Assessment is currently being revised and further additional information is being sought in relation to general parking provision and the submission of a Travel Plan.
- 10.57 In addition, the applicant has also been asked to consider various highway improvement schemes including improvement of the A660 including the Victoria Road/Headingley Lane and Hyde Park Corner junctions plus the junction of Buckingham Road/Headingley Lane and the possible provision of an additional pedestrian crossing point on Headingley Lane.
- 10.58 While the principle of highway access to the main school site and Victoria road are acceptable in principle, further reassessments are required on future revised plans and reports.

Member comments are sought on this approach on achieving enhancements to strategic public transport infrastructure, basic public transport, site access provision and access by sustainable modes of travel.

S.106 OBLIGATIONS:

- 10.59 Policy GP7 guides the use of planning obligations. This policy is of relevance in relation to any Section 106 Agreement associated with;
- Affordable Housing Provision;
 - Greenspace Requirements;
 - Education Contribution;
 - Strategic Public Transport Infrastructure;
 - Public transport provision;
 - Off site Highways Works;
 - Travel Plan; and
 - Transfer of land.

Affordable Housing Provision

- 10.60 As part of the residential submission, the application originally offered to contribute a commuted sum which would seek to support a more flexible approach to affordable housing provision. This offer sought to contribute a commuted sum which would have been used to bring former student houses within the Headingley area back to affordable family accommodation. Whilst this approach does not accord with current practice, this reflects the considerable local support for such proposals and the potential benefits this could bring in helping support a sustainable community. Any such sum should still match the 15% requirement of the total units built.

On-Site Greenspace Provision

- 10.61 In terms of Greenspace provision, the applicant's originally argued that where the number of dwellings is not specified (i.e. outline applications) the policy provision of requirement is a 10% of the site area as provided for in the Council's Supplementary Planning Guidance.
- 10.62 However, as each outline planning application specifies an illustrative number of dwellings which have been established following ongoing consultations, these numbers can be used to calculate the Greenspace requirements of each application.
- 10.63 Notwithstanding the separate applications, it has also been agreed to consider the Main School Site, Rose Court, the Senior School Site building and Victoria Road as a single development unit for the purpose of assessing the Greenspace contributions.
- 10.64 The greenspace provision as part of the Rose Court and Senior School Site applications is a combined total of 0.208 hectares provision on site, this equates to an over provision of 0.012 hectares. The under provision shown on the Main School Site is 0.07 hectares of greenspace (0.284 hectares required and 0.214 hectares provided). All three sites combined have a policy requirement to provide a total of 0.480 hectares of Greenspace and actually provide 0.422 hectares of Greenspace, an under provision of only 0.058 hectares over all three applications.

- 10.65 Further to this as no Greenspace is provided on the Victoria Road site, there is an under provision of a further 0.116 hectares. This under provision on these sites is proposed to be offset by the large offsite contribution of greenspace, which is proposed to be provided in the form of Ford House Gardens.

Education Contribution

- 10.66 As the development sites will exceed 50 dwellings and in accordance with Revised UDP Policy there may be a requirement for an educational contribution to secure provision of education facilities which will be needed as a result of the proposed housing development. It is considered that this matter can be secured through an appropriate legal agreement.

Strategic Public Transport Infrastructure

- 10.67 The scale of the development will also trigger a requirement for a contribution to be sought for enhancements to strategic public transport infrastructure. A contribution is being sought and this can also be secured through a section 106 agreement.

Public transport site access provision

- 10.68 Metro are seeking improvements to ensure that the application proposals make sufficient enhancements to public transport provision and to encourage and promote access by sustainable modes of travel.

Member comments are sought on this approach on achieving the necessary planning obligations.

CONCLUSIONS:

- 10.69 Members make a note of the position statement and the history of the site which lead to these applications being submitted.
- 10.70 Members are requested to note the contents and issues raised within this position statement.
- 10.71 Members are invited to comment in relation to the key issues of the principle of the development proposals, the impact on the Headingley Conservation Area and character and appearance of the area, highways, access and parking implications and developer contributions matters which are highlighted in the report.
- 10.72 Members are also requested to agree that the application (subject to amended plans and reports being received) now be subject to full re-consultation to a timescale agreed in consultation with Ward Members.

Background Papers:

Application and history files.
Certificate of Ownership.

ANNEX 1

Summary of representations

MPs, Ward Members and Amenity Groups

08/04214/OT - Outline Application for residential development (Main site)

1. The loss of the area designated as Protected Playing Pitch under UDP Policy N6 would have a detrimental impact upon the locality in terms of character and appearance of the area and residential amenity. The PPG17 assessment submitted by the applicant has a number of flaws including the limited geographical area of research, incorrect assumptions about travel times and access to pitches in other parts of the city and a lack of consultation with local stakeholders, i.e. sports clubs and schools. The subsequent report that has been received by the Local Planning Authority assesses the quality of the pitches as open space, and does not address the concerns regarding the original report that considered whether the pitches are surplus to requirements for team sports. In terms of the latest report, there are several concerns with the depth and relevance of the report. The report neglects to consider the main school site at all and focuses on Ford House and Victoria Gardens. The use of the Greater London Authority standards is misleading and inappropriate, the consultation that was carried out is poor, the study ignores relevant Unitary Development Plan policy, and the rational and overall depth of the report is lacking. This report does not adequately justify why these spaces are apparently surplus to requirements. It is also noted that the area to the north and west of the sites is designated under UDP Policy N3 as being an area deficient in publicly accessible greenspace. It is therefore important that these Protected Playing Pitch areas should be retained and made publicly accessible in order to positively address this issue.
2. There is national concern about the rising incidence of childhood obesity, and an expectation that this could lead to widespread serious diseases when this cohort reaches middle age. There is growing medical consensus that increased physical exercise is the most important therapeutic response to this problem.
3. The immediately surrounding area has a high proportion of residents with a South Asian ancestry, and this particular group suffer from a high incidence of diabetes and cardiovascular disease. It is therefore particularly important that children from these families should take part in physical sport, and establish an exercise habit, since this is known to have a protective effect on these conditions. Provision of playing pitches is an essential part of this.
4. The layout of development on the southern half of the site, mainly comprised of cul-de-sacs, edged with significant amounts of hardstanding for car parking is a concern. Traffic congestion in the area is intense and on-street parking is already a problem in surrounding streets. This is likely to be exacerbated by the dense development, especially as the users of the new Rose Court (including any school coaches) will no longer have the possibility of parking at the main school site or at the ELC.
5. The limited space left to provide a setting to Rose Court (Listed Building) and the main school building is not appropriate.
6. The scheme includes two landscaped amenity areas that according to UDP Policy, should be publicly available. However, given the size and shape of these spaces, the fact that they are located in the centre of the site, and are immediately bounded by residential properties, it is unlikely that these will ever be usable to existing local residents in the surrounding area.

7. It is questionable whether the access onto Victoria Road is the best place to become an entrance, given the loss of a number of small trees. Whilst there are many trees shown to be retained, there are some very close to proposed buildings that could suffer roots damaged during construction. Additionally, future occupiers may pressurize the Council to allow them to remove trees that would overshadow the new houses and their modest garden areas. Re-assurance that any new trees will be of an appropriate size and be species that will complement the setting of any new development must be given.
8. The environmental assessments are limited in timing, frequency and scope (e.g. no mycological or entomological surveys) and they fail to give any idea of the real ecological importance of the site and the tree report does not highlight the significance of some of the trees (e.g. particularly fine Cut Leaved Beech, which is generally rare, and Turkey Oaks and Copper Beech, which are rare in Headingley.) The LGHS grounds are not only greenspace in human terms, they are part of a tapestry of undeveloped areas that allows wildlife into town. In environmental terms, the lawn and trees of the main site are probably the most valuable greenspace.
9. We have a situation where the impact of the different planning applications potentially granted to at least six different developers could be a factor in how well the site as a whole is dealt with. The impact of any developments will affect two of the city wards, Headingley and Hyde Park & Woodhouse. Residents in both densely populated wards (and beyond) have views on the need for applications granted to consider conservation issues, potential loss of green space, traffic issues and the health benefits to local residents of the retention of green spaces.

08/04216/FU - Change of use and extension, including part demolition of school building and stable block to 32 flats and 4 terrace houses (Main building on main site)

10. The dense building/conversion proposed on the site includes considerable numbers of flats, many with only one bedroom. In public meetings and in the Community Planning Brief local people have stressed how much they want this area to become a balanced community, with more family housing and with any further provision of accommodation suitable for students or property in multiple occupancy specifically excluded. While it is good to see that it is proposed to retain the impressive main building, for which conversion into apartments would be appropriate, flats are already in oversupply, locally and across the city, while there is a shortage of family housing needed to address the demographic imbalance. The Community Planning Brief also makes it clear that developments should be in keeping with the area and should be no more than two to three storeys high.
11. The retention of the original main school building is positive as the property arguably contributes to the character and appearance of the Conservation Area. The most suitable use of the building is to convert it into one and two bedroom flats, given the existing layout of the building. However, a new extension is proposed which would also provide one and two bedroom flats. Given the desirability of achieving a greater mix of housing types, it would be more appropriate to use the extension to provide larger flats that would be more capable of accommodating families. This would not only help achieve a greater mix of housing on site, but would also potentially assist with readdressing the demographic imbalance that exists in the local area.
12. Notwithstanding the above, the stark appearance and bland architecture of the proposed extension is a concern. This side of the main building has a significant impact upon the setting of Headingley Lane and so it is crucial that the design is right.

This is particularly so, given the location in a sensitive part of the Headingley Conservation Area.

08/04217/CA - Conservation Area Application for the demolition of rear and side extensions to main school building, 2 villas to north west of site, lean-to to stable block and greenhouse and removal of 4 storage containers (Main site)

13. Demolishing the extensions and buildings specified in the application is not of concern. However, it would not be appropriate to approve this application in the absence of a planning permission being granted for a quality scheme of re-development.

8/04218/OT - Outline Application for residential use (Victoria Road - pitch area only)

14. As described in the Outline Application for the main school site, objections are raised to the loss of the area designated as Protected Playing Pitch under UDP Policy N6. The schools' consultants have failed to submit a satisfactory PPG17 assessment. In particular, four local primary schools have no pitch areas whatsoever and the hockey pitch would present an excellent local facility for sports use by local children.
15. The area to the north and west of the sites is designated under UDP Policy N3 as being an area deficient in publicly accessible greenspace. It would seem common sense that the Protected Playing Pitch areas should be retained and made publicly accessible in order to positively address this issue.
16. The proposed access from Chestnut Grove is a concern as the area is already heavily congested, particularly during university term time, and Chestnut Avenue is something of a hot spot for conflict between road users given the narrowness of the road, the fact that it is a bus route and taking into account the number of cars that already use this road to access other streets.

08/04219/FU - Change of use involving alterations and extension of school building to 8 flats and 4 terrace houses (Rose Court on main site)

17. The conversion of Rose Court to apartments is probably the best likely use of the building, although re-assurance that the level of intervention is appropriate without harming the integrity of the building is necessary. The change of use of the existing extension to townhouses is also an interesting use of this space. However, the proposed second floor extension is considered a harmful addition due to its architectural appearance and use of materials. Whilst a contemporary design may be an appropriate solution to improving the appearance of the building and achieving the space needed, I do not think the submitted proposals are good enough. Again, apart from the impact upon the Listed Building, the extension will also be clearly visible from Headingley Lane and will impact upon the character and appearance of the Conservation Area, so it is important that an extension is of a high quality.

08/04220/LWE - Listed Building Application including part demolition and extension to form 8 flats and 4 terrace houses

18. It would be highly inappropriate to approve a Listed Building application being for works in the absence of planning permission being granted for an appropriate form of development.

19. Overall, objections are raised to all six of the applications for the reasons given. The proposals fall well short of the requirements of both UDP Policy and national planning guidance.
20. The development of the LGHS site is going to affect the lives of everyone in the surrounding area for decades and more. This is already an unbalanced community in need of regeneration; it is vital to get the right development on this site. Yet there is no strategic review or overall master plan underlying these proposals to protect community balance, the environment, or architectural coherence.
21. Such a view should have been developed in consultation with the local community. The community has made its views clear, most recently in the Community Design Brief, but these have been ignored. Invitations to the applicants to attend public meetings have been turned down. The community consultations the applicants mention have been a travesty and no account has been taken of the views expressed.

ANNEX 2

Summary of representations

Local Residents

Main School Site (applications 08/04214/OT, 08/04216/FU, 08/04219/FU, 08/04220/LI and 08/04217/CA):

1. The playing fields are a much needed amenity in terms of open space for an area that has a deficit of such space.
2. Access is required by local sports teams due to the shortfall of playing pitches in the area. Furthermore, the playing fields are required by school children as the five local primary schools do not have any facilities of this nature. The Community Brief confirms this need/demand.
3. Over a 1000 residents, including all five local school head teachers, plus the local MP and City Councillors, to have the pitches bought for public use clearly demonstrates local need.
4. Unitary Development Plan policy N3 and N6, and Planning Policy Guidance note 17, are relevant to these sites. These policies forbid development on the existing sport facilities, whether privately or publicly owned, except under certain circumstances, none of which apply.
5. The applicant has failed to demonstrate that the playing pitches are surplus to requirements.
6. Policy N3 requires that priority is given to improving green space provision in the Hyde Park area that has exceptional green space deprivation, and within walking distance 'up to 800m' of that area. Two of the Protected Playing Pitches are on the N3 area boundary, and the third is well within 800m walking distance. They must be all identified as green space for the deprived area.
7. It is not appropriate to change the character of Woodhouse, so it can accommodate playing pitches to justify these proposals.
8. Policy EN11 of the Yorkshire & Humber Regional Spatial Strategy states 'plans, strategies, investment decisions and programmes should...help improve the health of residents by...providing, safeguarding and enhancing high quality facilities for sports and recreation. These proposal are in breach of this.
9. There is an over supply of flats within the area. Therefore, there is no need for any more. The area requires more family housing to attract long-term residents to the area.
10. There are no clear proposal for affordable housing on the sites. The location and size of these sites makes them ideal for affordable housing.
11. Only four terrace houses have been proposed so far that could answer the need for family houses, which is not acceptable. In this respect, the application fails to respond to national policy on housing mix.
12. The demographic balance in the area has been destroyed by a massive influx of students. The housing proposed is unlikely to attract families back and is unlikely to be suitable for elderly residents.

13. Any development that takes place on the main site should be subject to a legal agreement excluding students.
14. Where is the green space and recreational areas for the numbers of people expected to live there? Green space is important both socially and environmentally and yet we continue to give it up for commercial interests.
15. Has proper analysis of the effect on the drainage system if these areas are to be mainly covered by hard surfaces been taken
16. The proposed extension to the main school building as it faces Headingley Lane is not appropriate for this sensitive part of the conservation area.
17. The historic buildings that make up part of these applications are of significant architectural merit and should be treasured for the role they play in making Headingley a distinctive suburb. These plans would effectively maroon the original buildings amongst the new build, severely compromising all that makes them stand out.
18. Demolition of the 1930s extension to the main school is unacceptable, as it is in keeping and is a positive contribution to the area.
19. The excessively intensive development will seriously diminish the setting and quality of the whole Conservation Area, so we wish to object to the outline application on this basis. Specific comments are [references to the attached rough copy of the submitted site plan]:
20. The 3 blocks of townhouses [17, 18, 19] opposite Rose Court are acceptable, as are the 5 further blocks [5, 9, 10, 11, 12] behind, beside and opposite the main school building, and a 6th at right angles to Victoria Road [13].
21. The 2 houses [20] east of Rose Court [22] should be omitted, to preserve a dignified setting for the villa. The modern addition to the villa [21] should be omitted, as set out in a separate message commenting on application 08/04220/L1.
22. 3 further blocks [6, 7, 8] along the Headingley Lane side should also be omitted; we believe these to be particularly damaging to the Conservation Area.
23. The 3 blocks [1, 2, 3] on the west side of the access road leading to Headingley Lane would be better arranged as a straight terrace on the alignment of block 3, instead of the random siting proposed.
24. The apartments [14, 15, 16] at the south-west corner of the site are acceptable. Conversion of the main school building [23] and of the stable block [4] is acceptable.
25. It is understood that consent will not normally be given for demolition of some of the buildings and structures within the conservation area unless planning permission has been granted for replacement. We do not wish to see the creation of derelict areas in our neighbourhood.
26. The development would have a detrimental impact upon the local highway network due to an increase in the number of vehicles in the area. The roads in this area are already over-crowded, and some are difficult to negotiate due to parked cars.

27. Cycling on Victoria Road is currently a problem with poor parking provision and little consideration given to cyclists. A denser traffic volume or denser car parking on the street, will prevent people from cycling and walking. Thereby, increasing the poor health of the area.
28. The proposed development will harm the conservation area.
29. The loss of many trees within the sites will have a harmful impact upon the conservation area. The proposals incorporate at least a 25% loss of mature trees.
30. The proposal will have a detrimental impact upon this green area. Leeds 6 is already over crowded in terms of housing, and so these sites should be kept for the benefit of the community.
31. The totally lack of community involvement in the development of these plans is unacceptable.
32. The proposal that have been put forward are piecemeal with no overview, and without taking account of the communities who live around the school.
33. The extension to Rose Court is extremely unsympathetic in both design and scale.
34. The development at the Rose Court site will detract from the Conservation Area.
35. Concerns that these applications do not detail the future use of Ford House Gardens.

Victoria Road Site (application 08/04216/FU):

36. The playing fields are a much needed amenity in terms of open space for an area that has a deficit of such space.
37. The playing fields are required by local school children as the local primary schools do not have any facilities of this nature. Furthermore, access is required by local sports teams due to the shortfall of playing pitches in the area.
38. Over a 1000 residents, including all five local school head teachers, plus the local MP and City Councillors, to have the pitches bought for public use clearly demonstrates local need.
39. Unitary Development Plan policy N3 and N6, and Planning Policy Guidance note 17, are relevant to these sites. These policies forbid development on the existing sport facilities, whether privately or publicly owned, except under certain circumstances, none of which apply.
40. Policy N3 requires that priority is given to improving green space provision in the Hyde Park area that has exceptional green space deprivation, and within walking distance 'up to 800m' of that area. Two of the Protected Playing Pitches are on the N3 area boundary, and the third is well within 800m walking distance. They must be all identified as green space for the deprived a area.
41. There is an over supply of flats within the area. Therefore, there is no need for any more. The area requires more family housing to attract long-term residents to the area.

42. The development would have a detrimental impact upon the local highway network due to an increase in the number of vehicles in the area. The roads in this area are already over-crowded, and some are difficult to negotiate due to parked cars.
43. The loss of many trees within the sites will have a harmful impact upon the conservation area.
44. The proposal will have a detrimental impact upon this green area. Leeds 6 is already over crowded in terms of housing, and so these sites should be kept for the benefit of the community.
45. The plans have been developed without any involvement of the local people.

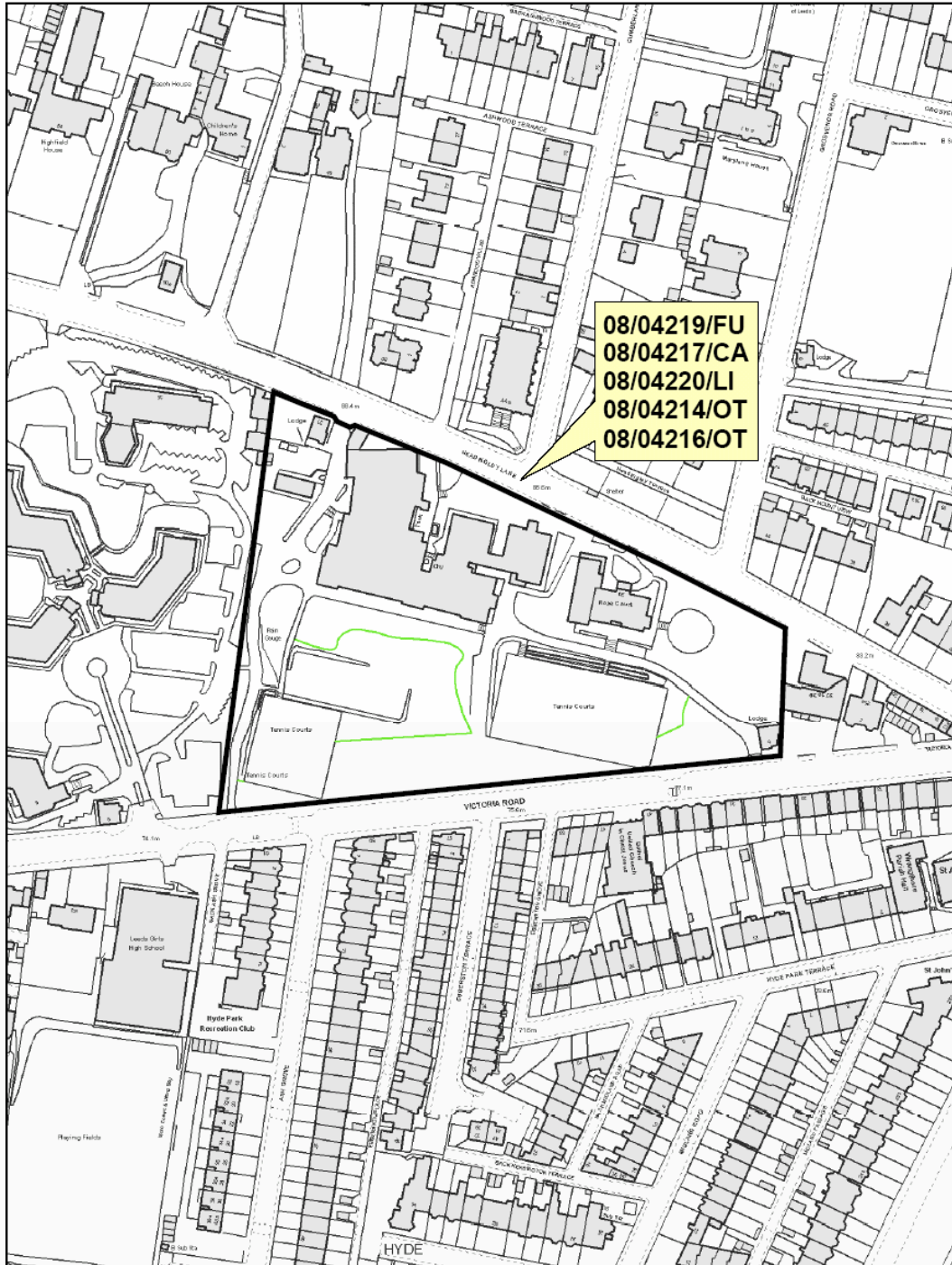
ANNEX 3

Facilities lost, retained, upgraded and provided

	Location	Number & type	Area (ha.)	Availability to local community	
				Pre-Merger	Post-Merger
Facilities Lost to LGHS Development	LGHS	6 Tennis/Netball 1 Grass Hockey	0.94	No	No
Existing Facilities Retained	LGHS	1 Gym 1 Swimming Pool	0.2	No	Yes
	LGHS	Ford House Gardens	0.5	No	Yes
	GSAL	2 Rugby or Football	0.77	No	No
	GSAL	2 Rugby or Football	0.77	No	No
	GSAL	2 Cricket	2.21	Yes	Yes
	GSAL	Swimming Pool and viewing area	0.1	Yes	Yes
	GSAL	Cricket or Rigby	1.4	No	No
	GSAL	Athletics Track and Field	1.63	No	No
	GSAL	Netball	0.005	No	No
Existing Facilities Upgraded Post Merger	GSAL	Junior Sports Pitch	0.9	No	No
	GSAL	3 Cricket Nets	0.1	No	No
		Sports Hall including: 5 Basketball 2 Mini Basketball 6 Badminton 1 Five-a-Side Football 3 Squash Climbing Wall	0.172	Yes	Yes
	GSAL	4 Tennis 2 Netball	0.23	No	No
New Facilities Post Merger	GSAL	Junior Sports Hall: 2 Badminton 2 Basketball Wallbars	0.004	N/A	No
	GSAL	2 Netball	0.004	N/A	No
	GSAL	Trimtrail	0.006	N/A	No
	GSAL	3 Netball 1 Five-a-Side Football	0.015	N/A	No
	GSAL	8 Tennis 4 Hockey 4 Five-a-Side Football 2 Football	0.12	N/A	Yes
	GSAL	3 Tennis 2 Netball	0.017	N/A	No
	GSAL	1 Cricket or 2 Football or 2 Rugby or Five-a-Side Football	3.94	N/A	No

ANNEX 4**Public/Private Facilities lost/gained**

	Number	Hectares
Private facilities lost	6 Tennis 6 Netball 1 Grass Hockey 1 Multi-purpose Gym 1 Swimming Pool	1.14
Public facilities lost	0	0
Private facilities gained	2 Badminton 2 Basketball 4 Netball 1 Five-a-Side 3 Football 3 Tennis 2 Rugby 1 Cricket Trimtrail Wallbars	4.4
Public facilities gained	8 Tennis 4 Hockey 4 Five-a-Side 2 Football 1 Multi-purpose Gym 1 Swimming Pool	1.4



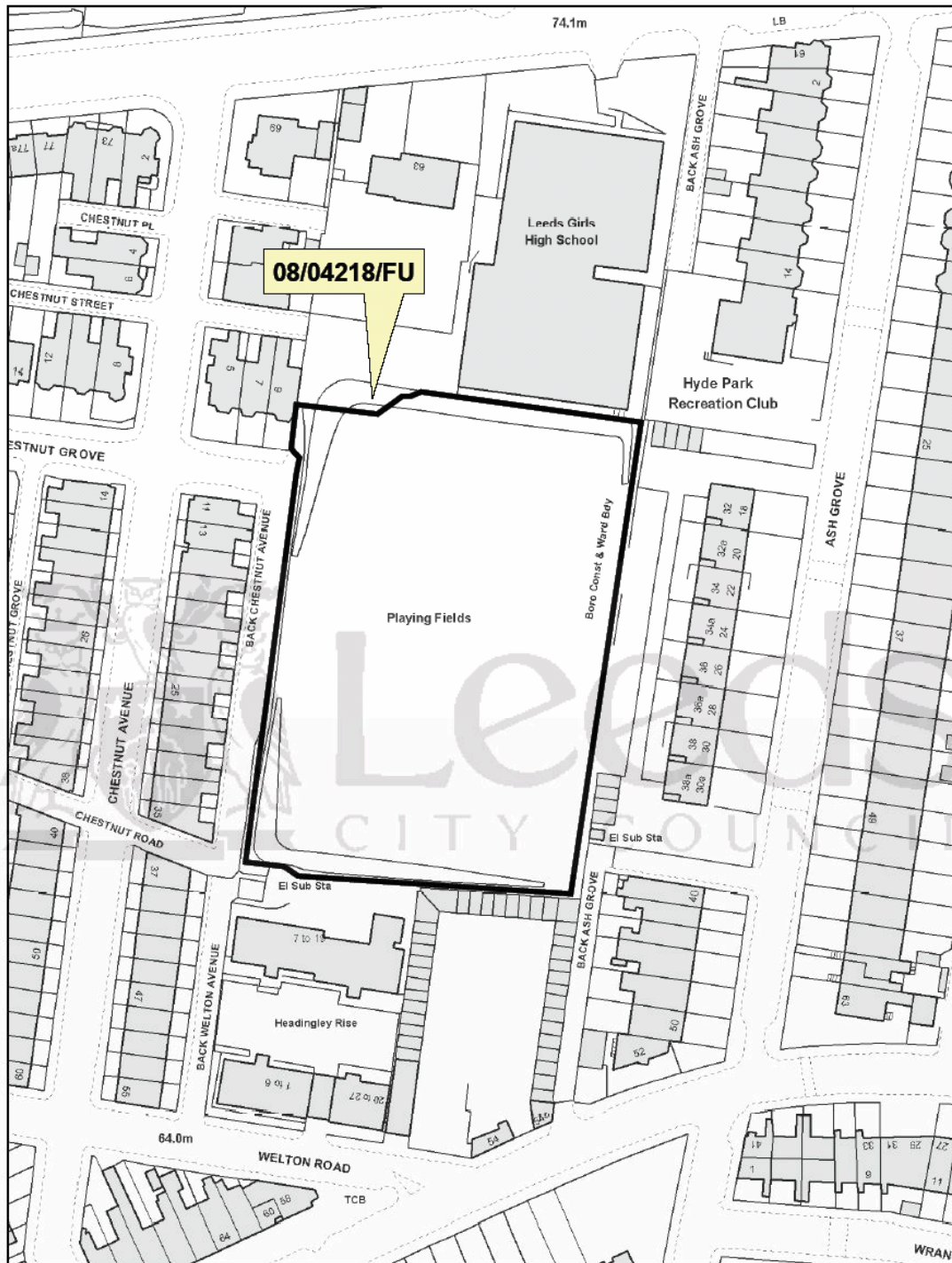
WEST PLANS PANEL



Scale 1/ 2000

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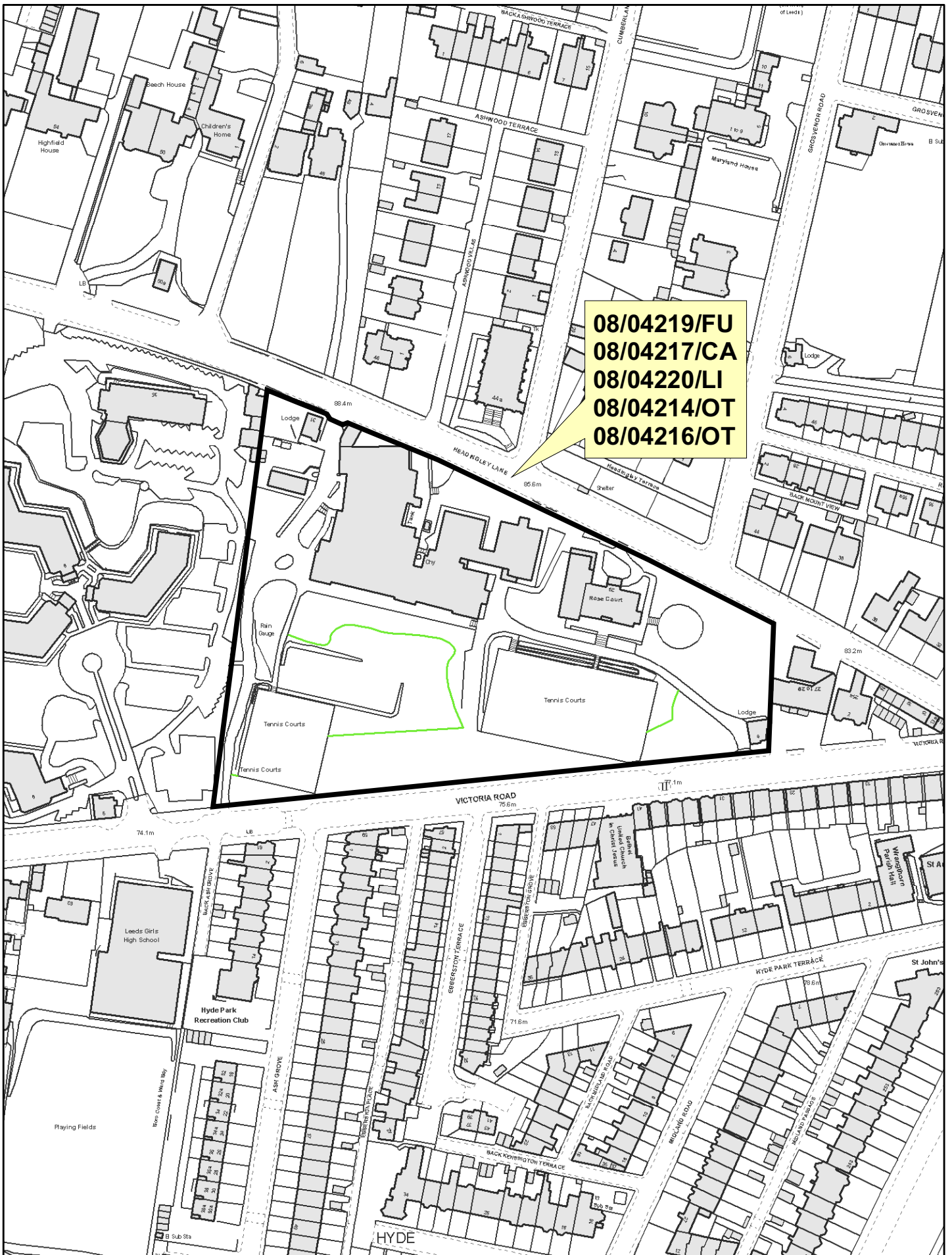
WEST PLANS PANEL



Scale 1/ 1000

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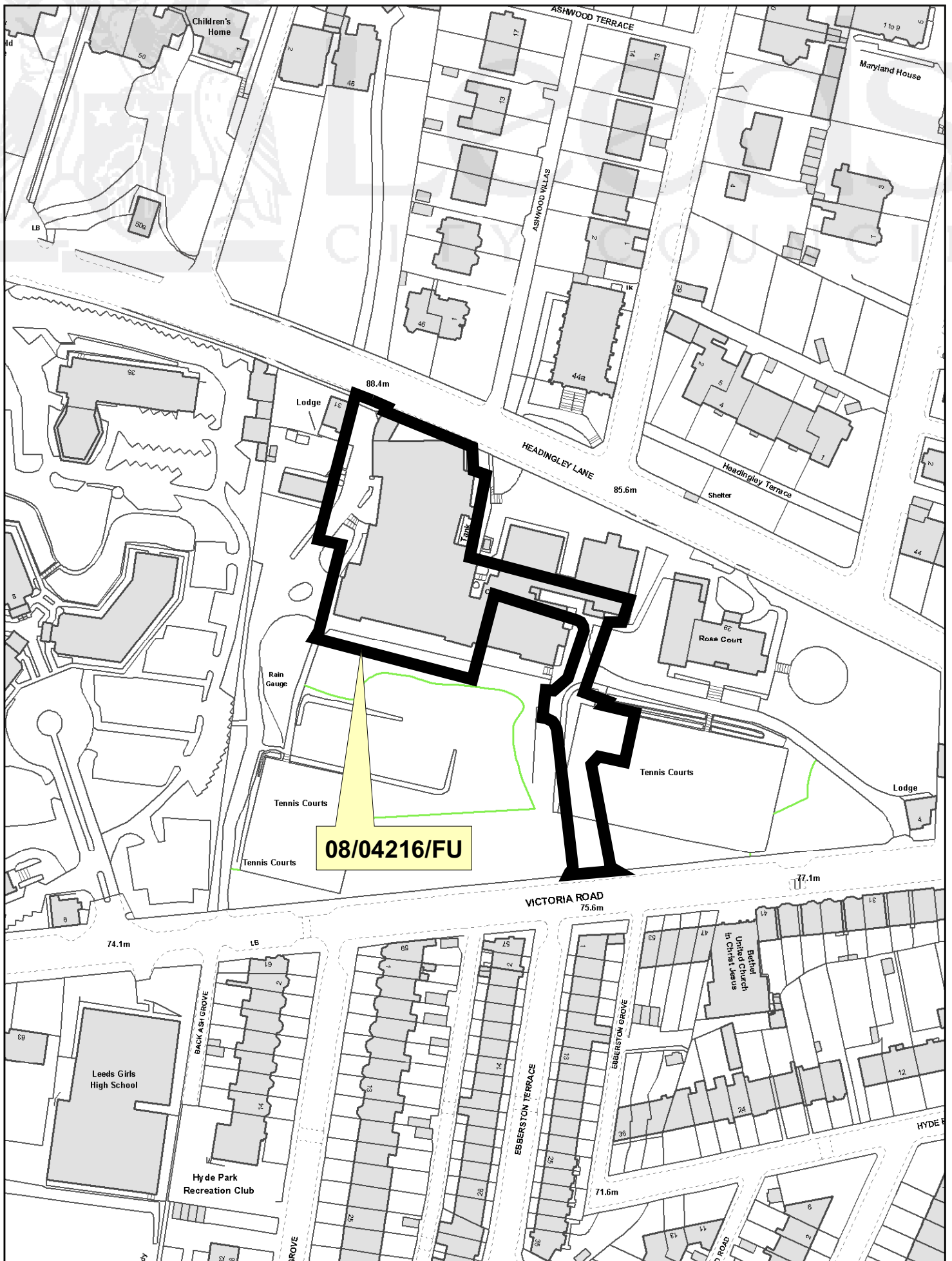
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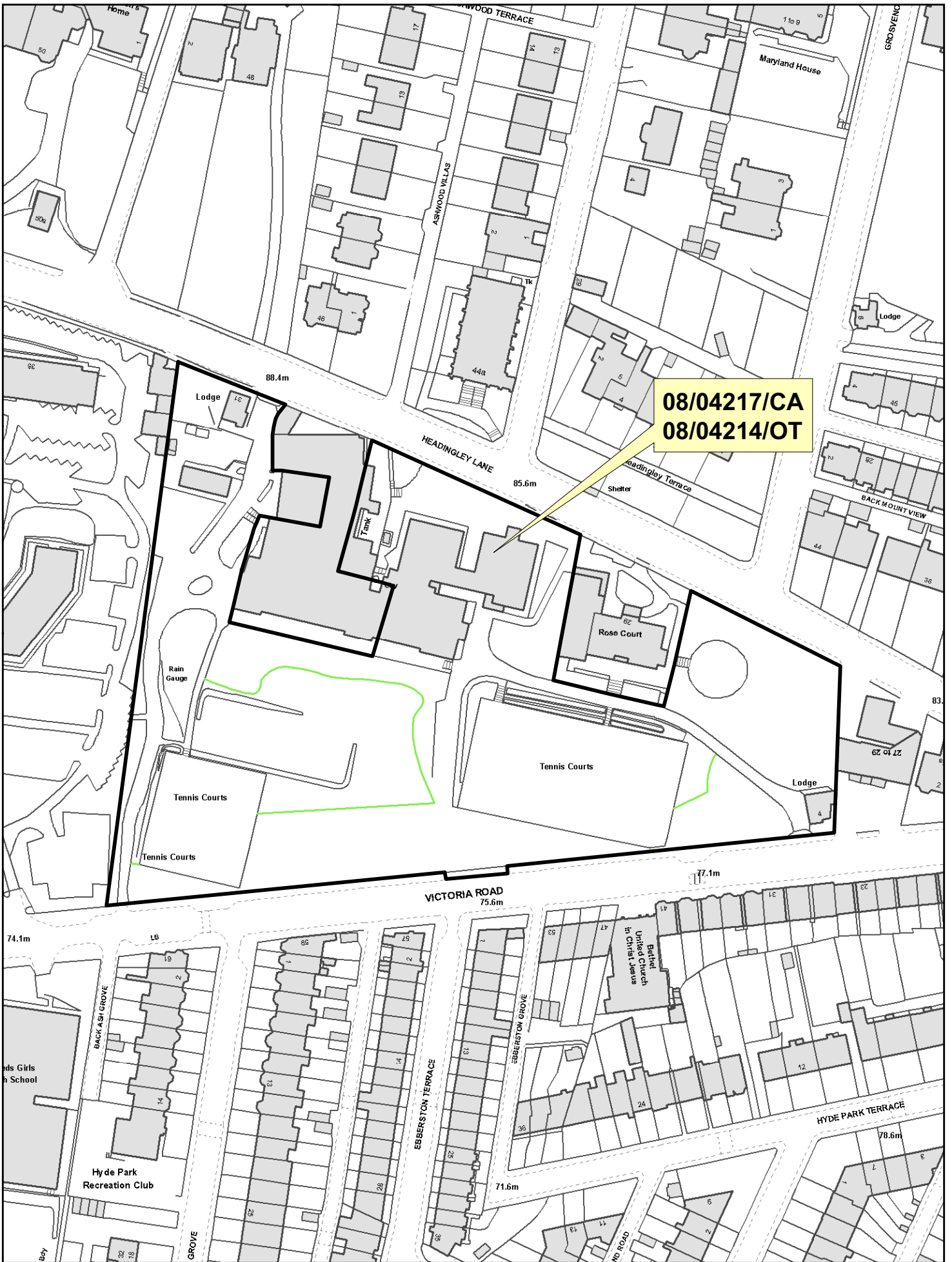
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WEST PLANS PANEL

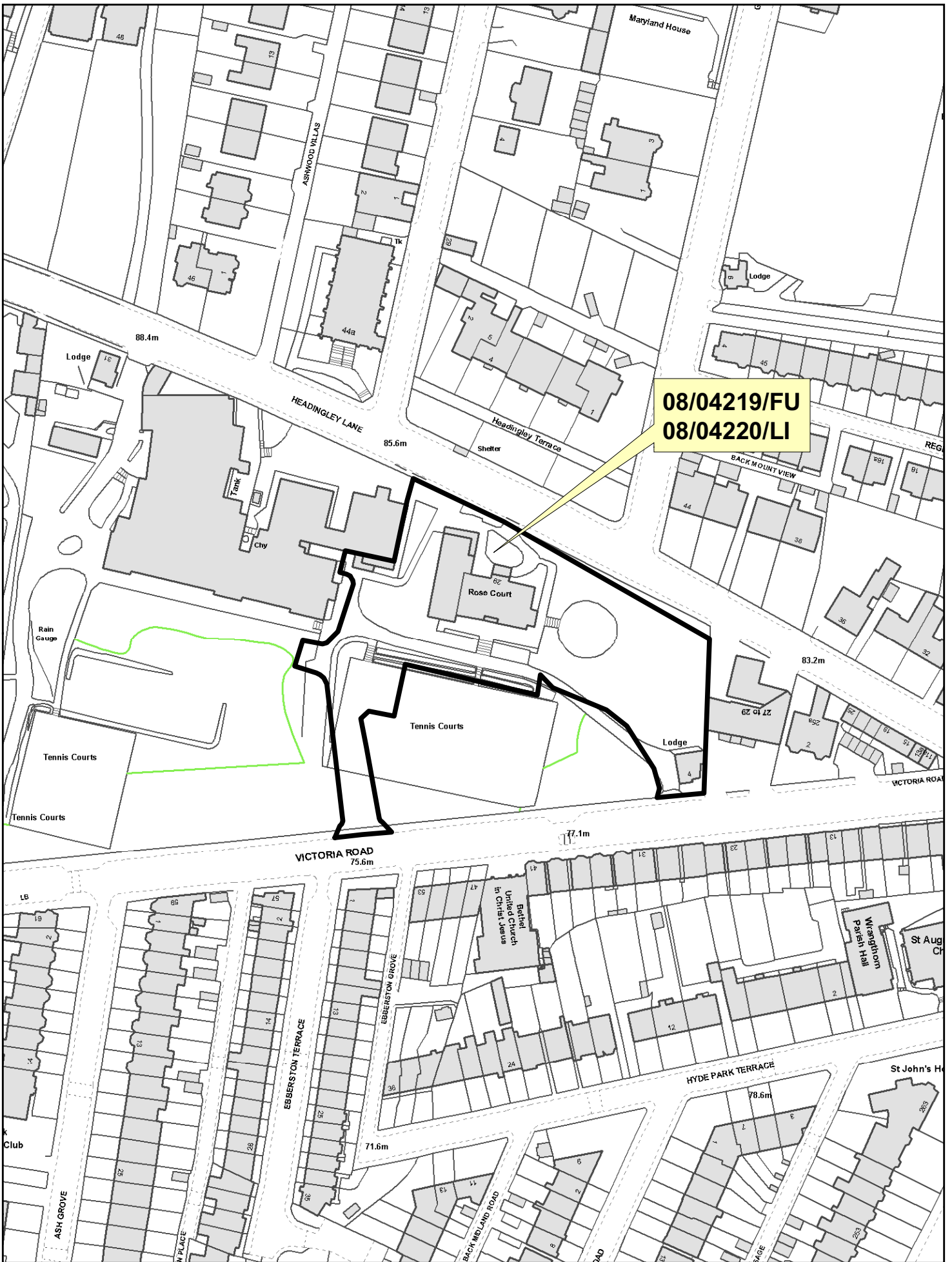
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08/04217/CA
08/04214/OT

WEST PLANS PANEL





08/04219/FU
08/04220/LI

WEST PLANS PANEL





Originator: Matthew Walker
Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12.08.2010

Subject: APPLICATION 10/02354/FU: Alterations to attached garage including new raised roof forming store above 11 Horton Rise Rodley, Leeds, LS13 1PH

APPLICANT	DATE VALID	TARGET DATE
Mr G Barker	02.06.2010	28.07.2010

Electoral Wards Affected:

Bramley & Stanningley

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT planning permission, subject to the following conditions:

Conditions

- (i) Time limit: 3 years
- (ii) Plans to be approved
- (iii) Matching materials
- (iv) No insertion of windows
- (v) Retention of garage
- (vi) Justification

Reasons for approval: The extension is considered to be a proportionate addition and appropriately designed, it is not considered to have a detrimental impact on neighbouring residents or to produce any problems of highway safety. This application complies with policies BD6 and GP5 of the Leeds Unitary Development Plan Review 2006, having regard to all other material considerations, as such the application is considered acceptable.

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel due to the objection of the local ward Councillor Ted Hanley who is in objection to the proposal on the basis that the alterations constitute an over-development of the application site.

2.0 PROPOSAL

- 2.1 The application relates to the simple raising of the roof form of the existing dual pitch-roofed side garage structure by 1.2 metres, facilitating a suitable floor to ceiling height within to create a room above the garage. No windows are proposed to either the front or rear elevation with two roof-light windows proposed to the new front roof plane and two to the rear. The applicant proposes the use of brick with concrete roof tiles to match the existing property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a brick faced detached property in Rodley. The dwelling features an attached side garage 6.2 metres in width which is single storey and features a dual pitched roof. The area is residential and is a small estate of detached and semi detached properties, often punctuated with side garages between. The estate features open property frontages with little formal boundary treatment other than occasional planting.
- 3.2 The host dwelling itself is the last of a row of four detached dwellings, occupying a corner plot which results in the host dwelling sitting within an application site 15 metres in width. The property benefits from an enclosed rear garden area bordered by fencing with a steep incline towards the rear of the application site, a level change which is also a feature of the adjacent neighbour at 9 Horton Rise. The rear garden areas of 9 & 11 Horton Rise run parallel to one another.
- 3.3 As a result of the format of the estate there is no immediately adjacent neighbour to the North-West with a highway forming a break between the host and number 15 Horton Rise. The neighbour most directly affected by the proposal is the adjacent detached dwelling at 9 Horton Rise, with the side gable end of this property directly parallel to the outer elevation of the existing garage of number 11 Horton Rise with one metre separating the side elevation of 9 Horton Rise from the host garage's outer elevation.

4.0 RELEVANT PLANNING HISTORY:

Planning Applications

None

Appeals

None

Enforcement Cases

None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Application process – June 2010 – July 2010

Following the site visit for the application, objections were received from adjacent neighbours. As a result of this, a second site visit was performed by the Principal Planner for Householder West. Following an officer recommendation of approval, the occupant of number 9 Horton Rise met with the officer dealing and further outlined their concern with the development as proposed. The ward member, Councillor Ted Hanley was consulted as it became known that he objected to the proposal having made an assessment and site visit on behalf of 9 Horton Rise. The ward member then confirmed his concerns regarding over-development and given the officer recommendation to approve, referred the matter to the plans panel.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 3 letters of objection have been received from the general public and one letter of objection from Councillor Ted Hanley has also been received.

7.0 CONSULTATIONS RESPONSES:

No internal or external consultations were performed during the application process.

8.0 PLANNING POLICIES:

Policy GP5 of the Leeds Unitary Development Plan (Review) 2006

Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD6 of the Leeds Unitary Development Plan (Review) 2006

All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Policy T2 of the Leeds Unitary Development Plan (Review) 2006

Refers to the need for an appropriate level of off street parking provision.

Planning Policy Statement 1

Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

SPG 13 – 'Neighbourhoods for Living'

Supplementary planning guidance related to residential design in Leeds.

9.0 MAIN ISSUES

Streetscene/design and character
Quantity of development / private amenity space
Privacy / Noise
Overshadowing/Dominance
Parking provision/Highway Safety
Representations

10.0 APPRAISAL

10.1 Streetscene / design and character

The proposal would involve the creation of the largest single dwelling within the local street scene, however the host dwelling sits within an area where there is no one prevailing property type in terms of scale and form, with a mixture of mainly detached and semi detached properties in the street scene. The alterations involve a simple raising of the roof height of the existing garage by 1.2 metres and this results in a cumulative property width the same as exists today, but with an increase in the height of the garage structure to 5.5 metres.

However the character of the surrounding area is that of mainly detached properties which almost fill the width of their respective curtilages when one includes the massing of garages to the side of houses. Further to this, the street scene does not feature one single prevailing format of garage - whether that be in terms of the direction of their roof ridge or their ridge height and this creates subtle variances in the street scene helping to bring character to what is an estate with very modern characteristics such as a consistency in detailing/materials and only limited spaces between dwellings.

Given the proposed uniformity in terms of materials the extension is not considered to produce development which would be discordant in appearance. Rather despite its single instance status within the area, the extended form of the side garage would retain it's subordinate nature, which is aided by the retention of the existing garage's set back from the front gable of the property (which is considered to be the property's most prevalent visual feature).

Given the lack of consistent formatting of properties in the area the introduction of additional height where a visual gap is retained at first floor level between the host and neighbour (which *is* a consistent theme throughout the estate) is not considered to be of harm to the street scene. The scale and form of the garage, is considered to remain subordinate in appearance to a house which sits within a wide plot with no proposed additional forward or rear projection that might be considered uncharacteristic.

10.2 Quantity of development / private amenity space / parking

It has been noted that the result of the proposed works to the property would be an enlarged dwelling with a footprint of significant scale and an increased number of bedrooms. SPG - 13 'Neighbourhoods for Living suggests that a proportionate level of amenity space for a residential property is the retention of 2/3 of the floor space of the house to be retained as private garden area. The extended property achieves this ratio, with all the existing garden space retained at approximately 220 square metres.

The proposal would also involve the retention of the existing integral garage which may be controlled by condition in the event of an approval. The application also includes the production of two off street car parking spaces to the front of the property which is in line with policy / guidance for an enlargement such as that proposed. The proposed alterations are therefore not considered to be detrimental to pedestrian or highway safety.

10.3 Privacy / noise

The proposal is not considered to be harmful to the residential amenity of number 9 Horton Rise through an increased capability to overlook. No windows are proposed to the rear elevation of the property and this matter may be controlled by condition in the event of an approval. The proposed roof-light windows do not afford a viewpoint of the rear garden space of number 9 Horton Rise that would allow for a comfortable viewpoint of this neighbour's rear amenity space. It is noted that both the application site and that of 9 Horton Rise feature a sharp incline in levels towards the South West. However, in the same respect any viewpoint achieved of this raised area from the rear roof-light windows would only be considered in parity to the viewpoint available to the applicant of 9 Horton Rise who may presently view into the rear of the application site from this raised position.

The positioning of a habitable room in proximity to the outer wall of the neighbour is not considered a sufficient reason to preclude development, on the basis that there is an existing room at ground floor level in proximity to the outer wall of 9 Horton Rise. This level of proximity is common place within modern housing environments and given the detached nature of the two dwellings, there is not considered to be any potential harmful impact in terms of noise.

10.4 Overshadowing / dominance

The proposal involves an additional level of massing in a parallel position to the rear elevation of the adjacent neighbour. As such, without a new rear projection of built form, the proposal is not considered to be overbearing in respect of the neighbour's private amenity space, which runs parallel to that of the application site.

The proposal is not considered to induce harm through the loss of light to the private amenity space of the adjacent neighbour at number 9 Horton Rise. The existing garage structure is due north of the south eastern set neighbour, such that any additional shadow cast would be towards the front of the two properties. Shadow path calculations have been performed during the application process and have indicated no additional shadowing to the rear of the dwelling, with only a nominal increase in shadowing towards the front garden space, which is not considered harmful.

10.5 Representations

There have been 3 letters of objection received from the general public, a letter of objection has also been received from Councillor Ted Hanley.

The letters raise the following concerns:

- i) The application proposes a large scale increase to the existing dwelling / impact upon the character of the host property and surrounding area
- ii) An increase in noise from the development / proximity of development to adjacent property.
- iii) Noise from build.
- iv) Loss of light.
- v) Overdevelopment.
- vi) Impact in respect of on-street parking levels.
- vii) Incorrect labelling of room on plan

In response:

With respect to point (iii), this is not a material consideration of the planning application.

With respect to point (vi), the proposal is measured upon what is actually applied for and stated on plan, but also appraised with the knowledge that the applicant would be free to convert this room into a habitable room without the requirement for planning permission. The proposal has therefore been addressed on the basis that the room may become an additional bedroom in future.

The remaining issues above have been addressed within the appraisal.

11.0 CONCLUSION

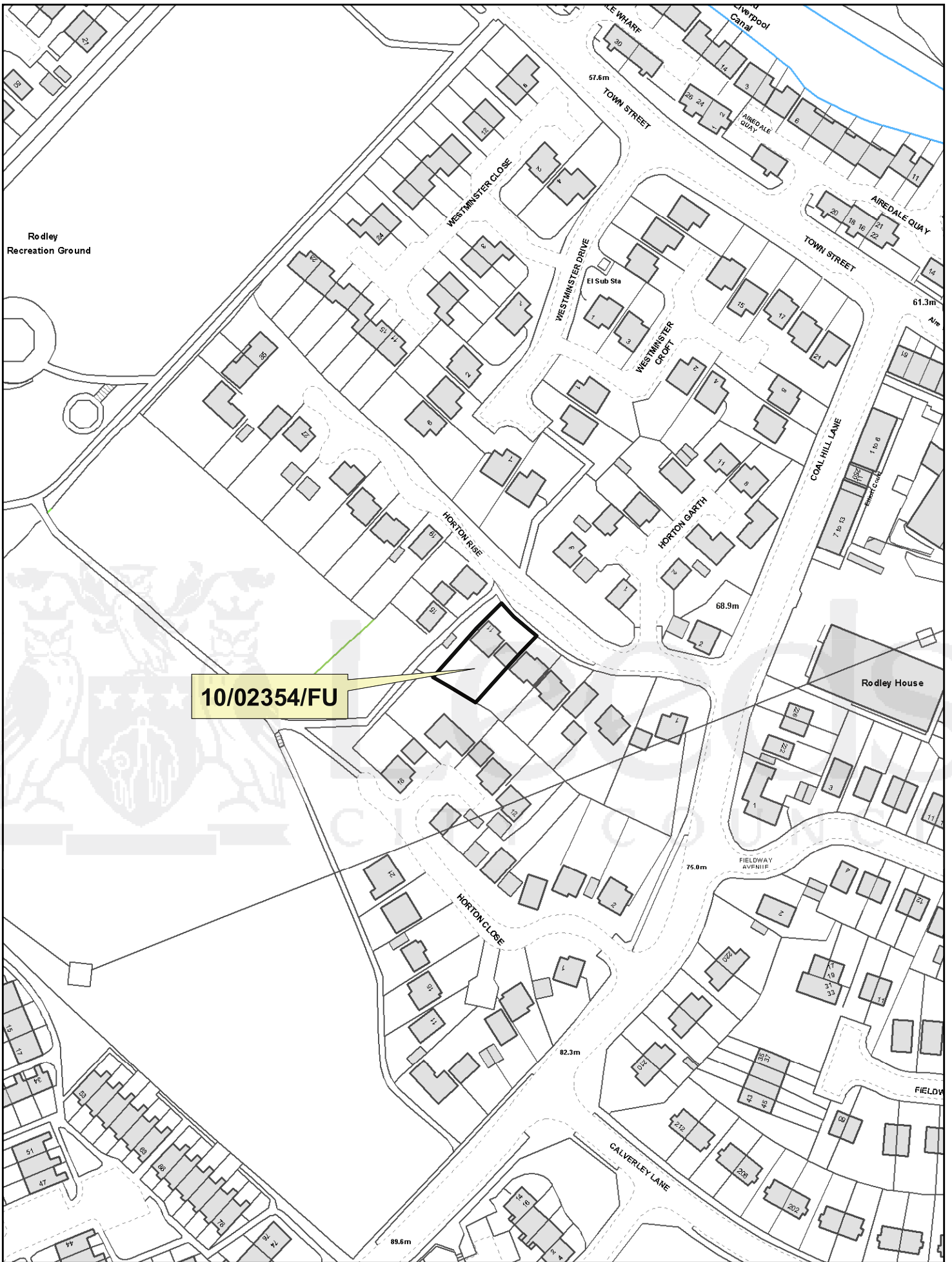
- 11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be approved subject to the aforementioned conditions.

Background Papers:

Application file 10/02354/FU

Spg13 – 'Neighbourhoods for Living'

Email from Councillor Ted Hanley, dated 30.06.2010



10/02354/FU

WEST PLANS PANEL





Report of the Chief Planning Officer

Plans Panel West

Date: August 12th 2010

Subject: APPLICATION 10/02052/EXT - Extension of permission of application 26/564/04/FU for change of use involving part demolition and 2 1/2 storey extension to side to form 14 flats AT ESCHER HOUSE, 116 CARDIGAN ROAD, HEADINGLEY, LS6 3BJ

APPLICANT

Outside the Box Ltd –
Mr Mark Davies

DATE VALID

17th May 2010

TARGET DATE

16th August 2010

<p>Electoral Wards Affected:</p> <p>Headingley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION

To defer and delegate approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months following Panel, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

1. Off-site greenspace contribution - £32,324.13
2. Flats will not be occupied by students.

Suggested conditions:

1. Development to commence within 3 years
2. Plans to be approved
3. Samples of walling and roofing materials to be submitted
4. Samples of surfacing materials to be submitted
5. Position, design and materials of boundary treatments to be submitted
6. Areas to be used by vehicles to be laid out and drained
7. Hard and soft landscaping details to be submitted
8. Tree and shrub protection
9. Replacement planting of trees within 5 years if required
10. Landscape maintenance schedule to be submitted
11. Details of disabled parking to be submitted
12. Details of windows to be submitted
13. Details of bin and cycle storage to be submitted
14. Separate system of foul and surface water drainage

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) and The Development Plan consisting of the saved policies of the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N12, N13, N19, T2, T24, H4, H15, BD5, BD6, BC7, LD1

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 and on balance planning permission should be granted for this extension of time planning application.

1.0 INTRODUCTION:

1.1 The application has been brought to the plans panel following a request by a ward councillor (Councillor Monaghan) who expresses concern about the ongoing levels of development in the area.

2.0 PROPOSAL:

2.1 The application is for an extension of time for the previously approved application 26/564/04/FU which gave permission for the change of use of 116 Cardigan Road from offices to flats.

2.2 Some demolition of existing extensions to the rear of the building was also approved.

2.3 A 2 ½ storey extension was approved to the rear to form a total of 14no. 2 bedroom flats.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located on the west side of Cardigan Road and is within the Headingley Conservation Area. The area is predominantly residential in character with a mixture of private housing and flats. The properties also show a wide range of styles with a number of impressive villas on Cardigan Road and terraced housing to the rear in the Chapel Lane and Broomfields areas.

3.2 The site currently contains a late 19th century brick built villa in the Gothic style which is in use as offices. The front elevation has gable detailing with bay windows and a central tower topped with a spire. To the rear is a relatively modern extension which matches in terms of materials but lacks the detailing of the existing building.

3.3 The road frontage is characterized by an open garden area with mature trees. There is a low level brick wall with railings and hedging behind on the front boundary with the highway and to the rear a high stone wall with gateposts and large gates. The access road runs along the southern boundary of the site and gives access to the parking areas at the front and rear.

4.0 RELEVANT PLANNING HISTORY:

4.1 26/325/04/CA – Conservation Area application to demolish part of offices – Approved (5 year consent given from 3rd January 2006)

4.2 26/564/04/FU – Full application for a change of use involving part demolition and 2 ½ storey extension to rear to form 14 flats – Approved 8th June 2005

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 19 letters of representation have been received from local residents. All of these letters object to the development and some 6 of the letters are in the form of a standard letter.

6.2 The issues raised are:

- Parking pressures in the area are likely to be increased
- Insufficient parking provided on site
- Public transport in area is already stretched to capacity
- Increased traffic will lead to road safety issues in Chapel Lane where the community includes a number of young children
- Access to the site from Chapel Lane will exacerbate highway problems
- Recent over-development of area – excessive density of development
- Excessive numbers of flats/ HMOs/ students in area – population imbalance
- Transient population is detrimental to community cohesion
- Garden grabbing – site is Greenfield according to PPS3
- Loss of trees on site and impact on open nature of area

6.3 Councillor Monaghan has echoed these concerns and asks that the application is put to the plans panel in the light of the recent excess of development in the area.

7.0 CONSULTATIONS RESPONSES:

7.1 Local Plans have required an off-site greenspace contribution of £32,324.13 as required by policy N2 of the UDPR

7.2 Highways also reiterate their earlier comments requesting that cycle and bin storage is secured by planning condition.

7.3 The landscape officer has requested no change in response excepting a re-wording of the tree protection condition to refer to a revised British Standard.

7.4 West Yorkshire Police make a number of suggestions relating to securing access to the flats, a suitable external lighting scheme and landscape design.

8.0 PLANNING POLICIES:

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

Development Plan:

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

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD5 – requires new buildings to give consideration to both their amenity and that of their surroundings.

BD6 – extensions should respect the scale, form, detailing and materials of the host building

BC7 – within Conservation Areas development should be in traditional local materials

Policy N2 - support given to establishment of a hierarchy of greenspaces

Policy N4 - refers to provision of greenspace to ensure accessibility for residents of proposed development

N12- states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.

N13 - requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N19 – requires that all new development within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 - parking provision to reflect the guidelines set out in UDP Appendix 9.

LD1 - development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

H4 – determines that residential development on unallocated sites within urban areas are permissible providing they are acceptable in sequential terms, within the capacity of existing infrastructure and comply with all other relevant policies.

H15 – Area of housing mix

Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living
Street Design Guide
Greenspace relating to new housing development
Headingley Draft Neighbourhood Design Statement

Government Planning Policy Guidance/Statements:

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:-

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2006)

PPS5: Planning for the Historic Environment (2010)

9.0 MAIN ISSUES:

- 9.1 The principle of the development
- 9.2 Assessment of the change in planning circumstances since the scheme was approved in 2005.
- 9.3 Assessment of the change in character of the local area
- 9.4 Representations

10.0 APPRAISAL:

The principle of the development

- 10.1 The guidance on determining applications for the extension of time to implement an existing planning permission advises Local Planning Authorities that the 'principle' of the development has already been established by the original permission.
- 10.2 Accordingly, as the proposal is unchanged in design, appearance, layout, scale and in all other regards, the principal of development is considered acceptable and should not be the focus of the debate in determining this application. Rather it is the consideration of any change in material planning circumstances that have taken place since this application was approved in 2005.

Assessment of the change in planning circumstances since the application was approved in 2005

- 10.3 The Unitary Development Plan Review First Deposit Draft of 2003 was considered during the assessment of the previous application as well as the Unitary Development Plan 2001 which was the statutory development plan for the district at that time. Since then there has been a raft of new policy both local and national against which this application must now be addressed.
- 10.4 In terms of the local plan, this has resulted in little relevant change for this application. The Draft UDP Review identified this area of Headingley as being within the ASHORE (Area of Student Housing Restraint) which attempted to restrict all new student development within the area. Following the public inquiry, the inspector amended this policy to the current H15 Area of Housing Mix which seeks to manage the supply of student housing within the area so as to maintain a diverse housing stock for all sectors of the community.
- 10.5 The approval 26/564/04/FU included a condition restricting the flats to non-student occupancy and within the delegated report it was noted that the flats were of a high quality and as such it was not considered likely that they would be in student use. This is still the case except that such requirements are not now secured by condition but by legal agreement and this matter is currently with legal officers.
- 10.6 Beyond the UDP Review, there has been a significant change in national policy since 2005 with the introduction of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS5: Planning for the Historic Environment.
- 10.7 PPS1 and PPS3 have, perhaps most notably, raised the standards against which design should be assessed. PPS1 states that 'Design which fails to take the

opportunities available for improving the character and quality of an area should not be accepted' while PPS3 adds that 'Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities'.

- 10.8 Considerable time was taken during the initial application process to ensure that the extension was subservient and in keeping with the original building. The extension is set at a lower level than the main building and to the rear such that it will not be visible from the front of the villa on Cardigan Road. The materials proposed are in keeping with both the Conservation Area and host building and the design detailing is of a standard in keeping with the villa. It should be emphasised that the proposed extension does not encroach on the frontage of the property in any way. In light of these factors it is considered that the design of the proposal meets the requirements of PPS1 and PPS3 in terms of good design.
- 10.9 Recent government changes have led to the exclusion of garden sites from the definition of previously developed (brownfield land) in PPS3 Annex B.
- 10.10 The area on which the extension will be sited is currently an area for car parking to serve the offices is not undeveloped garden.
- 10.11 It is not considered that the proposal in any way conflicts with the objectives of PPS5: Planning and the Historic Environment. This document seeks to conserve England's heritage assets in a manner appropriate to their significance, to ensure their continued and appropriate use and to ensure that their contribution to local character and sense of place is valued and recognized. Given that the design of the proposed extension is acceptable when evaluated against the requirements of PPS1 and PPS3 and the very minimal impact of the proposal on the frontage of the property then the proposed extension and change of use is considered likely to have a neutral effect upon the character or appearance of this part of the Headingley Conservation Area. As such it the proposal is considered to preserve or enhance the character and appearance of this part of Headingley. Accordingly it is considered that the proposal meets the requirements of PPS5 and policy N19 of the adopted UDP.

Assessment of the change in character in the local area

- 10.12 Local residents have referred to a change in character in the local area brought about by a recent change in the make-up of the community which they have attributed to the increase in flats in the area since the original application was approved in June 2005. A number of schemes have been referred to within the letters of representation and it has been considered appropriate to look at these in relation to the current proposal.
- 10.13 The change of use and extensions at the Madeline Joy hostel on Broomfield Crescent was granted permission in 2 parts. The first part for the change of use of the hostel and some extension was approved in August 2004, prior to the approval of the application at 116 Cardigan Road. The second part of the development at Madeline Joy, consisting of 12no. 2 bedroom flats and 4no. 3 bedroom flats, was given outline approval in June 2004, also prior to the development at 116 Cardigan Road.
- 10.14 The Broomfield Hotel site on Chapel Lane involved the change of use of a hotel to 8 flats and was approved in September 2004, again prior to the 116 Cardigan Road site.

- 10.15 At Valley Court on Cardigan Road, planning permission was given for 16 flats in May 2005, prior to that on Cardigan Road. There have been no further extensions approved here since then.
- 10.16 From the developments cited by residents, only 2 have been identified as being approved since June 2005. These are a 47 bed student development at 45 St Michaels Lane (not implemented and subject to an Extension of Time Application which Panel deferred for further consideration) and 5no. 2 bedroom flats at 70-72 Cardigan Road. Both sites are approximately 300m from the Cardigan Road site. It is not considered that such a relatively small increase in flats within the area has significantly impacted on the housing mix in the area nor on the community mix of the population. The proposal itself is relatively small, consisting of 14 flats and, given the good mix of housing within the area, it is not considered that there is any material change in planning circumstances to justify refusal of the application. Furthermore the restriction of the occupation of the flats to non student residents is a further attempt to recognise that the demographic imbalance In Headingley is a matter for developers to consider. In addition it is noted that the current use of the building as offices would cease and although a residential use would replace this the impact of a commercial operation on the local area and surrounding highway network would cease.

Representations

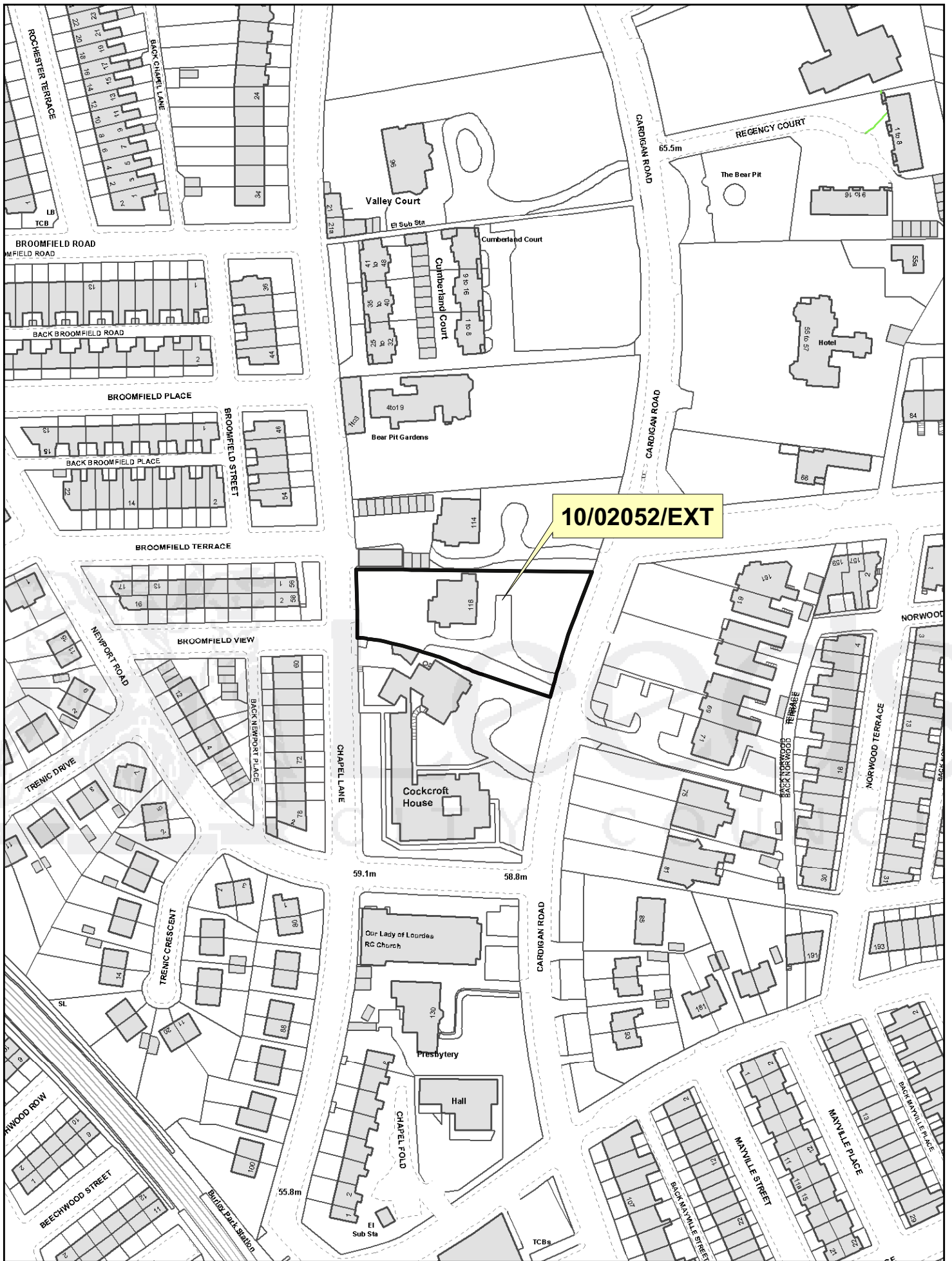
- 10.17 A number of residents have raised issues related to Highways concerns. The only changed circumstance since 2005 which has been identified is increased numbers of children living on Chapel Lane and a concern about the risk to them of increased traffic from the new development. There is no change in highways policy to make the proposal unacceptable now. In addition, only 5 parking spaces are accessed via Chapel Lane and this small increase in traffic is unlikely to significantly reduce highway safety in the area.
- 10.18 The only other issue raised by residents which has not been discussed earlier in the report is that relating to tree loss and the impact on the openness of the area. Since June 2005 there has been little significant development approved in the local area which would lead to a change in planning circumstances. The proposal is still considered unlikely to impact on the openness of the area by virtue of its siting. This positions the extension to the rear of the site away from the most significant trees and it is not proposed that there will be any significant tree loss of as a result of the proposal.

11.0 CONCLUSION:

- 10.1 On balance it is considered that there is not a significant change in planning circumstances to outweigh the granting of the Extension of Time for this application. The scale of development and the change of use of a building currently in use as offices combined with a restriction on occupation is considered acceptable in this instance. As there are no changes to the design or appearance of the proposal and the proposed extension is not readily visible from Cardigan Road it is considered that the proposal preserve or enhances this part of the character and appearance of the Headingley Conservation Area.

Background Papers:

Application and history files.



WEST PLANS PANEL





Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12 August 2010

Subject: APPLICATION 09/00856/FU – PART 4, 5 AND 6 STOREY BLOCK COMPRISING 65 STUDENT CLUSTER FLATS, WITH 154 BED SPACES, CAR PARKING AND LANDSCAPING AT FORMER GLASSWORKS, CARDIGAN ROAD, HEADINGLEY, LEEDS, LS6 1LF.

APPLICANT

Park Lane Properties

DATE VALID

27 February 2009

TARGET DATE

29 May 2009

Electoral Wards Affected:

Hyde Park & Woodhouse
Headingley
Weetwood

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The Local Planning Authority considers that this proposed student development will be detrimental to the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be detrimental to the balance and sustainability of the local community and to the living conditions of people in the area, contrary to the main thrust of Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of the previous appeal for a larger student housing scheme dismissed in November 2008 following a Public Inquiry, the scheme's significance, impact on the local area and the complex planning history.

2.0 PROPOSAL:

- 2.1 This scheme is, in effect, a revision of planning application 24/39/02/FU (C3 flatted residential scheme approved February 2007). The applicants have stated that whilst this permission is extant until the end of March 2012, general housing is not viable and/or deliverable under current market conditions. As a consequence they wish to re-visit the potential for a student housing development on the site. A previous student scheme was dismissed at appeal.
- 2.2 It is the applicant's contention that, through revising the student housing proposals as shown on the presentation, they consider that the scheme would deliver a more efficient and effective use of the site than could be realised via the extant permission, whilst at the same time taking into account the findings of the Inspector for the appeal scheme.
- 2.3 The application was accompanied by the following documents; Design & Access Statement, Phase 1 Land Quality Assessment, Transport Statement, Travel Plan Framework and Planning Assessment.
- 2.4 The applicants have also stated that a draft Section 106 Agreement is in preparation and the proposed 'Heads of Terms' will cover the following points; Subsidised Metro Cards, Greenspace Contribution, Public Transport Contribution a Pelican Crossing and Associated Highway Works. These are in line with the 'Heads of Terms' as agreed during the course of the previous appeal.
- 2.5 This scheme proposes a student housing block that in terms of external design, scale and massing of the building is very similar to the extant planning permission 24/39/02/FU but with amended floor plans and revisions to the amenity space and parking levels.
- 2.6 This scheme shows 154 bed spaces, representing an increase of 10% from the 140 bed spaces of the approved scheme. There would be a total of 44 two bed flats, 18 three bed flats and 3 four bed duplexes for a total of 65 units. 39 car parking spaces are proposed to reflect the Leeds UDP Review guideline of 1 parking space per 4 bedspaces for student proposals. The revisions to the extant approval including the reduction in parking levels enables the provision of a large communal courtyard garden area at ground level in this scheme (i.e. without the need to provide the raised deck with parking below that forms part of the approved scheme). The extant permission provides 92 car parking spaces as it was intended as an open residential permission within the C3 Use Class.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site did contain a substantial two and three storey disused glassworks built in brick, which had been disused for a number of years and was considered to be of a poor appearance. The former Glassworks building has now been demolished.
- 3.2 To the east of the appeal site is Cardigan Road with a commercial building and a petrol filling station to the opposite side.
- 3.3 To the north is a footbridge over the railway and beyond this various builders yards and other commercial premises.

- 3.4 To the west is the railway line raised almost two storeys at this point and beyond is Burley Park which is within a Conservation Area.
- 3.5 To the south is Burley Library, while housing lies further south. With the exception of the immediate area the neighbourhood is generally residential in character with some commercial uses generally on the western side of Cardigan Road between the road and the railway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-

Planning Permission 24/39/02/FU:

- 4.2 Planning permission was granted in February 2007 for the erection of a part 4, 5 and 6 storey building comprising 86 Flats comprising 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats with undercroft car parking and replacement Telecommunications Mast to rear, under reference 24/39/02/FU.
- 4.3 Although the application was submitted on 30 January 2002 and the scheme was considered by the Members at the Plans Panel (West) of Leeds City Council on 11 November 2004, planning permission was only granted on 28 March 2007. This was due to delays in signing the S.106 Legal Agreement and organising the replacement telecommunications mast. This planning permission expires in March 2012, if not implemented before then.
- 4.4 This approved scheme includes the following elements:
- 4.4.1 The building would occupy a forward position on the site continuing the line of the buildings fronting onto Cardigan Road.
- 4.4.2 The new development would be accessed from Cardigan Road to the side of the site. Car parking is created to the side of the site and in an undercroft giving a total of 92 spaces with 60 cycle spaces.
- 4.5 The bed spaces for the development total 140. The permission is not restricted by condition in terms of occupancy. The applicants believe that, in effect the site could be redeveloped in line with that permission and then let to students without breaching planning control.

Planning Application 07/07439/FU:

- 4.6 This application sought planning permission for the erection of a part 5, part 6 storey block comprising 60 student cluster flats, with 256 bed spaces, car parking and landscaping.
- 4.7 This planning application was considered by the Members at the Plans Panel (West) of Leeds City Council on 21 February 2008 following a site visit.
- 4.8 The scheme was recommended for approval by officers, but the Plans Panel resolved to refuse permission on the following grounds:
- 4.8.1 The Local Planning Authority considers the proposed development by reason of its size, scale, dominance, height, design and materials will

represent an overdevelopment of the site out of character with its surrounding and will be obtrusive and prominent in its setting and relationship to surrounding development and to the park to the west to the detriment of the visual amenity and character of the area. As such the proposal is contrary to policies GP5, BD5, N12, N13 and H15 of the Leeds Unitary Development Plan (Review) 2006, adopted Supplementary Planning Guidance Neighbourhoods for Living and national guidance in paragraph 13, 17-19 and 33-39 of PPS1 and paragraph 13, 16, 49 and 69 of PPS3.

4.8.2 The Local Planning Authority considers that the proposed development will be occupied by students to the significant detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be seriously detrimental to the balance and sustainability of the local community and to the living conditions of people in the area, contrary to Policy H15 criteria ii), iii) and v) of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 aimed at developing strong, vibrant and sustainable communities and social cohesion.

4.8.3 The Local Planning Authority considers that the development does not provide adequate amenity space to the detriment of future occupants residential amenity and appropriate access to the hierarchy of green spaces identified within policy N2, thereby being contrary to Leeds Unitary Development Plan policies N2, N4 and GP5 and guidance within adopted Supplementary Planning Guidance Neighbourhoods for Living and Supplementary Planning Guidance 4 Greenspace Relating to New Housing Development.

4.9 In light of the (then upcoming) Public Inquiry, officers sought Panels Members to re-affirm their decision and the reasons for refusal but with a variation to the third reason, at the Plans Panel (West) on 7 August 2008.

4.10 Members re-affirmed their previous decision and the reasons to refuse the application but agreed a variation to Reason No.3 not to contend that part relating to the lack of on-site greenspace but confirmed that the part of the refusal relating to a lack of private communal amenity space for future residents would be contested. This was subject to receipt of a Section 106 Unilateral Undertaking by the appellants which included an acceptable greenspace sum to be applied to improve existing local provision.

Planning Appeal APP/N4720/A/08/2074675:

4.11 The appeal into the refusal of 07/07439/FU was heard at an Inquiry, held on 8-10 October 2008. The appeal was dismissed in a letter dated 19 November 2008 and reported to Plans Panel West on the Thursday 27th November 2008.

4.12 The Inspector stated that as the principle of residential development on the site was not in dispute the 3 main issues were those on which the application was refused. Taking each of these in turn, the Inspector made the following comments.

4.13 In terms of the impact of the development on the character and appearance of the surrounding area, the site occupies a visually prominent plot due to the area's topography and the site's location. Although the Inspector recognised a new landmark building would improve the quality of the area he was unconvinced that

the built form proposed would positively achieve this or contribute to the variety of architectural styles in the street.

- 4.14 The Inspector considered the scheme in relation to extant planning permission 24/39/02/FU but found the 2 schemes to be materially dissimilar, with the approved scheme appearing less dominant due to its height, scale and roof articulation.
- 4.15 Although the proposed building would be set back from Cardigan Road, the Inspector felt that the complex would be visually prominent especially from the footbridge, surrounding highway and the wider residential areas, due to the development's height, siting and location and that it would dwarf the adjoining library and be taller than any immediate property. For these reasons it would not integrate into its surroundings. The difference in ground levels would further accentuate the bulk and mass of the buildings.
- 4.16 In terms of acceptability with regard to the objective of creating balanced communities and the impact on residents living conditions, the site is situated in a designated Area of Housing Mix (AHM) where Policy H15 applies and the Inspector considered that such a large concentration of students in one location as that proposed would be a material increase in the AHM.
- 4.17 The appellant stated that there is a deficiency in purpose-built student housing in the area but the Inspector saw student flats at Royal Park Road and noted another Inspector's approval for development of a site within the AHM (student flats at St Michael's Lane) and also commented that a high proportion of existing houses in the AHM are occupied by students as homes in multiple occupation (HMO). The Inspector considered there to be limited evidence that the popularity of purpose-built accommodation has relocated students from HMOs.
- 4.18 The Inspector accepted that UDP Policy H15 is permissive of purpose-built student housing in the AHM, but not at all costs. Criterion (ii) seeks to ensure no unacceptable effect on neighbours living conditions. The Inspector does not dispute that managed student accommodation goes some way to controlling on-site noise and nuisance but understands concerns that the lifestyle choices of some students can give rise to unneighbourliness and anti-social behavior off-site. The proposed development would be a source of annoyance given its location within a residential area. The over-concentration of students in this part of the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3.
- 4.19 In the Inspectors view the development would generate a high frequency of comings and goings including the likelihood of frequent high-spirited late night activity at times when people are normally sleeping or enjoying the comfort of their own home. This would be materially harmful to neighbours living conditions.
- 4.20 In terms of the provision of adequate and useable private amenity space for future occupiers, although the level of amenity space to be provided fell below the Council's requirement as set out in Neighbourhoods for Living, the Inspector was not convinced that the shortfall would be wholly unreasonable given the proximity to Burley Park and that the main spaces would not be overcrowded due to their size and shape.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In advance of making this application the applicants have written to those local residents who made representations regarding the previous proposals, Local Ward Members and interest groups to advise them of the proposals and ask them for comments.
- 5.2 The applicants have set out the reasons why they consider a student housing scheme with a reduced number of student bed spaces to be acceptable in principle and explained how closely the new scheme mirrors the extant permission in terms of external design, scale and massing. The applicant believes that local objections should not automatically mean that the proposals are deemed by the local planning authority to be unacceptable in planning terms.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been duly advertised on site by the means of site notices. 3 site notices (making reference to major development affecting a right of way) dated 12 March 2009 were placed around the site on Cardigan Road and Broadway Avenue.
- 6.2 Local residents and/or interested third parties who previously made comments on the refused application (07/07439/FU) were written to directly notifying them of this application.
- 6.3 Notice was also published in the Leeds Weekly News and the application was also been made available for public inspection at Headingley Library.

Councillors:

- 6.4 Councillors Penny Ewans, Martin Hamilton, James Monaghan and Linda Rhodes-Clayton, have all raised objections to the application and their objections can be summarised as follows: -
- 6.5 The Councilors note within their comments that the previous proposal was refused by Panel and that the decision was upheld by the Inspector. The principle reason was that the proposals did not meet the objectives of the area of student housing mix. Whilst what is proposed may be smaller (around 2/3 the size), those basic objections are not overcome by the revised scheme.
- 6.6 Councilor Ewens also notes that UNIPOL, who keep a keen eye on provision of student accommodation, consider that the market for student housing is saturated and so there is a sufficient number provided for all requests.
- 6.7 The Councilors believe that the neighbourhood does not require this proposal and the scheme does not comply with policy H15; the inspector also felt that the previous scheme did not comply with PPS1 and PPS3. The ward members argue that there is nothing in this proposal which could overcome these objections.

Local Amenity Groups:

- 6.8 Leeds HMO Lobby have raised objections to the application and their objections to the application can be summarised as follows: -
- The proposal put forward does not differ in principle from the application that was dismissed at appeal;

- The proposal would further skew the demographic imbalance of South Headingley, which is contrary to the aims of PPS1 and PPS3 in creating socially cohesive and well balanced communities;
- Raise question regarding the applicant supporting statement and their view of the strength of the Inspectors appeal decision;
- The applicant has not provided any firm evidence to support the assertion that more purpose built student accommodation equals less HMOs, and the release of houses into family occupation. Evidence that was provided at the Public Inquiry by Park Lane Properties suggested that the majority of the occupants of the Triangle had moved from other purpose built developments. Furthermore, this proposal could attract others to this area increasing the population density of students;
- The applicant argues that the proposal only represents a 10% increase on the extant permission, which does not have any restrictions on the proposal in relation to student occupancy. However, this calculation does not take into account that the affordable housing requirement would not be available to students. This reduces the 140 bed spaces by 15% (119 bed spaces), so the increase provided by the new application is 25% (35 bed spaces).
- The applicant states that the proposal will help to promote wider regeneration. Firstly, the area does not suffer from deprivation. However, the area does suffer from a profound loss of community cohesion. Secondly, any development would generate construction jobs in the short term. In long term, the area needs a consistent population not a transient one;
- National policy is clearly stated in PPS1: “Planning should facilitate and promote sustainable development by [among other things] ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities”;
- The same principle naturally extends to the local level. In the Leeds UDP Review, completed in 2006, Policy H9 states “The City Council will seek to ensure that a balanced provision in terms of size and type of dwellings is made in housing developments.” This is amplified in PPS3 Housing: “The Government is seeking to create sustainable, inclusive, mixed communities in all areas ...” Quite correctly, the Appeal Decision stated: “I find that the over concentration of students in this part of the city would not sit well with the Government’s objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3” (para 23).
- As a result of the problems generated by student housing in and around Headingley, clearly acknowledged in the UDP Review, two dedicated policies were included; and
- The present application remains nearly two-thirds of the size of the rejected application. In the end, the Planning Statement is able to do little more than assert that the impact of the present application will not be quite as bad as the rejected application, and it will not be a lot worse that the extant permission might be.

6.9 The following local amenity groups have also raised objection to the application: -

- South Headingley Community Association;
- Weetwood Residents' Association;
- Far Headingley Village Society;
- The Cardigan Triangle Community Association;
- Little Woodhouse community Association;
- Kirkstall Valley Community Association;
- Headingley Renaissance Group, and
- North Hyde Park Neighbourhood Association.

6.10 Their objections to the application can be summarised as follows: -

- The proposal would worsen the current demographic imbalance in the area, which the Council has sought to reverse;
- The concentration of students in the area (which would be exacerbated by this application) cuts against general Government policy to create cohesive mixed communities;
- The application would seriously detract from the living conditions of other residents through noise and disturbance; and
- The application does not overcome the recent dismissed appeal.

Local Residents:

6.11 20 individual letters of objection have been received from local residents. Their objections can include the issues raised above, however additional objections can be summarised as follows: -

- Principle of the proposal;
- Building too tall;
- Antisocial behavior such as litter;
- Permanent residents should be encouraged to move back;
- Affordable Housing needed;
- Lack of parking and space for taxi's.

7.0 CONSULTATIONS RESPONSES:

Statutory:

- 7.1 **Network Rail:** No objections, subject to conditions to safeguard and protect the operational running of the railway line.
- 7.2 **Mains Drainage:** No objections, subject to conditions regarding drainage and surface water infiltration.
- Non-statutory:**
- 7.3 **Highways:** No objections to the scheme as amendments have been made to the parking layout and cycle parking provision to bring them in line with UDP requirements and highway specifications. This is subject to conditions regarding, parking, travel plan and off site highway works as it is unlikely that additional traffic, pedestrian and cycle movements generated by the development would result in an identifiable road safety issues.
- 7.4 **Transport Policy (Travel Wise):** No objections as amendments have been agreed to the submitted Travel Plan. This would need to be secured through condition and legal agreement.
- 7.5 **Metro:** No objection subject to improvements to a local bus shelter. This would need to be secured through a legal agreement.
- 7.6 **Public Rights Of Way:** No objections, as the scheme does not have any adverse impacts on the adjacent (foot bridge to recreation ground) public right of way.
- 7.7 **Access Officer:** No objections as sufficient disable parking and access arrangements have been provided within the scheme.
- 7.8 **City Services:** No objections as refuse collection arrangements are sufficient although concerns over limited allowance for future housing recycling bins.
- 7.9 **West Yorkshire Police:** No objections, subject to conditions controlling a secure perimeter, secure ground floor windows and doors, access control & mail, lighting, car parking and landscaping.
- 7.10 **Neighbourhoods and Housing:** No objections as the there is limited impact on future residents of any building in terms of local noise sources. The railway line is not a main line, the timber yard does not produce very high noise levels and Cardigan Road, while reasonably busy, is not excessively so in noise terms. Conditions would be required to secure standard thermal double glazing to protect residents against external noise. Internally, the development should comply with the Housing Act 2004.
- 7.11 **Minerals - Contaminated Land:** No objections to the scheme. Although a 'Phase 1 Desk Stop Study' was submitted with the application given the site's previous industrial usage and presence of fuel storage tanks, the Minerals Contaminated Land section would ideally wish a scope of works to be agreed prior to determination (which would demonstrate how any contaminates, if found, would be dealt with). However following discussion, it has been agreed that restrictive conditions could be placed on any permission to address all of the potential issues in advance of the commencement of development. This approach would accord with DCLG guidance.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan.
- 8.2 **Regional Planning Policies:**
- 8.3 As confirmed by the Department of Communities and Local Government on the 6 July 2010, the Secretary of State has announced the revocation of the Regional Strategies. Therefore the Development Plan now consists of the Leeds Unitary Development Plan (Review 2006).
- Local Planning Policies:**
- 8.4 Locally Leeds City Council has begun work on our Local Development Framework (“LDF”) with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- 8.5 In the interim period a number of the policies contained in the Leeds Unitary Development Plan (“UDP”) have been ‘saved’. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.
- 8.6 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SA) as follows;
- 8.6.1 Policy SG2: To maintain and enhance the character of the District of Leeds;
- 8.6.2 Policy SG4: To ensure that development is consistent with the principles of sustainable development;
- 8.6.3 Policy SA1: To secure the highest possible quality of the environment throughout the District, by protecting existing good environment, conserving and enhancing where there is scope for improvement, including initiating the renewal and restoration of areas of poor environment;
- 8.6.4 Policy SA7: To promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities; and
- 8.6.5 Policy SP1: Greenspace is protected and enhanced as an important land use in its own right in conferring amenity, quality of life and sense of identity to established communities and proposed extensions.
- 8.7 The application site is in the AHM and is a disused employment site. Therefore the specific development Leeds Unitary Development Plan policies are: -
- 8.7.1 Policy GP5: Development control considerations;
- 8.7.2 Policy BD5: New buildings design consideration given to own amenity and surroundings;

- 8.7.3 Policy N12: Refers to all development proposals should respect fundamental priorities for urban design;
- 8.7.4 Policy N13: Refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings;
- 8.7.5 Policy E7: Loss of employment sites/use.
- 8.7.6 Policy H11: Refers to the provisions of affordable housing within new housing proposals which meet the requirements of PPS3;
- 8.7.7 Policy H12: The council will negotiate the proportion and type of affordable housing required for individual sites in the context of the extent, nature and need of affordable housing in the locality and the characteristics of the site;
- 8.7.8 Policy H15: Refers to all new housing developments intended for occupation by students to satisfy five criteria tests prior to being acceptable;
- 8.7.9 Policy N2: Support given to establishment of a hierarchy of greenspaces;
- 8.7.10 Policy N4: Refers to provision of greenspace to ensure accessibility for residents of proposed development;
- 8.7.11 Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary before planning permission is granted. This obligation should cover those matters which would otherwise result in permission being withheld and if possible should enhance the overall quality of the development. Its requirements should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects;
- 8.7.12 Policy T1: Refers to transport investment being directed towards, improving the quality and provision for alternatives to the car by improving public transport. The policy lists 5 criteria for improving public transport and promoting alternative forms of sustainable transport;
- 8.7.13 Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety;
- 8.7.14 Policy T2D: Refers to proposals that would otherwise be unacceptable due to public transport accessibility issues being address through developer contributions or actions to make enhancements, the need for which arise from the proposal;
- 8.7.15 Policy T5: Seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes;
- 8.7.16 Policy T6: Refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development; and
- 8.7.17 Policy T24: Refers to parking guidelines for new developments.

Supplementary Planning Guidance:

8.8 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- SPG3: Affordable Housing (various);
- SPG4: Greenspace Relating to New Housing Development (6 July 1998);
- SPG6: Development of Self-Contained Flats (4 May 1999);
- SPG13: Neighbourhoods for Living (December 2003); and
- SPG22: Sustainable Urban Drainage (June 2004).

8.9 As well as the supplementary planning guidance documents that have been retained, new supplementary planning documents are relevant:

- Public Transport Improvements and Developer Contributions SPD (July 2008);
- Travel plans SPD (2008).

8.10 In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) are of relevance to the submitted proposal. These includes:

- PPS1: Delivering Sustainable Development (2005);
- PPS3: Housing;
- PPS5: Planning for the Historic Environment; and
- PPG13: Highways.

9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- 9.1.1 Principle of the proposed development and loss of employment;
- 9.1.2 Whether the proposal would be acceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities;
- 9.1.3 Whether the proposal would be acceptable having regard to the scheme's effect on residents' living conditions;
- 9.1.4 The impact of the development on the character and appearance of the surrounding area, with particular regard to the design of the scheme;

- 9.1.5 Whether the scheme provides adequate and useable private amenity space for future occupiers; and
- 9.1.6 Whether the scheme has an acceptable impact on highway access, parking provision, makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel.

10.0 APPRAISAL:

The principle of the proposed development and loss of employment:

- 10.1 Policy H4 of the Leeds UDP allows for the residential development on unidentified, brownfield sites subject to the proposal being compatible with the area and all other normal development control considerations. It is considered that the principle of development in this respect is fulfilled as the site is undoubtedly a brownfield site and the site's development is in accordance with the advice in PPS3 'Housing' which encourages the use of brownfield sites within urban settlements, which are already served well by infrastructure, transport modes and other amenities.
- 10.2 This site is also considered to be sustainable and as such in accordance with the sustainable principles of PPS1, PPS3 and PPG13 as it is located in close proximity to a range of public transport modes on Cardigan Road, and Headingley centre which offers an array of services and amenities. Notwithstanding the support from PPS3 and the housing policies contained within the Leeds UDP, the proposal does result in the loss of a former employment use upon this site. Policy E7 of the Leeds UDP is concerned with this issue.
- 10.3 Regarding the use of the site, loss of employment is not considered an issue as the premises were vacant for a number of years and have now been demolished. The Council have previously accepted the loss of employment on this site and there has been no material change in circumstances to alter this determination.
- 10.4 The site does benefit from a residential planning permission (under reference 24/39/02/FU) and the Council have previously and consistently stated that the principle of residential development of the site is not in dispute.

Whether the proposal would be acceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities:

- 10.5 As this application seeks planning permission for a block comprising student flats on a site situated in a designated Area of Housing Mix (AHM), UDP Policy H15 applies.
- 10.6 The 'Area of Housing Mix' policies support the provision of purpose-built student accommodation (subject to five criteria being met) but both emphasises the importance of student accommodation fitting into the community/ locality in terms of the stock of housing accommodation, the effects on neighbours, the scale and character of the surrounding area and the quality of the student housing stock. It can be seen that the whole emphasis is on the balance of providing quality accommodation for students but in the context of recognising the effects such accommodation can have on communities and thus seeking to achieve balance and satisfactory integration.

10.7 The Area of Housing Mix policy H15 states: -

WITHIN THE AREA OF HOUSING MIX PLANNING PERMISSION WILL BE GRANTED FOR HOUSING INTENDED FOR OCCUPATION BY STUDENTS, OR FOR THE ALTERATION, EXTENSION OR REDEVELOPMENT OF ACCOMMODATION CURRENTLY SO OCCUPIED WHERE

- (i) The stock of housing accommodation, including that available for family occupation, is not reduced in terms of quantity and variety;
- (ii) There would be no unacceptable effects on neighbours living conditions through increased activity, either from the proposal itself or combined with existing similar accommodation;
- (iv) The scale and character of the proposal would be compatible with the surrounding area;
- (v) Satisfactory provision would be made for car parking :and
- (vi) The proposal would improve the quality or variety of the stock of student housing.

10.8 The current application (being a purpose built student scheme with the AHM) should be considered on its merits having regard to planning policy H15 and other material planning considerations, which include the circumstances of the individual case and also in light of relevant previous appeal decisions.

Material considerations in this case:

10.9 It is considered that for this application, both the recent appeal decision for the previous scheme (see paragraph 4.14) and the extant permission on the site (see paragraph 4.2) are material planning considerations, which should be taken into account in reaching a decision.

10.10 The site does benefit from planning permission for a part 4, 5 and 6 storey building comprising 86 Flats comprising 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats with undercroft car parking.

10.11 This planning permission for 86 flats, remains extant until 28 March 2012 and the applicants contend represents a legitimate fallback position. The bed spaces for that development total 140 and is unrestricted by planning condition in terms of occupancy. The applicants contend that, in effect the site could be redeveloped in line with that permission and then let to students without breaching planning control.

10.12 The weight to be attached to the fall-back position is a matter for the decision maker. If it is decided that the fall-back position is more theoretical than real then this will mean that it is possible to attach little weight to it as a material consideration.

10.13 Furthermore, in considering the strength of the applicant's fall-back position it is necessary to ask two questions, first of all what is the fall-back position and secondly is what is the likelihood of it being implemented?

10.14 The following points are seen as relevant to the consideration of this issue:-

10.14.1 The extant permission comprises 10 two bedroom duplexes, 44 two bedroom flats and 32 one bedroom flats. The internal layout has been designed as a commercial flatted scheme and would not be marketable

as student cluster flats without significant internal alterations.¹ This can be seen through the internal layout of the current scheme which has been design to create a 10% uplift on total units compared to the extant permission. In addition, as it is designed as a commercial flatted scheme, it does not incorporate internal communal areas that encourage gathering of occupants which be normally expected in a cluster student flatted scheme.

10.14.2 As an unrestricted development, the extant permission is subject to local policy on affordable housing, which currently requires provision at this location of 15% affordable units;

10.14.3 Accordingly, in the assessment of officers it is unlikely that the implementation of the extant consent will result in a scheme which is occupied by students.

10.15 Turning to the likelihood of it being implemented, it should be stressed from the outset that the applicant has demonstrated that it has the resources to construct the development. However, officers have serious doubts about the prospect of the extant planning permission being implemented for the following reasons:-

10.15.1 The applicants have themselves stated that it would not be commercially viable to build out the extant permission or the current proposal and then sell the apartments to owner-occupiers in the current market;

10.15.2 It is considered that the cost of providing the affordable units within the scheme for a registered social landlord would make the extant permission commercially unattractive;

10.15.3 The scheme has had permission since February 2007, some 29 months, without even any pre commencement preparation work being undertaken by the applicant;

10.15.4 It took 4 years for the applicants to sign up to the S.106 agreement with its associated developer contributions and affordable housing requirements;

10.16 In all of the circumstances it is considered that the prospect of the fall-back actually occurring is 'more theoretical than real' and therefore, officers have accorded it relatively little weight in coming to this recommendation. It is officers' judgment that even if it was implemented it is unlikely to result in the development being occupied by students due to the affordable housing requirements and other constraints and in the circumstances the prospects of it being implemented are limited.

10.17 Therefore, whilst not immaterial, we do not accept that the extant permission as a fallback position should be accorded much weight. In the circumstances it is considered that the Council assessment of the application proposals should be on the basis of whether the current application proposals (154 bedspaces) has been sufficiently revised to overcome the Council's and Planning Inspectorate's concerns on the previously refused application (254 bedspaces) and that scheme's unacceptable impact (having regard to PPS1, PPS3 and the main thrust of UDP Policy H15, to the objective of creating balanced communities and effect on residents' living conditions.

Mix and balanced communities:

- 10.18 At the recent appeal, the Council argued (in accordance with PPS1 and PPS3) that one of the key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.
- 10.19 At the inquiry, Park Lane Properties recognised that 256 students are bound to have some affect on the neighbourhood.
- 10.20 To strengthen this view, the Inspector concluded that, although the increase would be marginal representing about 1.3% of the area's student population, in its completed form the development would accommodate 256 students. The Inspector stated that "such a large concentration of students in one location would be a material increase in the AHM."
- 10.21 Contrary to the appellant's arguments, the Inspector agreed and found that the over-concentration of students in this part of the city does not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3.
- 10.22 Notwithstanding the above, the application before Members today should be assessed on its merits and this scheme would result in 154 students in the AHM. It is considered that single concentration of students (albeit lower than the previous student scheme) would still have an affect on the neighbourhood and be a material increase in the AHM. As a result careful assessment against council policy is required.
- 10.23 It is considered that the extant permission, potentially brings better benefits to the area, when compared to this scheme in terms of creating socially cohesive and well-balanced communities and gives the opportunity to allow a greater mix of occupants rather than a single demographic on the site which is well known is already out of balance in the area. There are other uses that the site could be put to which have not yet been fully explored and which could be of benefit to the area – eg. Sheltered housing.

Loss of family housing:

- 10.24 Lengthy debate has been ongoing into the impacts of purpose-built student housing on existing student and family housing stock in the area.
- 10.25 The applicant contends that the proposal if approved, would reduce the demand by students for accommodation within the traditional housing stock within the Area of Housing Mix. They believe that the provision of 154 student bedspaces here could lead to a significant number of traditional houses suitable for family occupation within the Area of Housing Mix being returned from the letting market onto the general housing market. The applicants have submitted an estate agents report, which also states that traditional HMOs are becoming less popular with students and less commercially viable due to changes in market conditions and the Housing Act.
- 10.26 Local amenity groups and the Leeds HMO Lobby's view is that there is no proven link between any increase in purpose built student housing and the reduction of HMOs as purpose built student housing mainly attracts either first year or foreign

students and can act as a focus for more student accommodation. Leeds HMO Lobby also content that many students move between purpose-built developments.

- 10.27 There currently really is no strong evidential foundation for the contention that the provision of purpose built accommodation reduces the number of HMOs thus increasing family accommodation . That being said, there is no policy requirements under H15 (i) that requires an application proposal to increase family accommodation in the AHM.
- 10.28 Obviously the site does not contain existing family housing, therefore there would be no immediate loss of housing stock. It is accepted that the proposals will represent an environmental improvement to the area and result in a building that makes a positive contribution to the street scene, especially when compared to the former demolished Glassworks building and the currently vacant site. It is also accepted that general housing is not viable and/or deliverable under current market conditions. It is also reasonable to assume that this will be the case for the short and medium term. Given the constraints of the site (physical land area, location of the railway line, character of the area etc), that a standard family housing scheme for the site is also unlikely to be deliverable and the most probable successful residential scheme would be dense and flatted in nature.
- 10.29 That being said, the site could be re-developed for a number of non residential use in the medium to long term, such as medical centre, sheltered accommodation, educational uses. Therefore, the future redevelopment of the site is not defined by a student use.
- 10.30 Although the application description states the scheme is for student cluster flats, 67% of the proposed units are two bed flats. It is reasonable to believe that the two bed flats would be attractive to other occupants. Therefore, if a student scheme was successful on the site or in the case of an appeal against this decision, an obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the development does not need to make provisions of affordable housing in accordance with Policies H11, H12 and H13 of the UDP.

Whether the proposal would be acceptable having regard to the scheme's effect on residents' living conditions:

- 10.31 With the exception of the immediate area around the application site, the neighbourhood is generally residential in character with some commercial uses generally on the western side.
- 10.32 The proposal is unlikely to generate noise and disturbance from within the buildings envelope that would have a detrimental impact on immediate neighbour's amenity. This is due to the site not being connected to residential properties or directly opposite residential properties. The courtyard design should also help to contain noise and site activity within a 'screened' area. The development would also not result in the loss of daylight, sunlight and privacy of those residential properties closest to the site.
- 10.33 H15(ii) requires a general assessment of the development's cumulative effect on residents' living condition. It is considered that it is the movement of students to and from the site that is of particular interest. It is also considered that this aspect of policy H15 is the most difficult criteria to assess.

- 10.34 It is accepted that UDP Policy H15 is permissive of purpose-built student housing in the AHM, but not at all costs. Its criterion (ii) seeks to ensure that such schemes would not have unacceptable effect on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation. This criterion does not distinguish between HMOs and purpose-built student accommodation, and it requires a general assessment of the development's cumulative effect on residents' living condition.
- 10.35 Since the change in policy from ASHORE to Housing Mix Area through the UDP review, it is considered that since then, the facts have moved on. Even though the Inspector (at the UDP review) was not content that the claimed problems of crime, disturbance and lack of family housing could all be laid at the door of the student population, he did accept that:
- 10.35.1 “..concerns about a loss of overall balance in the community, particularly as manifested through the transience and seasonal nature of student occupancy, are well-founded”
- 10.36 Since then, there has been more material added to the evidence base. The Student Housing Strategy refers to the problems of “studentification” and sets out that such a phenomenon exists in North West Leeds. It also shows that some aspects of the problems caused stem simply from the presence of a high proportion of students.
- 10.37 Although this document is not planning policy, it is evidence which supports the existence of a problem. The same can be said of the report released by Department of Communities and Local Government. Whilst recognising that it is not policy, it does not need to be as it too supports the existence of problems as a matter of fact.
- 10.38 At the recent Inquiry it was acknowledged by all parties that those impacts described in the Department for Communities and Local Government report are identified as effects on people's living conditions where there is a high concentration of students.
- 10.39 To that documentary evidence base can be added the factual evidence of local residents. At the recent enquiry, the Inspector noted that there is a genuine concern about the development's impact on people's quality of life. The Inspector also heard evidence from local residents stating that the level of disturbance and problems are noticeably greater during term- time, which reflects the transient nature of the student community.
- 10.40 It is considered that there is such a phenomenon as “studentification”. That the problems it poses are not limited to those caused by the occupation of HMOs, but includes problems caused simply by the presence of a high proportion of students in an area; and that there are such problems in North West Leeds.
- 10.41 The problem is that such evidence is not specific, and its absence does not mean that the problems do not exist. For example, people do not generally complain to the police about low level, but disturbing, anti-social behaviour. Even if they did, the police records would not identify students as the source. In addition, general noise on the street is not recorded by the Councils Environmental Health Section. There is no suggestion that the University has any information on incidents of anti-social behaviour, whether through noise or littering, on the highway.

- 10.42 The applicant's place great weight on the fact that planning permission for 86 flats under application ref. 24/39/02/FU, remains extant until 28 March 2012 and represents a legitimate fallback position. The applicants' contend that the bed spaces for that development total 140. The permission is unrestricted in terms of occupancy. In effect the site could be redeveloped in line with that permission and then let to students without breaching planning control. The applicant has also stated that this scheme is viable, albeit for rented accommodation (primarily for, but not exclusively student occupation) and potentially without the affordable housing requirements.
- 10.43 The current scheme shows 154 bed spaces. compared to the appeal scheme (265 bed spaces) the resubmission represents a 40% reduction in number of occupants.
- 10.44 At that recent inquiry, The Inspector stated the following key points in relation to assessing the schemes impact against the objective of creating balanced communities and effect on residents' living conditions.
- 10.44.1 "He understood concerns that the lifestyle choices of some students can, at times, give rise to unneighbourliness and anti-social behaviour off-site."
- 10.44.2 "In the Inspector's view the proposed development (256 bedspaces) would be a source of annoyance because of its location within a residential area."
- 10.44.3 "Contrary to the appellant's arguments, the Inspector found that the over-concentration of students in this part of the city would not sit well with the Government's objectives of creating socially cohesive and well-balanced communities as stated in PPS1 and PPS3."
- 10.44.4 In the Inspector's view the proposed development (256 bedspaces), "would generate a high frequency of comings and goings by students including the likelihood of frequent high-spirited late night activity at times when people are normally sleeping, or enjoying the comfort of their own homes. "
- 10.44.5 The Inspector also stated that "Commonsense suggests that these effects would likely to be long-term. In the wider public interest, I consider that the development would be materially harmful to neighbours' living conditions."
- 10.45 Essentially, the hub of the argument is whether 154 students will have the same impact as 256 students or if the scheme has been satisfactorily reduced to an acceptable level.
- 10.46 Whilst it has to be accepted that the resubmission proposals represents a 40% reduction in number of occupants, it is considered that the revised application has failed to address the inspectors concerns in that a student development in this location, due to the lifestyle choices of some students and due to the routes that would be taken by occupants, through residential areas, would have an unacceptable adverse effects on neighbours living conditions.
- 10.47 A simple reduction in numbers cannot overcome that judgement that this site is not suitable for a purpose built student accommodation in that a concentration of students in this part of the AHM will be a source of annoyance because of its location within a residential area.

- 10.48 Against that background of neighbours evidence (most recently at the public enquired) and the Inspectors finding on this matter, it is possible to form a judgement about the likely negative effects of adding 154 students into one location. A plan of the likely routes students are likely to take to and from the application site is included on the presentation for members information.
- 10.49 Whilst there is no dispute that the premises themselves could be well-controlled. Having strict on-site management may make boisterous behaviour off-site, but close by, all the more likely.
- 10.50 As an unrestricted development, the extant permission is subject to local policy on affordable housing, which currently requires provision at this location of 15% affordable units (which would not be available to students). This therefore reduces potential student occupancy of the extant permission to 119.
- 10.51 Even if it is accepted that 119 bed spaces could be occupied by students, this could be taken as the worst case scenario and there is no reason why it would not be popular with other groups, such as young professionals. All of which could help to reduce the impact on neighbours and add to the variety of the community.
- 10.52 It is worth noting that the approved scheme was assessed and determined by Panel (September 2004) as a commercial residential scheme and not as a student scheme. Therefore the effects on neighbours living conditions through increased activity by students, either from the proposal itself or combined with existing similar accommodation was never fully assessed.
- 10.53 Very much on balance, it is concluded that the introduction of those 154 students, in one place will still have unacceptable adverse effects caused by their coming and going. It is considered that, on balance, bearing in mind the recent appeal decision and extant permission, that it can properly be concluded that there would be a breach of policy H15, criterion (ii) of the Leeds UDP.

The impact of the development on the character and appearance of the surrounding area, with particular regard to the design of the scheme:

- 10.54 The site was occupied by the former glassworks. This building consisted of a two and 3 storey red brick building running the length of the site abutting Cardigan Road. The site is bounded on the West by the Leeds-Harrogate railway line followed by the Burley Park Conservation Area. To the East Cardigan Road itself runs north to south gradually rising upwards as it heads from the Kirkstall Valley in the south up towards Headingley to the North.
- 10.55 The site can be seen from various points in the locality. Cardigan Road slopes upwards and the previous (demolished) buildings were prominent features when approaching from the north and the south. The site can also be seen through a narrowing belt of trees from Burley Park and its associated Conservation Area. A further significant view is along Alexandra Road that runs directly towards the site and effectively terminates at the site itself.
- 10.56 The area demonstrates varied and rhythmic roof forms that surround and lead towards the site from the East. In general the terraces are modest in scale with occasional landmark buildings; these include the Hyde Park Mosque and the Church of St Margaret's of Antioch. The views of trees within Burley Park also have an important visual and psychological impact from surrounding streets. Trees can

be seen creating a visual terminus from several streets that run East/West through and near the site, for instance, Alexandra Road and the Harold terraces. The visual breaks created from these terraced streets provide welcome, and necessary, visual relief from what could be considered an oppressive build environment.

- 10.57 Policy N12 of the Leeds adopted UDP clearly states that development should respect the fundamental priorities of Urban Design. Good design quality should be sought so as to create buildings that are good neighbours and integrate well into their surroundings and their individual context. They should respect their locality through the sensitive and quality use of materials, scale and form.
- 10.58 Achieving high quality and inclusive design is one of the prime considerations of the Government's approach towards delivering sustainable development. PPS1: Delivering Sustainable Development is very clear in setting out the Government's objectives.
- 10.59 Policy N13 of the Leeds UDP states that "development should be visually attractive. This derives from the scale and form of the building and the rhythm of the different elements, also the materials and the way they are detailed and the care with which they have been put together."
- 10.60 Policy H15 (iii) of the Leeds UDP states that "the scale and character of the proposal would be compatible with the surrounding area"
- 10.61 The new scheme has been specifically designed to mirror as closely as possible the 86 apartments scheme. The building envelope arising from footprint and height is indistinguishable to that of the approved scheme. In relation to external appearance, the new scheme reflects very closely the elevational treatments of the 86 apartments permission but with window positions revised to reflect the amended floor plans. However, to our mind the architectural merits of the two schemes are identical.
- 10.62 Members should be aware that in its present form the building is a product of negotiations before PPS1 'Delivering Sustainable Development' was adopted as government policy.
- 10.63 That being said, it is considered that the design has a regular rhythm and is well articulated with features to a modern design and with good use and mix of materials that relate well to the brick and slate characteristics of this part of Cardigan Road. It will produce a building of interest and to a high quality and replace a brick building of some scale which was unrelieved and somewhat stark and unattractive in appearance.
- 10.64 In addition, the scale and character of the development is considered acceptable to the site and surroundings as the scheme is identical to the extant planning permission for the redevelopment for apartments on the site. Furthermore there will be no significant increase in scale and massing from the former Glassworks building or from the development that has planning permission that would be out of keeping with the street scene and the character of the surrounding area. The principle of a building of this scale and mass on the site was essentially set by the extant consent for the flats development.

Whether the scheme provides adequate and useable private amenity space for future occupiers:

- 10.65 The Council's policy framework seeks to ensure that every residential development (of over 10 dwellings) provides external space in two kinds Firstly, private amenity space i.e. gardens or equivalent and Secondly, 'Greenspace' as part of the wider hierarchy of spaces in the City that are accessible to the public.
- 10.66 Members should note that with reference to 'greenspace' (in accordance with Policy N2 and N4) is land which is provided for the general public to use for recreation such as Burley park, Millennium Square, the Rose Garden.
- 10.67 Policy GP5, BD5 and N23 support the need to provide the first type i.e. on site amenity space. In the context of a flats type development then this may be provided communally but it is seen as important private space for residents. The Neighbourhoods for Living SPG provides detailed policy advice on provision of such space. It indicates that amenity space should be provided on site at a guide ratio for a flats scheme of a minimum of 25% of the floor area.
- 10.68 This current scheme as per the extant permission and the refused scheme all propose a U shaped plan containing a landscaped courtyard that is contained by buildings on three sides and by the railway embankment on the fourth. All these areas would be secured by a perimeter fence and would only be accessible to occupants of the appellant's site.
- 10.69 The extant permission (24/39/02/FU) contains 855sqm of usable amenity space.
- 10.70 The Appeal scheme (07/07439/FU) would have contained 1010sqm of usable amenity space, which the Planning Inspectorate found acceptable.
- 10.71 The current scheme, whilst based on the same footprint, does not require the same level of parking as a commercial residential scheme and as such would enable the provision of a large communal courtyard garden area at ground level (without the need to provide the raised deck with parking below that forms part of the approved scheme). Therefore, the current scheme proposes a useable amenity area of 1142 sq m.
- 10.72 As members are aware, despite the offer of off-site green space contribution the Council was concerned about the amount of on-site private amenity space provided with the Appeal scheme (07/07439/FU). At the recent inquiry, whilst the Inspector agreed with the Council that students should not expect less favourable conditions than permanent residents, he was not convinced that the required shortfall would be wholly unreasonable considering the development's proximity to Burley Park. He considered that the main private space would not be overcrowded due to its size and shape.
- 10.73 Give the Inspectors acceptance on the amount of amenity space provided for the appeal scheme (1010sqm), it is considered that the application proposals include a acceptable level of private amenity space (1142sqm) within the site boundary that would not be untypical of student housing in the city, provides satisfactory private amenity space and that this would not have a detrimental impact on the residential amenity of occupants of the proposed development.
- 10.74 The application proposals also provide two areas (to the east of the buildings adjacent footbridge and to the front of the building, adjacent cardigan road) of Incidental amenity space, totaling 730sqm. The proposed areas for planting are also clearly marked on the site layout plan and detailed landscaping,

implementation and maintenance conditions would be needed to secure the details of any such scheme.

- 10.75 A greenspace contribution of £70,036.78 will be required (in accordance with Policy N4 of the UDP) to improve publicly accessible greenspace within the vicinity of the application site and/or the improvement to the railway bridge into Burley Park. The greenspace contribution is based on insufficient local amenity space (Policy N2.1) and neighbourhood parks space (Policy N2.3) within the locality. There is sufficient local recreational areas (Policy N2.2). Although no children's equipped play provision is required for student housing, this is in proportion to the previous residential approved scheme on the site.
- 10.76 In addition, if a student scheme was successful on the site or in the case of an appeal against this decision, an obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the residents of development are adequately served by greenspace. This is due to the reduced greenspace requirements (such as children's equipped play provision) of student schemes in accordance with Policy N4 and T24 of the UDP. If this guarantee is not received, an additional reason for refusal may be required.
- 10.77 The nature of the accommodation in terms of the quality of the internal provision within the flats is not contested. The scheme proposes sufficient useable amenity space and internal facilities. It is therefore, considered that the application proposals do not conflict with criterion H15 (v).

Whether the scheme has an acceptable impact on highway access, parking provision, and makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel:

- 10.78 It is not disputed that the site is in a sustainable location and within walking and cycling distance of the main city campuses.
- 10.79 The proposal is considered to provide sufficiently for on site car parking. 39 parking spaces are proposed which equates to one space per four bed spaces. This is the required 1:4 ratio under UDP guidelines. Alterations have been made to the physical layout of the parking bays in accordance with the Leeds Street Design Guide. 60 cycle and 5 motorcycle spaces are proposed for the development, amendments have been made to ensure the spaces are secure, covered and lockable.
- 10.80 Whilst there are no objections to highway, access and parking elements of the application proposals and appropriate conditions could be place to deal with the these details. As a result of these points it is considered that that there will be no breach of H15 (iv). To ensure that the scheme makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel, a S.106 legal agreement would be required to cover the agreed works as described below. If this agreement is not reach a further reason for refusal will be required to the protect the Council's position.
- 10.81 In addition if a student scheme was successful on the site or in the case of an appeal against this decision, a obligation would be required (agreed through a S.106) that the building be marketed as and occupied by students only to ensure that the development is capable of being served by highway network and would not

add to or create problems of highway safety. This is due to the reduce parking requirements of student schemes in accordance with Policy T2 and T24 of the UDP. If this guarantee is not received, an additional reason for refusal may be required.

- 10.82 A commuted sum payment of £25,443.00 would be required and used by the Council towards public transport infrastructure improvements in accordance with the requirements of the Council's SPD Public Transport Contributions within the vicinity of the Land the need for which directly arises from the Development.
- 10.83 The applicants have also submitted a Travel Plan Framework. The framework has been amended and the details of its preparation, implemented and monitoring could be agreed via a condition. The travel Plan also includes a £2,770.00 monitoring fee. Which would need to be secured through a legal agreement.
- 10.84 It is not considered appropriate to require MetroCards for new occupiers (as is usual for large scale residential Scheme) of a block of student flats. As an alternative, the developer has been required to provide 5 first day ticket vouchers for each resident/student on an annual basis. The vouchers would be included within the induction packs and the vouchers can be exchanged for a first day ticket when handed to the bus driver. These details would be secured through the Travel Plan.
- 10.85 The developer has committed to providing a maximum of £80,000.00 towards the cost of a Pelican Crossing to be located in close proximity to the site, across Cardigan Road. These details would need to be secured through a S.278 Legal Agreement.
- 10.86 Metro have requested improvements to Cardigan Road bus stop (see paragraph 7.5) be secured through this application. The bus stop in question serves the No. 18 and 18a bus services which do not go via the main University campuses, but do pass through Leeds city centre. It is reasonable to assess that the number of trips from the proposed development to Leeds city centre will be relatively low compared to the total number of trips from the development. In additional, a much greater frequency of bus run along Burley Road to the city centre and a bus stop for these services with a shelter is a very short walking distance from the application site. As a consequence it is considered that the suggested improvements to the bus stop are neither supportable nor justified by the proposed development under Circular 05/05.
- 10.87 Overall it is considered, with the securing of a new pedestrian crossing and travel plan measures the scheme makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promote access by sustainable modes of travel.

11.0 CONCLUSIONS:

- 11.1 It is considered that the design of the scheme would not have an unacceptable negative impact of the development on the character and appearance of the surrounding area. The proposal would not have an unacceptable affect on residents' living conditions. The scheme provides adequate and useable private amenity space for future occupiers. The scheme has an acceptable impact on highway access, parking provision, and makes sufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and encourages and promotes access by sustainable modes of travel.

11.2 Whilst it is agreed that the extant permission could be occupied by students. The Council do not accept that the extant permission as a material fallback and it is considered that there are weaknesses in the viability of the extant permission and the likelihood of it being built. Therefore, in assessing the application proposals on the basis of whether the current application proposals has been sufficiently revised to overcome the Council's and Planning Inspectorate's concerns on the previously refused application. It is considered that the proposal would still be unacceptable having regard to local and national planning policies, with regard to the objective of creating balanced communities. As the proposed development will be occupied by students to the detriment of the housing mix in this locality and given the designation of this site within the defined Area of Housing Mix that the proposal would be seriously detrimental to the balance and sustainability of the local community and to the living conditions of people in the area. Therefore the development does not accord with adopted policy for the reasons outline above and is recommended for refusal.

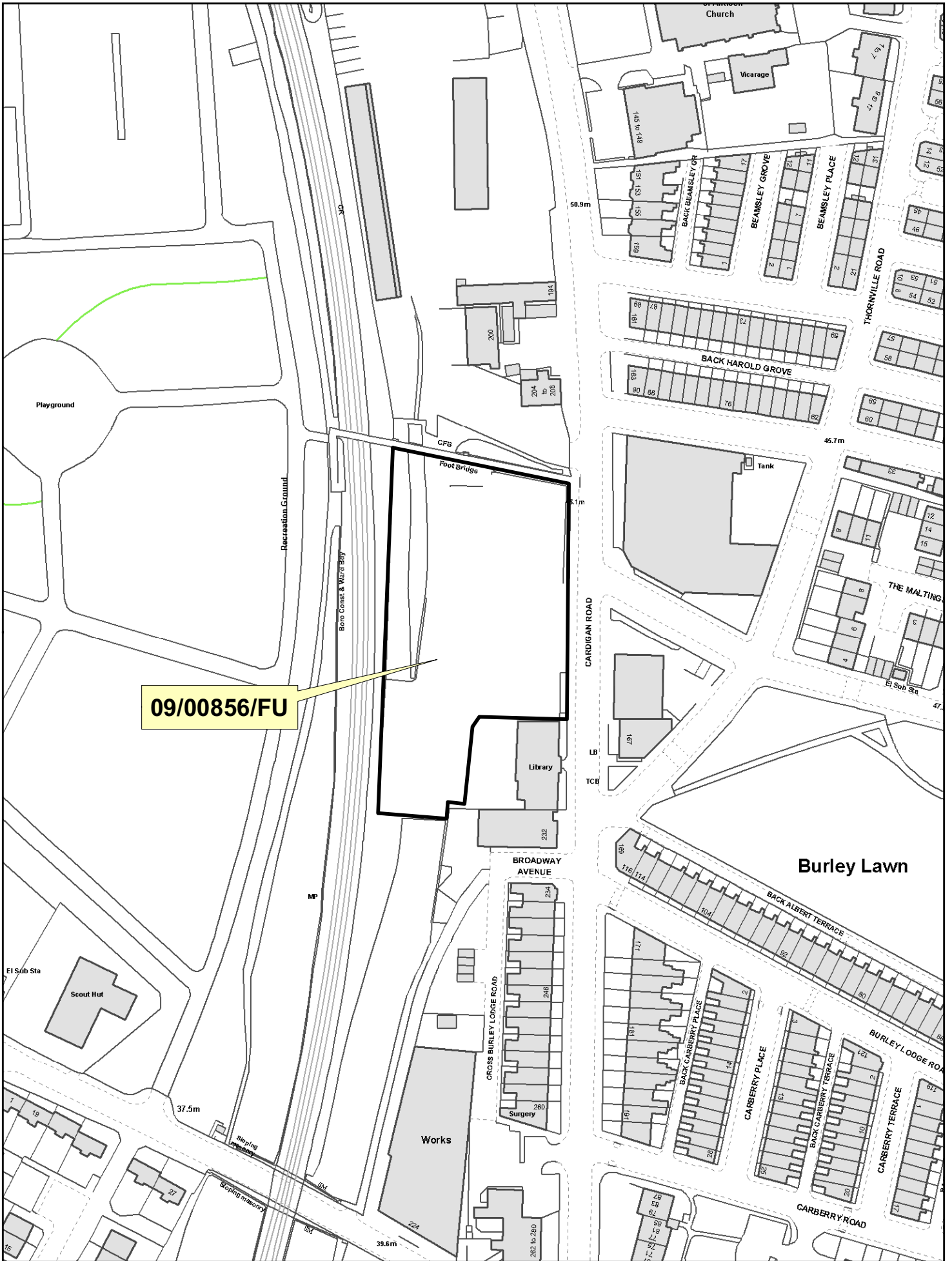
Background Papers:

Application: 24/39/02/FU

Application: 07/07439/FU

Appeal Decision: APP/N4720/A/08/2074675

Certificate of Ownership



09/00856/FU

WEST PLANS PANEL





Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12 August 2010

Subject: APPLICATION 10/02227/LA – OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF C2 (RESIDENTIAL INSTITUTION) AT HAWORTH COURT, CHAPEL LANE, YEADON LEEDS, LS19 7NX.

APPLICANT

Leeds City Council

DATE VALID

14 May 2010

TARGET DATE

13 August 2010

Electoral Wards Affected:

Otley & Yeadon

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions (and any other conditions/directions that are deemed appropriate)

1. Submission of Reserved Matters.
2. Time limit on outline permission (4 years).
3. Plans to be approved.
4. Samples of walling and roofing materials to be submitted.
5. The level of development must be limited to that set out in the Transport Statement unless otherwise agreed in writing with the LPA.
6. All of the areas to be used by vehicles must be surfaced and drained, such that surface water from within the site does not discharge onto the highway. The use of loose material is not acceptable.
7. The car park must be completed and available to vehicles prior to the first occupation of any

dwelling on the site.

8. Cycle and motorcycle parking must be provided in accordance with UDP guidelines.
9. Prior to the commencement of any site clearance, demolition or construction taking place, the applicants must submit a construction management plan for approval. This must include the designation of parking areas for all contractors' vehicles and plant.
10. The Travel Plan and monitoring arrangements must be agreed and in place prior to the first occupation of any of the dwellings on the site.
11. Submission of a scheme to provide real-time bus information facilities at bus stop 19746 including future maintenance arrangements.
12. A pedestrian accessibility study must be submitted as part of any reserved matters application. This must identify pedestrian desire lines and where necessary dropped kerbing and tactile paving improvements must be provided at the applicant's expense.
13. Submission of landscape details.
14. Landscape implementation.
15. The Reserved Matters for approval shall include an arboricultural survey of the existing trees on site. This shall indicate trees to be retained and trees to be removed.
16. Bat Survey.
17. Preservation existing trees/vegetation.
18. Protection of trees/other vegetation.
19. Provision for replacement of trees.
20. Details of fencing and walls to be provided.
21. Amendment to remediation statement.
22. Submission of verification reports.
23. Measures to prevent mud, grit and dirt being carried onto the public highway from the development shall be submitted for the approval and shall be implemented at the commencement of work on site.
24. A scheme to prevent dust generated by construction vehicles in dry weather conditions shall be submitted for the approval and shall be implemented at the commencement of work on site.
25. Separate systems of drainage to be provided.
26. No development until details of works for dealing with foul and surface water discharges have been submitted for approval.
27. The site shall be drained by sustainable drainage methods with infiltration methods used in preference.

28. No piped discharges of surface water from the application site shall take place until the surface water drainage conditions approved under the foregoing conditions have been completed.
29. Notwithstanding the plans hereby approved, full details of the servicing and access arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority no later than the submission of the first Reserved matters application. The servicing and access arrangements thereby approved shall be implemented prior to the first occupation of the development.
30. The first Reserved Matters submission shall include plans of and sections through the site showing details of the existing and proposed ground levels with a fixed datum point within and outside the development site and proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
31. Prior to the commencement of development a scheme detailing the future of the existing sheltered housing complex (to include details of its demolition, the removal of waste, the remediation and restoration of land and the on going maintenance of the land) shall be submitted to and approved in writing by the Local Planning Authority. This land shall be reinstated as an open green space and shall be managed in accordance with a management plan that has been agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.
32. No development shall commence until a scheme has been submitted to and approved in writing by the LPA to deliver public transport improvements.
33. All occupiers of the development, other than staff, shall be in need of care and satisfy a qualifying criteria in accordance with a scheme which shall be submitted to and agreed in writing by the Local Planning Authority.
34. Reasons for approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Plans Panel because it relates to a substantial and significant redevelopment proposal of significant community interest to the Yeadon area of the city in addition to the immediate area surrounding the site.
- 1.2 Lifetime Neighbourhoods for Leeds is a housing PFI project which subject to Government approval will result in the development and 25 year management of at least 675 new build homes for older people, comprising of both extra care and general needs units. This site is one of seven sites which are currently under consideration for a combination of both extra care and general needs housing across the City. A further 4 applications will be submitted in a second phase.
- 1.2 All properties will meet Lifetime Homes standards and Code for Sustainable Homes Level 4/BREEAM Very Good as a minimum. In July 2009 the Homes and Communities Agency (HCA) approved the Council's Expression of Interest for the project. An Outline Business Case is now being prepared which will be submitted to the HCA in the summer. This includes detailed costs and outputs for all sites which have been prioritised under this scheme. Outline planning approval must be obtained for these 11 sites prior to the PFI contract procurement process, which is programmed to commence in early 2011.

1.3 The Lifetime Neighbourhoods for Leeds project is the result of a partnership between Housing, Regeneration, Adult Social Care and Health. It will create or enhance services for older people across a number of neighbourhoods in Leeds to enable residents to lead more active and independent lives. The project seeks to strengthen existing neighbourhood regeneration strategies and focuses on the provision of new and high quality, affordable homes with extra care options for older people. It also supports the City Council's vision that neighbourhoods in Leeds will be transformed into places that are mixed, cohesive and able to meet the aspirations of all residents. This includes ensuring the availability of a range of housing, health and support services to meet varying lifetime needs. By investing in the needs of older people, their valuable contribution to achieving mixed and sustainable communities will be enhanced leading to the improved inclusion and social well being of our local neighbourhoods.

2.0 PROPOSAL:

2.1 This application is seeking outline planning permission for residential development on an area of land measuring 0.57 hectares and comprising of an existing sheltered housing complex. Consent is sought for the principle only, with access, appearance, landscaping, layout and scale all reserved for subsequent approval.

2.2 The proposed residential development is part of the Lifetime Neighbourhoods for Leeds project which aims to provide new housing over a 5 year period from 2013 to 2018, with the aim of creating and enhancing services for older people across Leeds, enabling residents to lead more active and independent lives.

2.3 The proposal seeks to demolish the existing two and four storey sheltered housing complex (45 units) and replace it with new Extra Care accommodation for the over 55's. The number of units is yet to be finalised but it is expected to be in the region of 46 units and will comprise a 60:40 mix of 2-bed and 1-bed flats. It is intended that the proposed development will be built before the majority of occupiers of the existing sheltered housing are decanted and the existing buildings demolished. On site amenity space and resident and visitor parking will be provided.

3.0 SITE AND SURROUNDINGS:

3.1 The dated and inadequate Sheltered Housing units on site are divided into 3 main blocks connected by later extensions or bridge like structures. The structures have partly gabled and partly flat roofs and comprise either red or yellow brick with occasional render infills and stone. Despite the fact, that they consist of only two to four storeys in relation to the topography of the site, the sheer volume forms a strong contrast to the otherwise typical small town environment.

3.2 The surroundings can be described as residential size plots with proportional structural mass. Haworth Court has good vehicular, pedestrian and public transport access to local as well as regional facilities.

3.3 To the north of the site beyond Haworth Lane is a mixture of residential dwellings with private and communal gardens as well as low maintenance amenity spaces and car parking areas. The dwellings originate from different periods and have different style, materials and scales. The mixture of housing types comprises traditional stone terraced housing with 2-3 storeys as well single storey bungalows. A nearby stone terrace and Listed church setting will be affected by the proposals of this site.

- 3.4 To the east of the site beyond Silver Lane is a mixture of residential and commercial buildings, including a surgery with adjacent car park and line of terraced buildings with shop fronts towards High Street. The buildings are set into generally well maintained amenity grass areas and gardens which enhance the appearance of the area. Again, the structures originate from different periods and have between 2-4 storeys. Most of the structures are made of traditional local stone and even more recent structures have adopted the same surface finish. The buildings directly along High Street are included into the current Yeadon Conservation area boundary.
- 3.5 To the south of the site around Town Street we find again a mixture of residential and retail properties of 2-4 storey and predominantly constructed of traditional stone. All structures south of the site are currently included in the conservation area boundary.
- 3.6 The west presents itself in a similar manner as the east and the south of the site; a variety of stone buildings partly with shop fronts and partly set into amenity grass land. The converted traditional stone building retains its character and charm and adds to the overall established and historical feeling in the centre of Yeadon. However, the current structures on site block and dominate the view towards the former institute. Directly adjacent the site boundary on the bottom of Chapel Lane is a former Institute; now converted into flats.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-
- 4.1.1 Planning permission was granted in October 2008 for a two single storey entrance porch extensions, new windows to residents lounge and part new pitched roof extension to the sheltered housing complex, under reference 08/03771/FU; and
- 4.1.2 Planning permission was granted in October 2001 for a disabled access ramp to the sheltered housing complex, under reference 28/189/01/FU.
- 4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Extensive discussions have taken place involving pre- application work and design workshops with key stakeholders. Community consultation and feed back events have also been held to help inform the development process. Briefing sessions with Ward Members have also taken place.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The aforementioned public consultation exercise extended over 3 months and started in March 2010. This has given all residents in the area the opportunity to comment and involved leaflets, drop-in sessions, residents meetings and display and notice boards in local libraries and community centres. A number of stakeholder groups have also been involved including LCC Adult Social Care, LCC Housing Services, Ward Members, Executive Members, tenants and residents, families and carers, community groups and local businesses.

- 6.2 The proposals were generally supported, especially by local residents who acknowledge the need for improved housing provision for older people in the area.
- 6.3 However, comments from 9 local residents were raised covering the following issues: -
- A strong request by the residents to be kept informed as the project develops.
 - There were no objections to building the new extra care units to three storeys.
 - The majority of existing residents agreed with everyone having the right to their own bathroom.
 - Residents were keen for the proposed facility to have a communal lounge and additional room(s) in order to pursue hobbies and other recreational activities.
 - Residents acknowledged that Haworth Court was in need of repair.
 - Residents expressed difficulty in crossing the road at Silver lane, adjacent to Haworth Court.
 - Residents also expressed a desire for communal gardens with seating.
 - Questions were asked about the future security of the proposed development.
 - A number of residents asked if they could have a tour around an existing extra care complex.
- 6.4 The application has been advertised by site notices posted on 2 June 2010 and by a newspaper advert published in the Leeds Weekly News on 10 June 2010. The application has been advertised as a major development affecting a Conservation Area. No representations have been received from the public.
- 6.5 A Local Ward Councillor (Cllr. Colin Campbell - Otley & Yeadon Ward) has stated that whilst he appreciates that this is a difficult site given the range of levels, he would like to make a couple of initial comments. These being:-
- The large area of car parking needs to be sensitively designed within the Reserve Matters application;
 - There needs to be a clear indication within the Reserve Matters application that the building has to be high quality to compliment the conservation area;
 - There needs to be easy resident access to Ivegate and on to the town centre;
 - He is not sure the private amenity space overlooking a car park is a good idea; I think there needs to be two elements with this, firstly to allow wide views to the west over Yeadon/Guiseley and to the moors beyond, secondly to provide a view of the active area around the bottom of the High Street, (people like to see something happening); and

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

ENVIRONMENT AGENCY:

- 7.1 No Comments to make.

No-Statutory Consultees:

WEST YORKSHIRE POLICE:

- 7.2 Support the scheme

TRANSPORT POLICY (TRAVEL WISE):

- 7.3 No comments, subject to conditioning and monitoring of the travel plan.

NGT/PUBLIC TRANSPORT:

7.4 No objections, subject to a condition seeking Public Transport Improvements and Developer Contributions of **£8,713**.

HIGHWAYS:

7.5 No Objections, subject to conditions.

METRO:

7.6 No objections, but note that the new residents would benefit from real time information being displayed at the adjacent bus stop.

ACCESS OFFICER:

7.7 No objections.

MAINS DRAINAGE:

7.8 No Objections, subject to conditions.

YORKSHIRE WATER:

7.9 No Objections, subject to conditions.

CONTAMINATED LAND TEAM:

7.10 No Objections, subject to conditions.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined having regard to the Development Plan.

Regional Planning Policies:

8.2 As confirmed by the Department of Communities and Local Government on the 6 July 2010, the Secretary of State has announced the revocation of the Regional Strategies. Therefore the Development Plan now consists of the Leeds Unitary Development Plan (Review 2006).

Local Planning Policies:

8.3 Locally Leeds City Council has begun work on our Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.

8.4 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006.

8.5 The site is not specifically allocated for development although a very small part of the south eastern corner of the site is included within the town centre boundary. The application site also lies within Yeadon Conservation Area.

8.6 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below. This proposal should comply with these policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

- Policy GP2: supports the development of vacant and under-used sites;

- Policy GP5: seeks to ensure that development proposals resolve detailed planning considerations, including amenity;
- Policy BD5: requires new buildings to give consideration to both their amenity and that of their surroundings;
- Policy N2: supports the establishment of a hierarchy of green spaces;
- Policy N4: relates to the provision of green space in new residential developments;
- Policy N10: development will not be permitted which adversely affects a public right of way;
- Policy N12: states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention;
- Policy N13: requires all new buildings to be of high quality and have regard to character and appearance of surroundings;
- Policy N23: incidental space around built development should provide a visually attractive setting;
- Policy BC7: refers to all developments within Conservation Areas to be in traditional local materials;
- Policy N19: refers to all new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area;
- Policy BC8: refers to all demolition of unlisted buildings within Conservation Areas may be required by condition that certain features are salvaged;
- Policy N18A: refers to all demolitions of building or part of building shall be presumption against if makes positive contribution to character or appearance of the Conservation Area;
- Policy N18B: refers to all demolitions of building shall not be given consent unless plans for redevelopment approved;
- Policy H4: relates to residential development on sites not identified for that purpose;
- Policy H9: seeks to ensure a balanced provision of housing types;
- Policy H10: requires proposals to consider the suitability of a site to accommodate development specifically for the elderly and disabled;
- Policy T2: developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking;
- Policy T5: safe and secure access for pedestrians and cyclists should be provided to new development;
- Policy T6: satisfactory access to new development for disabled people and people with mobility problems should be provided;
- Policy T7A: secure cycle parking is required in new developments, to reflect standards in UDP Appendix 9;
- Policy T24: parking provision to reflect the guidelines set out in UDP Appendix 9; and
- Policy LD1: development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

Supplementary Planning Guidance:

- 8.7 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development

Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Neighbourhoods for Living.
- Designing for Community Safety.
- Travel Plans
- Public Transport Improvements and Developer Contributions

National Planning Policy

8.8 In addition to the principal elements of planning policy, other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:

- PPS1: Delivering Sustainable Development (2005).
- PPS3: Housing (2006).

9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- Principle of development;
- Affect on the character and appearance of the Conservation Area;
- Design and Landscape;
- Highways, Access and Parking; and
- Other material considerations.

10.0 APPRAISAL:

Principle of development:

10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 The application site lies within the urban area of Yeadon and is unallocated with no specific land use allocation. It is therefore considered that land or buildings within the Unitary Development Plan area which are not identified by any specific policy or proposal should retain their existing uses or conform to the predominant use of the immediate area.

10.3 The site lies within an existing residential settlement which is already served by existing infrastructure capable of serving a development of the scale proposed. The site lies within a sustainable location and the proposal is considered to comply with Policy H4 and in broad terms PPS3 in respect of raising density and locating new housing within existing settlements.

10.4 As stated previously, the site is not specifically allocated for development although a very small part of the south eastern corner of the site is included within the town centre boundary. It is not considered that the re-development of this existing residential site for residential use would have any adverse impact on the viability or vitality of Yeadon Town Centre.

10.5 In this context, and providing all the wider planning objectives are satisfied, it is considered that the principle of development can be supported.

Character And Appearance of the Conservation Area:

- 10.6 The southern part of the proposed site is within the designated as a Conservation Area. Although the majority of the site is outside the conservation area the development has a duty to respect and enhance the setting of the conservation area.
- 10.7 The historical maps from 1851 to 1906 show a dense mixture of smaller structures on the proposed site. A review of the 1851 map shows the site covering about a sixth of the village. As Yeadon was a classical “Mill Town” and the site is situated in the core of the old town, one can presume that these structures were mainly residential dwellings with court yards and little amenity space. Chapel Lane is shown as a substantial access route from 1851 until 1989. The existing dwellings on site seem to have developed in phases between 1968 and 1989. In 1962 all structures north of Chapel Lane seem to have been demolished and replaced by an amenity space.
- 10.8 A “Design Code” outlining the key principles that will influence future redevelopment proposals has been drawn up to assist the preferred bidder in designing a scheme that would enhance the character and appearance of the conservation area. This can be ensured through the determination of any Reserved Matters Application.
- 10.9 A conservation area application will be also required to be submitted to demolish the existing building, which partially lies within and adjacent to the Yeadon conservation area, at the Reserved Matters application stage.
- 10.10 Overall it is considered that the redevelopment of this site offers an opportunity to design an infinitely better quality building than that exists currently and one that respects the historical setting and character of this part of the conservation area.

Design and Landscape:

- 10.11 The application is in outline only with no details of the proposed building(s) being provided. The application site is located in a prominent and important position in relation to the surrounding community.
- 10.12 Although the exact layout has yet to be determined an indicative layout plan has been submitted. This has evolved over a period of time from weekly workshops and meetings with technical experts.
- 10.13 The proposed layout is designed to facilitate the topography of the site as well as enhance the existing urban patterns of the area. The structure is proposed to have 4 storeys depending on the levels on site. The new development will provide a strong front towards Silver Lane and Haworth Lane. The existing and historical pedestrian link between Silver Lane and Chapel Lane is shown as retained and enhanced with added soft landscape features.
- 10.14 The indicative layout proposes a mixture of soft and hard landscape areas within the new development. The desire is to provide private and semi private green spaces as well as retain and improve the existing pedestrian route across the site (connector between Silver Lane and Chapel Lane).
- 10.15 The proposed development will impact on the existing trees. None of the existing trees has a TPO or has achieved a Grade A (high quality and value) The new development will require the removal of a number of existing trees, predominantly to

the east of the site. A detailed plan of retained and removed trees is subject to the reserve matters application. All removed trees will be conditioned to be replaced in accordance with the recommendations in the approved tree survey.

Highways, Access and Parking:

- 10.16 Vehicle access will be taken from Chapel Lane. A separate pedestrian and wheelchair access will also be provided from the development onto Silver Lane footway fronting the site. The site layout will provide a level of refuse bin storage and the main entrance will be accessible to emergency vehicles.
- 10.17 The applicants indicate that the site would be manned by staff working on a shift basis with a maximum of 8 staff on site at any one time. Given that the future residents would be adults over 55 years of age with varying care needs and that the site is well located in respect of access to Public Transport and local facilities the level of car parking proposed, i.e. 23 spaces, is considered to be sufficient.
- 10.18 It is intended that as well as providing designated disabled parking bays the majority of spaces will be wider than standard bays to make it easier for the less mobile to access vehicles. A dedicated ambulance space will be provided.
- 10.19 The Transport Statement clearly indicates that the proposals would not generate a significant level of traffic in the peak periods. That being said, conditions are recommended to control the highways layout details of the scheme, the Travel Plan and improvement in real-time bus information facilities at the adjacent bus stop.

Other material considerations:

- 10.20 Leeds City Council's Environmental Health Section have advised upon assessing the site that it is highly unlikely that there will be any significant air quality or noise disturbance issues associated with the development of this site.
- 10.21 It is considered that the scheme will not adversely affect drainage in the area as a water supply can be provided. There is no evidence that surface water drainage cannot be adequately controlled through conditions.
- 10.22 The existing buildings on site have a number of features which could be used by roosting bats and the ecology report recommends further survey to determine the presence or absence of bats. The detailed landscape proposals submitted as part of any reserved matters application shall include a biodiversity enhancement plan.

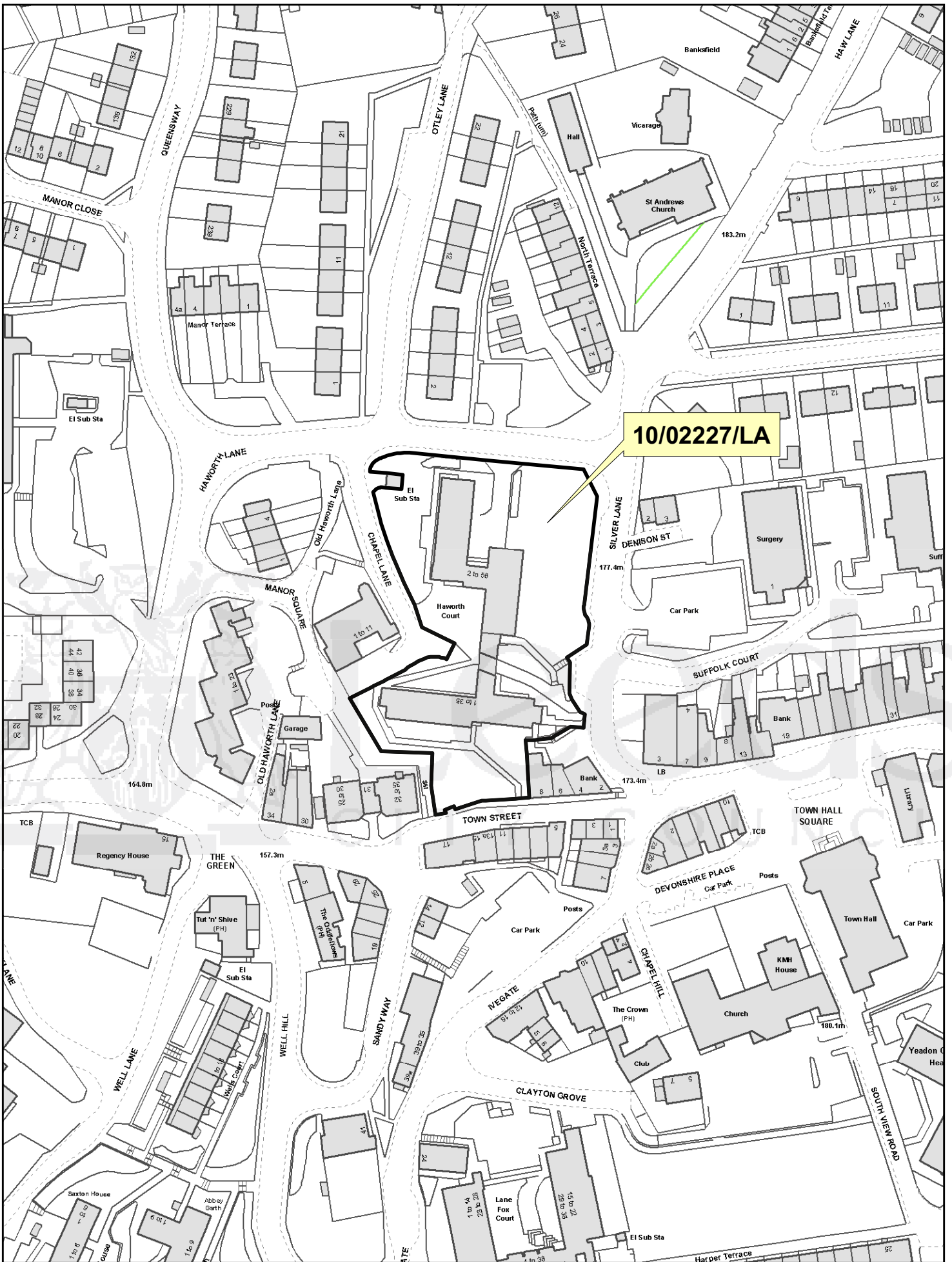
11.0 CONCLUSION:

- 11.1 The proposed scheme would help provide much needed housing in this area of north Leeds and would provide a safe and appropriate access to the site. Therefore, after careful consideration of all relevant planning matters, it is recommended that the application be approved.

Background Papers:

Application file 10/02227/FU

Certificate of Ownership – signed as applicant.



WEST PLANS PANEL





Originator: Nigel Wren

Tel: 0113 3950324

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12th August 2010

Subject: APPLICATION 10/02221/LA– OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF MISTRESS LANE, ARMLEY

APPLICANT
Leeds City Council

DATE VALID
14th May 2010

TARGET DATE
13 August 2010

Electoral Wards Affected:

Armley

Y

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions.

1. Submission of Reserved Matters.
2. Time limit on outline permission (3 years).
3. Plans to be approved.
4. Samples of walling and roofing materials to be submitted.
5. Provision for contractors during construction.
6. Areas to be used by vehicles to be laid out.
7. All car parks must be completed and available to vehicles prior to the first occupation of any dwelling on the site.
8. Prior to the development being brought in to use a scheme shall be submitted to and approved in writing requiring improvements to footways, steps and where appropriate the provision of ramps to ensure that the development is DDA compliant.

9. Submission of landscape details.
10. Landscape implementation.
11. The Reserved Matters for approval shall include an arboricultural survey of the existing trees on site. This shall indicate trees to be retained and trees to be removed.
12. Preservation existing trees/vegetation
13. Protection of trees/other vegetation
14. Scheme to be submitted to detail noise insulation measures
15. Details of fencing and walls to be provided.
16. Submission of Phase 2 Study.
17. Amendment to remediation statement.
18. Submission of verification reports.
19. Measures to prevent mud, grit and dirt being carried onto the public highway from the development shall be submitted for the approval and shall be implemented at the commencement of work on site.
20. A scheme to prevent dust generated by construction vehicles in dry weather conditions shall be submitted for the approval and shall be implemented at the commencement of work on site.
21. Separate systems of drainage to be provided.
22. No development until details of works for dealing with foul and surface water discharges have been submitted for approval.
23. The site shall be drained by sustainable drainage methods with infiltration methods used in preference.
24. No piped discharges of surface water from the application site shall take place until the surface water drainage conditions approved under the foregoing conditions have been completed.
25. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction (including trees) shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.
26. Notwithstanding the plans hereby approved, full details of the servicing and access arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority no later than the submission of the first Reserved matters application. The servicing and access arrangements thereby approved shall be implemented prior to the first occupation of the development.

27. Scheme to be submitted to provide a sufficient number of car parking spaces both for existing and prospective residents.
28. The first Reserved Matters submission shall include plans of and sections through the site showing details of the existing and proposed ground levels with a fixed datum point within and outside the development site and proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
29. No development shall commence until a scheme has been submitted to approved in writing to deliver public transport improvements.
30. Submission of updated travel plan to include arrangements for monitoring.
31. No development shall commence until a scheme has been submitted to approved in writing to deliver greenspace improvements.
32. All properties to be retained as social housing.
33. Scheme to be submitted to provide highway junction improvements including appropriate visibility splays, footways and turning head to adoptable standards.
34. Reasons for approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Plans Panel because it relates to a substantial and significant redevelopment proposal of community interest and forms part of a wider major regeneration programme aimed at delivering affordable housing across the City. The application has also been advertised as a departure from the development plan.
- 1.2 Lifetime Neighbourhoods for Leeds is a housing PFI project which, subject to Government approval, will result in the development and 25 year management of at least 675 new build homes for older people, comprising of both extra care and general needs units. This site is one of several sites which are currently under consideration for a combination of both extra care and general needs housing across the City. A further 4 applications will be submitted in a second phase.
- 1.2 All properties will meet Lifetime Homes standards and Code for Sustainable Homes Level 4/BREEAM Very Good as a minimum. In July 2009 the Homes and Communities Agency (HCA) approved the Council's Expression of Interest for the project. An Outline Business Case is now being prepared which will be submitted to the HCA in the summer. This includes detailed costs and outputs for all sites which have been prioritised under this scheme. Outline planning approval must be obtained for these 11 sites prior to the PFI contract procurement process, which is programmed to commence in early 2011.
- 1.3 The Lifetime Neighbourhoods for Leeds project is the result of a partnership between Housing, Regeneration, Adult Social Care and Health. It will create or enhance services for older people across a number of neighbourhoods in Leeds to enable residents to lead more active and independent lives. The project seeks to strengthen existing neighbourhood regeneration strategies and focuses on the provision of new and high quality, affordable homes with extra care options for older people. It also supports the City Council's vision that neighbourhoods in Leeds will

be transformed into places that are mixed, cohesive and able to meet the aspirations of all residents. This includes ensuring the availability of a range of housing, health and support services to meet varying lifetime needs. By investing in the needs of older people, their valuable contribution to achieving mixed and sustainable communities will be enhanced leading to the improved inclusion and social well being of our local neighbourhoods.

2.0 PROPOSAL:

2.1 This application is seeking outline planning permission for residential development on an area of land measuring 1.1 hectares. Consent is sought for the access to the site only, with appearance, landscaping, layout and scale all reserved for future consideration.

2.2 The indicative illustration does however indicate a form of development which consists of 3 separate blocks of varying scales ranging from 3 storey to 6 storey for the purpose of general needs housing (C3) aimed specifically at the over 55's. On site amenity space and resident and visitor parking will also be provided.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located in Armley, which is a well established, inner city area of Leeds, 4.8km (3 miles) to the west of Leeds City Centre.

3.2 The site itself lies in a prominent position, elevated above the A647 Armley Road, to the north, which is a main radial route linking Leeds with Bradford. Mistress Lane is located along the southern boundary of the site where there is a vehicular access point. The area has become available due to the need for demolition of 3 blocks of maisonettes and garage courts on the site. However, the two nearby blocks of high-rise flats are to remain. In addition, a religious meeting house on Mistress Lane is to remain. These three buildings are therefore excluded from the area identified for redevelopment. The site is constrained with a severe variation in levels with Mistress Lane considerably elevated in comparison with Armley Road. Permeability through the site is difficult with steep footways and stepped areas.

3.3 To the west lies Crab Lane from which access to the site can be gained to part of the site via Westerly Croft, beyond this the area is characterised by commercial units of varying scales and character. Of particular interest and almost directly opposite to this access lies a Grade 2 Listed Building (Mike's Carpets). Crab Lane itself is a steep and well used road linking the A647 with Armley Town Centre. The area to the south is predominately in residential use and characterised by dwellings which are generally of a two storey form. To the east also lies residential properties of a scale of two and occasional three storey

3.4 The site contains a number of footpaths and links as well as greenspace (N1 protected and some mature tree cover, which positively contribute to the character of the area. The site is also close to the edge of the Armley Town Centre Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

4.1 There is no relevant planning history relating to this site albeit some commercial interest was expressed in the site approximately 2 years ago for a apartment led scheme which formed a pre application discussion / presentation to Panel Members. This however never led to the submission of a formal planning application.

- 4.2 The site is the subject of a detailed planning brief which was approved in June 2006. The planning brief recognises that due to its strategic position and context within the 'Armley Gateway' that careful consideration and guidance should be given to help developers formulate their plans.
- 4.3 It is also acknowledged that the site is interesting and challenging from a design point of view, with opportunities for innovative design. This is largely due to the considerable slope across the site from the Mistress Lane side in the south to the main road frontage. This provides good vistas from out of the side to Kirkstall Valley and Headingley to the east.
- 4.4 In terms of the wider planning context, the development site lies within the area covered by the West Leeds Gateway Area Action Plan (WLGAAAP). The aims of the (WLGAAAP) are threefold:-
- to encourage and facilitate sustainable regeneration for housing and employment, together with environmental improvements with the plan area;
 - to improve the education and skills base of the area, thereby improving job opportunities for local people; and
 - to improve linkages with West Leeds and adjoining areas, including Leeds City Centre, Holbeck Urban Village regeneration area and Kirkstall.
- 4.5 In this context, the Mistress Lane site is an important focus for regeneration and presents an opportunity to help in assisting and stimulating investment and confidence in this area.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Extensive discussions have taken place involving pre- application work and design workshops with key stakeholders. Community consultation and feed back events have also been held to help inform the development process. Briefing sessions with Ward Members have also taken place.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The aforementioned public consultation exercise extended over 3 months and started in March 2010. This has given all surrounding residents in the area the opportunity to comment and involved leaflets, drop-in sessions, residents meetings and display and notice boards in local libraries and community centres.
- 6.2 The proposals were generally supported, especially by local residents who acknowledge the need for improved housing provision for older people in the area.
- 6.3 The application has been advertised by site notices posted on 2 June 2010. The application has been advertised as a major development and as a departure from the development. At the time of preparing this report no representations have been received.

7.0 CONSULTATIONS RESPONSES:

- 7.1 The Council's Highway Engineer has raised no objections to the principle of development. However the following issues have been raised:-

The new access from Mistress Lane must be designed to adoptable standards as identified in the Council's Street Design Guide i.e. a 5.5 m carriageway flanked by 2 metre footways with an adoptable turning head which must be designed to accommodate the 2.5 m x 11 m refuse vehicle currently employed by Leeds City Council. The gradient of the access road must not exceed 1 in 40 for the first 10 metres and thereafter must not exceed 1 in 20.

- 7.2 The existing access point must be formally closed under Section 247 of the Town and Country Planning Act and the footway along the Mistress Lane frontage must be reinstated to full footway construction at the applicant's expense. There are numerous footpaths within the site and as a result of the redevelopment some of these will need to be closed/diverted.
- 7.3 As part of any reserved matters application a pedestrian accessibility study should be carried out and this must clearly identify the main pedestrian desire lines to and from the development and where necessary improvements including dropped kerbs and tactile paving must be provided at the applicant's expense.
- 7.4 The applicant's statement indicates that they will provide car parking for the existing blocks of flats which abut the development and a figure of 40 spaces is quoted. Evidence is required to ensure that this is sufficient to serve the parking needs of the existing development.
- 7.5 Given that the future residents would be adults over 55 years of age and that the site is well located in respect of access to Public Transport and local facilities the level of car parking proposed, i.e. 0.75 spaces per dwelling is considered to be acceptable.
- 7.6 Colleagues working on the New Generation Transport (NGT) scheme have stated that the proposed development will generate a large number of trips, a proportion of which will have to be accommodated on the public transport network. The scheme has been assessed in accordance with the City Councils adopted Supplementary Planning Document (SPD) "Public Transport Improvements and Developer Contributions". As a C3 use the threshold for public transport contributions is 50 units. As a result of this assessment, it is clear that the proposed use will have a significant travel impact, which will need to be addressed. Under the terms of the SPD guidance, therefore, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.
- 7.7 Metro advise that there are several bus services running next to the development serving various locations including; Leeds, Old Farnley, Crossgates, Seacroft etc. There are also more services nearby. Future residents would benefit if one of Metro's new 'live' bus information displays were to be erected at bus stop number 10986 at a cost of approximately £10,000 (including 10 years maintenance) to the developer. The display is connected to the West Yorkshire 'real time' system and gives accurate times of when the next bus is due, even if it is delayed.
- 7.8 Colleagues in Public Rights of Way advise that the identified site is located within an area of Leeds currently excluded from the coverage of the Definitive Map. However, this does not preclude unrecorded public rights of way from being present within this area.

7.9 Yorkshire Water state that if planning permission is to be granted conditions relating to separate systems of drainage, no development until drainage details agreed, no discharge of surface water until drainage works completed and no building within 3m of the sewers which cross the site should be included.

They also advise that:

- There are public surface water and public foul sewers recorded to cross the red line site boundary. The presence of the pipes may affect the layout of the site and as such may be a material consideration in the determination of the application.
- The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site.
- The use of Sustainable Systems (SUDS) should be encouraged.
- Discharges to the public sewer must be on a like for like basis and take into account climate change i.e. have a reduction of a minimum of 30%.
- The developer will have to demonstrate positive drainage to the public sewer.

7.10 The Council's Drainage Engineer states that if planning permission is to be granted conditions relating to no development until drainage details agreed, no discharge of surface water until drainage works completed, submission of a feasibility study into the use of infiltration drainage, restriction of surface water flows from the development, details of on-site storage for additional run-off from storm events to be agreed, no trees or structures within 3m of the public sewer, porous surfacing to be used where practicable and submission of a Flood Risk Assessment, should be included.

7.11 The Drainage Engineer also states that the final drainage proposal must be supported with appropriate calculations and confirmation of the present drainage arrangement in order to determine and justify the final detail proposals for surface water disposal from the site. Attention is drawn to the extract from the Drainage Impact Assessment (DIA) which reiterates the council's requirements that surface water discharges from Brownfield sites should be reduced.

7.12 The Council's Contaminated Land Officer has no objections to planning permission being granted as long as conditions relating to the submission and approval of a Phase 2 Desk Study, notification of unexpected contamination during development, submission and approval of a verification report upon completion of remediation works are required.

7.13 The West Yorkshire Police Architectural Liaison Officer supports the development and advises that the proposal should be designed to ensure a safe and secure environment and reduce the opportunities for crime. It would benefit from achieving the Secured by Design award and a number of design principles relating to design out crime are recommended.

7.14 The Council's Neighbourhoods and Housing Officer has raised no objection to the principle of development subject to conditions to ensure appropriate noise insulation measures are introduced and site construction controls.

8.0 PLANNING POLICIES:

8.1 Unitary Development Plan (Review 2006)

GP2 – supports the development of vacant and under-used sites.
 GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
 BD5 – requires new buildings to give consideration to both their amenity and that of their surroundings.
 H3 Housing land supply and phasing.
 H4 – relates to residential development on sites not identified for that purpose.
 H9 – seeks to ensure a balanced provision of housing types.
 H10 – requires proposals to consider the suitability of a site to accommodate development specifically for the elderly and disabled.
 H11 Affordable housing.
 H12 Affordable housing requirements.
 LD1 - development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.
 N1 – Protected public open space
 N2 – supports the establishment of a hierarchy of green spaces.
 N4 – relates to the provision of green space in new residential developments.
 N8 – requires development in urban green corridors to ensure the function of the land is retained, enhanced or replaced.
 N10 - development will not be permitted which adversely affects a public right of way.
 N12- states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.
 N13 - requires all new buildings to be of high quality and have regard to character and appearance of surroundings.
 N23 – incidental space around built development should provide a visually attractive setting.
 T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.
 T5 - safe and secure access for pedestrians and cyclists should be provided to new development.
 T6 - satisfactory access to new development for disabled people and people with mobility problems should be provided.
 T7A - secure cycle parking is required in new developments, to reflect standards in UDP Appendix 9.
 T24 - parking provision to reflect the guidelines set out in UDP Appendix 9.

8.2 Supplementary Planning Documents

Neighbourhoods for Living.
 West Leeds Gateway Area Action Plan.
 Mistress Lane Planning Brief.
 Designing for Community Safety.
 Travel Plans.
 Public Transport Improvements and Developer Contributions.

8.3 National Planning Policy

Planning Policy Statement 1 Delivering Sustainable Development (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and aims to improve urban design.

Planning Policy Statement 3 Housing sets out the Government's policy on housing and aims to ensure that everyone has the opportunity of living in a decent home.

9.0 MAIN ISSUES:

1. Principle and suitability of site.
2. Design and landscape.
3. Access, traffic and car parking.
4. Other planning issues.
5. Conclusion.

10.0 APPRAISAL:

Principle and suitability of site

- 10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 10.2 The application site lies within the urban area of Armley. The site has been identified as a regeneration area and supported by a planning brief. The brief suggests that residential development is acceptable in land use terms and identifies areas where previously developed land could be redeveloped. In the main, the development proposals as annotated, are generally consistent with this approach.
- 10.3 The site also includes two areas of land which are allocated in the Unitary Development Plan as N1 public open space and therefore also classified as greenfield land. With this exception the site is regarded to be previously developed land 'brownfield' and has no specific UDP policy or allocation. The indicative layout arrangement does show one of the proposed blocks, served off Mistress Lane, slightly encroaching into one of the protected areas of public open space (to the east of the site) which would in turn also be regarded as greenfield development. Residential proposals which affect such areas will be treated on merit and subject to the requirements of housing policies H3 and H4.
- 10.4 The site lies within an existing residential settlement which is already served by existing infrastructure capable of serving a development of the scale proposed. The site lies within a sustainable location and the proposal is considered to comply with Policy H4 and in broad terms PPS3 in respect of raising density and locating new housing within existing settlements.
- 10.5 The Mistress Lane planning brief recognises that these two parcels of public open space are not useable in practical terms and provide a mainly visual amenity. It is also acknowledged that there are other calls on this development site, including further provision for existing resident parking. In this context and in adopting a pragmatic approach in terms helping facilitate development, the brief accepts that as an exception to normal planning policy, the Council may accept design considerations for new housing which only provide private amenity space and not public open space. Effectively this creates a framework to redesign this whole area and to put forward a design concept which addresses the wider planning needs of

the area, together with parking and servicing requirements, a reconfiguration of the greenspace and a platform to put forward imaginative and viable design solutions.

- 10.6 In this context, and providing all the wider planning objectives, as set out in the development brief are satisfied, it is considered that the principle of development can be supported.

Design and landscape.

- 10.7 Although the exact layout has yet to be determined an indicative layout plan has been submitted. This has evolved over a period of time from weekly workshops and meetings with technical experts. The proposed development is however presented in three distinct blocks. The first block fronts on to Armley Road, on a parcel of land which has been previously developed, and overlooks the main junction interchange area. The indicative height of the building is articulated at 6 storey's. This part of the site is important in visual terms given that it is both a prominent site and strategically placed as a gateway into Armley therefore providing a focus for regeneration. The site is also adjacent to a Grade II Listed Building (Mike's Carpets). It is therefore critical that the scale and massing of the building together with its detailing is responsive and sensitive to these issues.
- 10.8 In this regard to vertical emphasis, the planning brief indicates that 'the site can accommodate a significant overall height, given the proximity and need to involve the two existing tower blocks in the overall visual design concept for the new build site.'
- 10.9 In terms of massing, the planning brief indicates that a sensitive approach is required. It is suggested however, 'that the main frontage could accept something fairly dominant, by way of design and massing, particularly at the western end, to help towards some visual enclosure at this wide and busy traffic junction.' The brief goes on to advocate a prominent 'landmark building to help turn the corner of Armley Road to Crab Lane.' Notwithstanding the indicative nature of the development proposed, the scheme presented does articulate a building with a scale and massing sufficient to provide a structure of some gravitas without upsetting the balance and conformity of the streetscene or indeed the adjacent listed building.
- 10.10 Elsewhere, the two development parcels served off Mistress Lane, are presented at a scale of 3 storey's and given the split levels of the site, it is considered that such a form of development can be satisfactorily achieved. This will help maintain a domestic proportion and remain reflective of the surrounding streetscene and immediate character. Members should note that whilst the vast majority of the development is shown on land which has been previously developed, block 'b' on the drawing (appended), does project into an area allocated as N1 public open space. Whilst ordinarily this is something which is normally resisted, it is acknowledged that the planning brief does encourage this rationalization and reordering of space to ensure that the most appropriate design solution can be achieved.
- 10.11 This is therefore a question of balance to assess the needs and demands of existing and future residents, in terms of their greenspace requirements, against the need to sensibly rationalize space to create a framework for redevelopment. In assessing these matters it is considered that a satisfactorily balance can be achieved which makes the best and most appropriate use of the land available and provides the setting to regenerate and improve this important site. It is also considered that the

loss of this small area of N1 open space can therefore be justified on these grounds and particularly so, if wider environmental improvements and enhancement measures are also accrued through its redevelopment.

- 10.12 Overall, it is considered that the proposal as submitted can be suitably accommodated on site and that the general scale and form of development will provide a satisfactory level of space to ensure that it can be satisfactorily integrated into the urban landscape whilst also protecting the living conditions of existing and prospective residents. In this context it is considered that the development proposed does take account of the general character of the locality of the area whilst having regard to the protection and retention of trees and open space with a pattern of development which is complimentary to the character and appearance of this area. It is therefore considered that a subsequent detailed scheme is capable of satisfying GP5, BD5, N12 and N13 in this regard.

Access, traffic and car parking.

- 10.13 The Council's Highway Engineer in assessing this proposal has raised no objection to the principle of development subject to conditions. Whilst the development has been submitted in outline form, approval has been sought for means of access.
- 10.14 The applicant proposes two points of access. The first is off Crab Lane utilizing the existing junction arrangement. The second is a new central point of access from Mistress Lane. There is no vehicular link through the site however parking is provided within the development both for existing and prospective residents in the form of three courtyard areas.
- 10.15 There are numerous footpaths within the site and as a result of the development, it may be necessary to close or divert these. As part of any reserved matters application a pedestrian accessibility study should be carried out to identify the main pedestrian desire lines to and from the development and where necessary, identify improvements including dropped kerbs and tactile paving.
- 10.16 As well as being located in an area well served by public transport, the development is for affordable housing for those over 55. Car ownership is therefore expected to be low and the car parking demand is envisaged to be below Unitary Development Plan guidelines. It is therefore envisaged that resident parking is to be limited to 0.75 spaces per property with additional visitor parking provision. The actual number of spaces required however will be re-assessed when the detailed proposals are finalised.
- 10.17 Provision is also required within the development site for car parking for residents of the tower blocks remaining (each comprising of 47 flats), due to the demolition of garage courts. The approved planning brief indicates that a total of 40 replacement car parking spaces are required to be accommodated into the new build residential scheme.

Other Planning Issues

- 10.18 The Council's Environmental Protection Officer has been consulted on this proposed application and has raised no objections subject to planning conditions. Conditions are required to protect future occupants of the development from traffic noise associated with Armley Road and to protect living conditions of existing residents arising from the construction issues.

10.19 The proposed development is a major scheme and will need to satisfy wider planning objectives to ensure that the development can be satisfactorily accommodated and accompanied by the appropriate supporting infrastructure. In this context the applicant has agreed to fully comply with all planning policies and SPD's with regard to greenspace improvements, public transport infrastructure and travel plan monitoring. In terms of delivering affordable housing requirements, the whole scheme is 100% social housing.

11.0 CONCLUSION:

11.1 The proposed development would help provide much needed housing in this area of West Leeds and forms part of a wider regeneration programme (Lifetime Neighbourhoods) aimed at providing affordable general needs and extra care housing specifically towards people aged 55 and over across the City.

11.2 This application site is considered to be a visually important and a strategic site which has been identified for residential development. Considerable weight should therefore be given to this opportunity to deliver significant regeneration benefits, its linkages with wider Council's objectives and to help secure environmental, social and economic improvement. After careful consideration of all relevant planning matters, it is recommended that the application be approved.

Background Papers:

Application file 10//LA.

Certificate of Ownership – signed as applicant.

Round 6 PFI Housing
MISTRESS LANE
 Armley

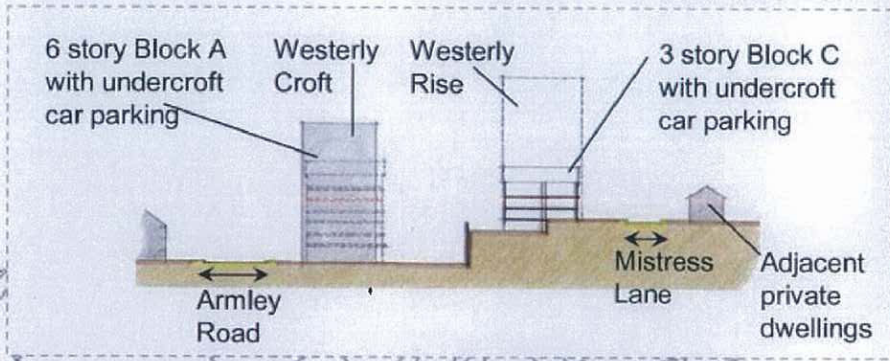
10 / 02221 #2



Upper Level – Mistress Lane (73.0m)

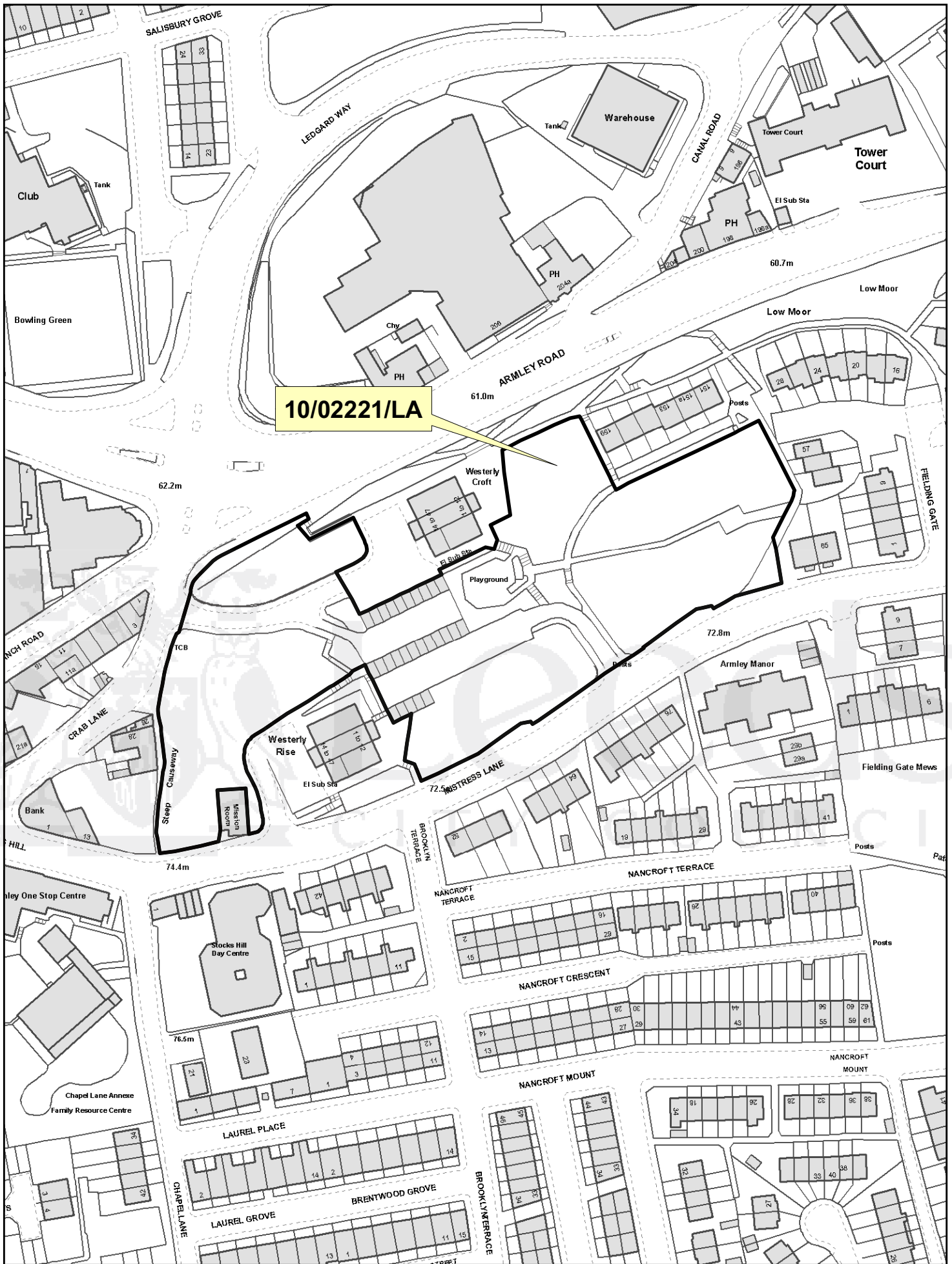
66 Units
 3-6 Storey
 99 parking spaces

SITE SECTION



N.T.S INDICATIVE LAYOUT ONLY APRIL 2010





WEST PLANS PANEL





Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18th June 2010

Subject: APPLICATION 10/01298/EXT – EXTENSION OF TIME TO PERMISSION FOR PLANNING APPLICATION TO ERECT 9 RETAIL UNITS (CLASS A1) AND 3 FOOD AND DRINK UNITS (CLASS A3 – A5) AT BRITISH HOME STORES SITE, BRIDGE ROAD, KIRKSTALL, LEEDS 5

APPLICANT	DATE VALID	TARGET DATE
Mildenhall Holdings Ltd – T Morris	19 th March 2010	18 June 2010

Electoral Wards Affected:

Kirkstall

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION

DEFER AND DELEGATE FOR SECTION 106 AGREEMENT the submission and monitoring of a Travel Plan, funding for off site landscape works, funding for the improvement of Public Transport and/or public transport infrastructure and subject to the following conditions:

1. Time limit
2. Development shall be line with approved plans
3. Samples of external materials to be submitted
4. Details of fencing and boundary treatment to be submitted
5. No mezzanine floors and no use of storage areas for retail sales for Units 1 – 5 and 'Alders' store
6. Scheme for external storage to be submitted
7. Details of storage and disposal of litter to be submitted.
8. All existing trees, shrubs and other natural features shown on approved plans to be retained
9. Landscaping scheme to be submitted
10. Landscaping scheme to be implemented

11. Replacement of landscaping if die or seriously damaged in first 5 years
12. Areas to be used by vehicles to be laid out.
13. The development shall not commence operating until the off site Junction improvements at the junction of Leeds and Bradford Road, Bridge Road and Broad lane have been completed and are operating.
14. Full details of the access to and egress from the site to be submitted
15. Internal and external directional signs to be submitted
16. Details of cycles and motorcycles parking areas to be submitted
17. Green travel plan to be submitted
18. Full details of proposed landmark feature to be submitted
19. Except for 3 units for A3, A4 and A5 all other units shall be non food retail
20. Scheme of external lighting to be submitted
21. No occupation of units 1-5 or 'Allders' store until units 6-11 on Bridge Road frontage are completed
22. Layout and management of car parking areas to be submitted
23. Before development commences the flood defences shall be provided
24. Full details of proposed ground floor levels to be submitted
25. Scheme for provision of surface water and ground water drainage works to be submitted
26. No new buildings and structure within 6 metres of watercourse and 3 metres of culverted watercourse
27. No external advertisements within written consent from Local Planning Authority.
28. Reason for approval.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination following requests from Ward Members (Councillors Atha and Illingworth) plus the previous application 24/413/04/FU was a Panel decision which was subsequently allowed at appeal.

2.0 PROPOSAL:

- 2.1 A planning application for 9 retails units (Class A1) and 3 food and drink units (Class A3 to A5) (application reference number 24/413/04/FU) was refused planning permission by Panel on 18th May 2006 for the following reasons:

1. The Local Planning Authority considers that the redevelopment of this site for purely retail development fails to provide a sufficient mix of uses and therefore an integrated town centre on a significant site within the S2 centre and is therefore contrary to the thrust of national guidance in PPS6 and companion document - Planning for Town Centres: Guidance on Design and Implementation tools - and Policies S2 and S3 of the adopted Unitary Development Plan.

2. The Local Planning Authority further considers that the larger retail units behind the Bridge Road frontage by reason of their siting, design and layout and dominance of car parking fail to provide a well designed town centre layout and sense of place and do not relate well to their setting or context with regard to the river or the Abbey grounds contrary to the thrust of national advice in PPS1, PPS6 and companion document - Planning for Town Centres: Guidance on Design and Implementation tools - and Policies N12, N13, N19, BD2 and LD1 of the adopted Unitary Development Plan.

2.2 The application was the subject of an appeal which was allowed and permission was granted on 7th April 2008. The permission is for the replacement of the existing Alders store with a new large store and the erection of 11 other units. Three of these units are proposed for A3 use. Five of the units will be physically attached to the large store and six smaller units including the 3 A3 units will front Bridge Street. The gross floor area to be created is approximately 16,620 square metres. The site is 1.27 hectares in extent and the existing department store has a gross floor area of about 12730 square metres. A new focus will be created with an area of open space with a landmark feature on Bridge Road. The Bridge Road and Savins Mill Way junction will be adjusted and improved pedestrian linkages will be made with the Morrisons development across the road. A new bus layby will be provided on the site frontage on Bridge Road next to the public square.

This application is for an extension of the time period for the above scheme (which expires on the 7th of April 2011) to be implemented.

3.0 SITE AND SURROUNDINGS:

3.1 The application site comprises the former Alders department store in a single building of varying elements with a car park surrounding the building on all sides. British Home Stores occupy the building at the current time. Vehicular and pedestrian access is from Bridge Road where the front entrance into the store is located. To the north of the site is the Abbey Light railway and Abbey Mills, to the south there is the Kirkstall Design Centre and the River Aire, to the west there is a single dwelling at the weir and beyond that the River Aire and Kirkstall Abbey, to the east there is the Morrison's development and a rugby training ground. The site forms part of the defined Kirkstall District Centre in the adopted UDP. The existing building is brick and two storey fronting Bridge Road with a series of pitched roof industrial sheds behind. The landmark clock tower on top of the building was removed in 2005 for safety reasons.

4.0 RELEVANT PLANNING HISTORY:

H26/47/77 – Change of use of warehouse to retail sales. Refused 25 Jul 1977 but allowed on appeal 11 Oct 1978

24/113/03/FU – removal of condition B of H26/47/77 (sales of durable goods only). Approved 5 Sep 2003

24/413/04/fu – application for 9 retail units and 3 food and drink units refused permission on 22 January 2007 allowed on appeal on 7th April 2008.

5.0 HISTORY OF NEGOTIATIONS:

5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

Councillor Illingworth and Councillor Atha have both objected to the application concerned with the following:

- Poor design
- Overbearing
- Effect on Kirkstall Abbey Park
- Traffic congestion and its impact on surrounding areas and Quality Bus Scheme

- Insufficient provision for cyclists, walkers and bus passengers. Adjustments to boundaries could yield huge improvements
- If a new footbridge provided would greatly improve public access to sports facilities and permeability along the valley floor
- Need to readdress highway matters such as proposed road layout, signal timings and capacity issues.
- Flooding issues also need to be re-examined in light of Leeds Flood Alleviation Scheme
- Need to re-examine the proposal as development proposed on Kirkstall District Centre, development due to start at Kirkstall Forge site
- New section 106 agreement needs to be drawn up involving the local Councillors

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

Highways – An updated TA highlights a number of changes in operation of the highway network since the previous application was considered. To mitigate against this BHS should look to ameliorate any impact by a small scale improvement at the Leeds and Bradford Road junction. This would involve separately signalling Bridge Road left and right, allowing more specific use of stages and clearances. At the same time the variable Puffin crossing could revert to normal junction crossings which would benefit traffic coordination. An increase in public transport contribution may also be required.

8.0 PLANNING POLICIES:

PPS1 – Creating sustainable communities.

PPS4 – Planning for Sustainable Economic Growth

The site is unallocated in the Leeds Unitary Development Plan (2006) and is located within the town centre of Kirkstall.

Relevant Unitary Development Policies;

S2 – vitality and viability of town centres to be maintained and enhanced.

S3 – enhancement and maintenance of town centres.

S3a – priority given to refurbishment and enhancement of Kirkstall.

BD5 – new buildings design consideration given to own amenity and surroundings.

N12 – priorities for urban design.

N13 – new buildings should be of high quality.

LD1 – landscape scheme.

T2 – development capable of being served by highway network.

T24 – car parking guidelines.

GP5 – detailed planning considerations should be resolved including design and loss of amenity.

9.0 MAIN ISSUES

1. Principle of development
2. Assessment of the change in planning circumstances since the appeal scheme was allowed in 2008.
3. Representations

10.0 APPRAISAL

1. Principle of development

The guidance on determining applications for the extension of time to implement planning permission advises Local Planning Authorities that the 'principle' of the development has already been established by the original permission. Accordingly, as the proposal is unchanged in design, appearance, layout, scale and in all other regards, the principal of development is considered acceptable and should not be the focus of the debate in determining this application. Rather it is the consideration of any changes in material planning circumstances that have taken place since this application was allowed on appeal in 2008 that are relevant.

2. Assessment of change in planning circumstances

Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009) was published after the appeal decision. In this document the Government encourage vitality and viability of town centres and promote new economic growth with a wide range of services. Local planning authority should proactively plan and promote a competitive environment. This site is located in the town centre. The planning application is for a range of retail units which differ in size which should bring a range of occupiers to serve the local area. There are also some A3 units which will bring more variety to the site. It is considered that the proposal complies with the aims of PPS4.

The Unitary Development Plan had been reviewed in 2006 prior to the determination by the Plans Panel of this application. Policies relating to retail development in the Unitary Development plan were used in the assessment by the Members and was also used by the Planning Inspector in his consideration of the merits of the appeal. There have been no new planning policy developments that relate to this decision.

There have been changes to the local highway network since the last approval. An updated TA has been provided to take on board these changes; their impact on the highway network along with the proposed traffic generation from this scheme. A copy of this has been forwarded to Cllr Illingworth. The TA has shown that the highway network can accommodate the level of additional traffic generated with some minor additional off-site highway works which the highway authority are considering.

The provisions of the Community Infrastructure Levy (CIL) are now in force and it is considered that the requirements of the Section 106 agreements pass the 3 tests of the CIL in that the requirements are:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

3. Representations

There have been two objections from Councillors regarding the planning application. A number of their concerns relate to issues that were addressed at the appeal and there has been no material change in circumstances so they cannot be reconsidered as part of this application. These include the following:

- Poor design
- overbearing
- effect on Kirkstall Valley Park
- Flooding issues
- assess the proposal in relation to Kirkstall District Centre and Kirkstall Forge site
- New section 106 agreement needs to be drawn up involving the local Councillors

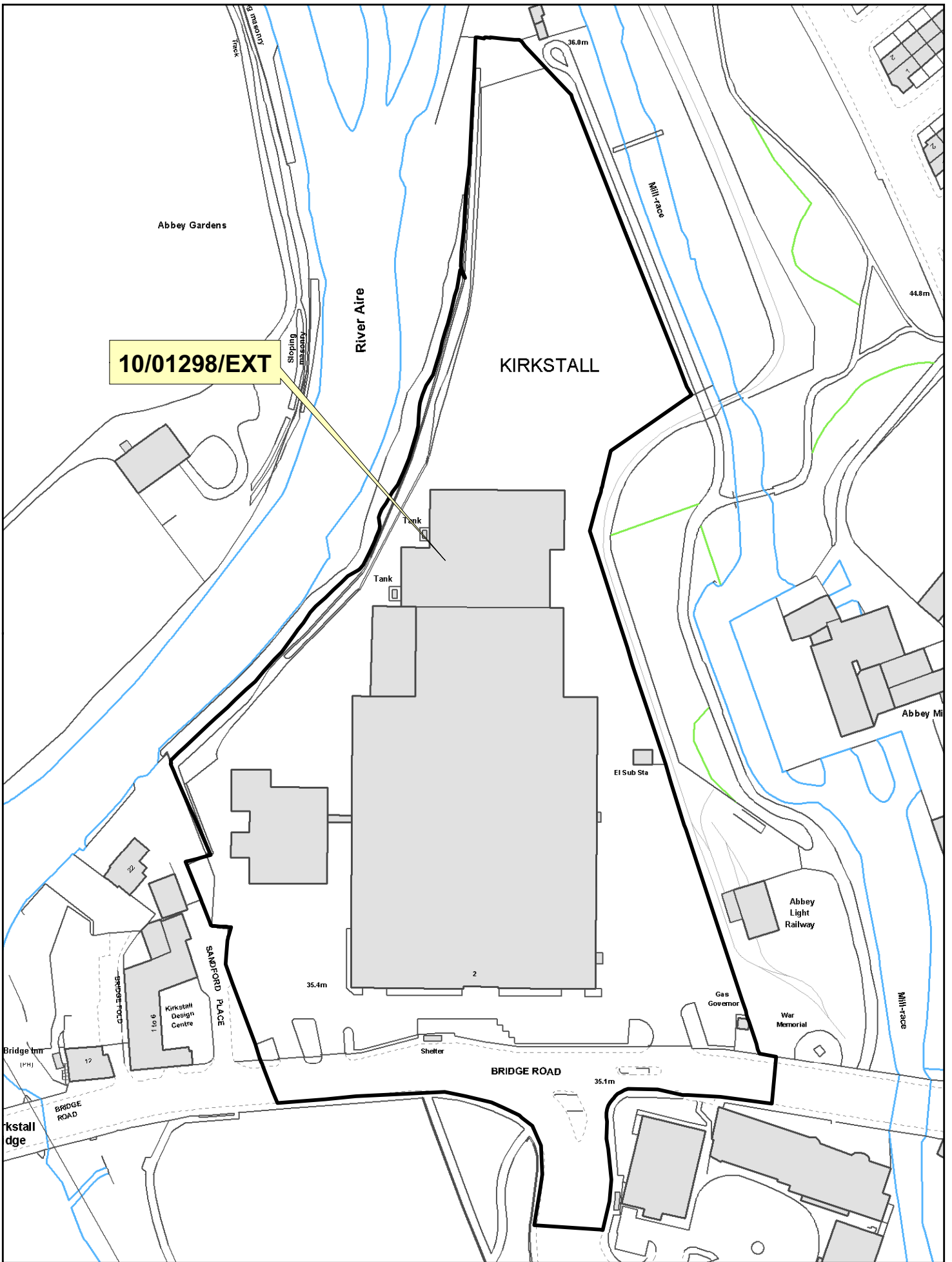
The other issues relate to the highway network which have been assessed with the updated TA that has been submitted.

11.0 CONCLUSION

It is considered that there has been no material change in planning circumstances to justify refusing this development. The scale, design and intensity of the scheme were considered by the Planning Inspector to be acceptable when the appeal was allowed. The request for an extension of time for the implementation of this development is recommended for approval.

Background Papers:

Application file: 10/01298/EXT



WEST PLANS PANEL



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Originator: Richard Edwards
Tel: 0113 3952107

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 12.08.2010

Subject: APPLICATION 10/01604/OT: Outline Application for the erection of 6 houses to vacant site at Former Britannia Bowling Club Green, Intake Road, Pudsey

APPLICANT	DATE VALID	TARGET DATE
Mr M Ashworth (Spawforths)	08.04.2010	03.06.2010

<p>Electoral Wards Affected:</p> <p>Pudsey</p> <div style="border: 1px solid black; display: inline-block; padding: 2px;">Y</div> Ward Members consulted (referred to in report)	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:
TO DEFER AND DELEGATE APPROVAL TO THE CHIEF PLANNING OFFICER subject to the conditions specified (and any others which he might consider appropriate) and the completion of a S106 legal agreement, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1. Commuted sum of £21,312 for improvements to Pudsey Park Bowling Green**
- 2. Reinvestment of receipt from the sale of the site (less fees and above commuted sum) into improvement of facilities at Pudsey Congs Cricket Club ground.**

Suggested conditions:

- 1. Time limit on submission of reserved matters**
- 2. Samples of walling and roofing materials to be submitted**
- 3. Samples of surfacing materials to be submitted**
- 4. Position, design and materials of boundary treatments to be submitted**
- 5. Areas to be used by vehicles to be laid out and drained**
- 6. Hard and soft landscaping details to be submitted**
- 7. Replacement planting of trees within 5 years if required**
- 8. Details of bin and cycle storage to be submitted**
- 9. Feasibility study into use of infiltration drainage**
- 10. Contaminated Land conditions**
- 11. Reason for approval**

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) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, BD5, N6, N7, N12, N13, T2, T24

PPS1, PPG17

SPG 'Neighbourhoods for Living'

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.

1.0 INTRODUCTION

- 1.1. This outline application for 6 houses to a former bowling green involves the redevelopment of part of a protected playing pitch, to be mitigated with a commuted sum for the upgrade of existing bowling facilities in nearby Pudsey Park and a commitment to re-invest the receipts from the sale of the site into improving facilities at the cricket club and securing its future. As such it is brought to West Plans Panel on the basis of it being a departure from the Development Plan.
- 1.2. On balance however it is considered that the considerable planning gain from allowing this development, which is considered acceptable on Highways and other grounds, outweighs the limited harm from the loss of the bowling green and that for this reason the proposal should be recommended for approval subject to legal agreement to secure the associated financial contributions.

2.0 PROPOSAL

- 2.1 This outline application is for the erection of six houses with associated garaging and surfacing to the triangular plot of land formed by the existing bowling green. The application is for access and layout with all other matters reserved.
- 2.2 The indicative plan shows the six houses arranged across the front of the site, with the area behind used for gardens and a parking court accessed from the front and containing five garages and six spaces (including one visitor space). The central access drive will be flanked by two detached houses and accessed via a ramp and new access point through the existing stone wall. Each of these houses will have a pair of semi-detached houses adjacent. The westernmost property will have its own, smaller access and attached garage with forecourt parking area. The other houses will have only pedestrian access from Intake Road, with all parking to the rear.
- 2.3 Each property will have an enclosed rear garden with gated access to the parking court. Design and external appearance are not under consideration, but will be assessed at reserved matters stage.
- 2.4 A draft Section 106 agreement and Memorandum of Understanding have been supplied. The former covers the payment of a commuted sum of £21,312 (as agreed at pre-application stage in discussions with representatives of Sport England and LCC Leisure Services) to be put toward improvements to the existing bowling green facilities at Pudsey Park, and the reinvestment of the capital receipts from the sale of the Britannia green into facilities improvements at the cricket club. Under a list of priorities to be set out in the memorandum of Understanding, this sum will cover new security fencing to prevent ongoing issues with youth nuisance and anti-social behaviour including damage to the facilities, a third artificial surfaced practice net, land drainage to permit prolonged use of the pitch during rainy spells, an additional dressing room to meet child safeguarding obligations, and electrical work to the clubhouse.
- 2.5 The provisions of the Community Infrastructure Levy (CIL) are now in force and it is considered that the requirements of the Section 106 agreements pass the 3 tests of the CIL in that the requirements are:
- (a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the former Britannia Bowling Club green and pavilion on Intake Road, which forms part of the larger Pudsey Congs Cricket Club site. These facilities have been disused since the disbanding of the bowling club some years ago and have since been neglected / vandalised to a

point that significant repairs would be required before they could again be playable.

- 3.2 The green is elevated above Intake Road by approximately 1.0m and is bounded to this side by a dry stone retaining wall, to the west by the blank rear of the existing brick changing rooms and score box block, to the east by the rear gardens of semi-detached local authority housing on Harley Gardens and to the north by the main cricket ground.
- 3.3 The cricket ground is physically segregated from the bowling green by the remains of a concrete post and panel fence, flower borders and a slight change in levels. There is vehicular access from this side and pedestrian access from each end of the Intake Road frontage.
- 3.4 The housing in the area is a mixture of Victorian two and three-storey stone cottages to Intake Road, redbrick post-war local authority housing to the east, and 1950s dormer bungalows to the west. The predominant local building material is natural stone although the cricket pavilion and other ancillary buildings are redbrick. There is a stone public house (The Britannia) to the north-western corner of the site, adjacent to the main access, pavilion and car park.
- 3.5 The bowling green itself is mainly occupied by the playing pitch, with the sectional concrete pavilion and store to the northern side backing onto the cricket ground. This has suffered an arson attack and is in poor condition. To the rear of this are three mature sycamore trees and two practice nets.
- 3.6 The agents' planning statement (supported by correspondence with West Yorkshire Police) highlights ongoing problems with anti-social behaviour associated with this land including misuse of vehicles, alcohol and drugs, abuse and intimidation of club members and vandalism / arson attacks to the remaining structures.

4.0 RELEVANT PLANNING HISTORY:

H25/419/79/ - Laying out of access road, erection of replacement cricket pavilion, comprising lounge, refreshment area, bar, bar store... (approved 3rd September 1979)

H24/145/82/ - Detached store with scoreboard over to cricket club (approved 12th July 1982)

H25/96/85/ - Detached precast concrete pavilion to bowling club (approved 29th April 1985)

H25/383/87 – Alterations including new toilet and roof to toilet block (approved 7th March 1988)

H25/13/89/ - Alterations including new doorway and enlargement of balcony with new staircase to clubhouse (approved 13th February 1989)

25/79/96/FU – Single storey front extension to clubhouse and extension to form changing rooms to score board to cricket ground (approved 20th May 1996)

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Informal pre-application discussions took place took place during January 2010 between the agent and representatives of Planning Services, Local Plans, Sport England and Parks and Countryside. These initially focused on reinvesting the receipt from the site into ensuring the cricket club's survival in order to offset the loss of the protected playing pitch.
- 5.2 Local Plans advised that whilst only one of the exceptions to policy N6 need be satisfied, the information supplied at pre-application stage was not sufficient to address either. In terms of criterion i), more details of how the receipt would be used were required in order to demonstrate a net gain to pitch quality and provision. Furthermore insufficient evidence was supplied in order to demonstrate a surplus of provision in the area for which a full sequential test would be required – it was pointed out that early indications from the Council's PPG17 assessment of outdoor green space suggested an overall shortfall and thus potential difficulties in demonstrating otherwise.
- 5.3 Sport England were also involved and advised that a commuted sum would be required to fund improvements to alternate bowling green provision in Pudsey Park, an approach supported by Parks and Countryside. On this basis the outline application was submitted for consideration.
- 5.4 Following receipt of the application, protracted e-mail negotiations took place between the five main parties listed above, mainly related to the form and extent of the Section 106 agreement and memorandum of Understanding. Of particular concern was the method of securing the re-investment of the proceeds from the sale of the site along with the specific works to be carried out both to the cricket and bowling clubs, and how these could be secured. As discussed in the Appraisal these negotiation remain ongoing at the time of writing. However the applicant has committed in principle to providing the commuted sum subject to agreeing the wording of the necessary legal documents and with this approach having been agreed in principle by all relevant interested parties is considered sufficient to allow the determination of the application subject to the final draft of the agreement being acceptable to all.
- 5.5 In addition, the Highways officer requested some minor changes to the parking layout, although stated that as it stood it posed no risk to highway safety.

6.0 PUBLIC/LOCAL RESPONSE:

Neighbour Notification letters sent 19th April 2010; three letter of objection received from local residents.

7.0 CONSULTATIONS AND RESPONSES:

Statutory Consultations:

Sport England – no objections subject to legal agreement for off-site facility improvements

HSE – no objections subject to consultation with operator of nearby high-pressure gas pipeline

Northern Gas Networks – no objections

Non Statutory Consultations:

SDU Landscape – no comments

WY Police Crime & Design – no objections (general guidance supplied)

Minerals Contaminated Land – no objections subject to standard conditions

Local Plans – no objections subject to commuted sum and legal agreement

Highways – no objections to revised layout subject to standard conditions

Mains Drainage – no objections subject to conditions to cover infiltration drainage feasibility study and details of drainage scheme.

8.0 PLANNING POLICIES:

National Policy –

Planning Policy Statement 3 - Housing

Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation

Unitary Development Plan –

Policy N6: development of playing pitches will not be permitted unless it would result in a net gain in pitch provision and quality;

Policy N7A/B: provision of new playing pitches in areas of recognised shortfall will be supported and actively pursued through planning obligations;

Policy GP5: refers to development proposals should seek to avoid loss of amenity or highway safety.

Policy BD5: new buildings design consideration given to own amenity and surroundings

Policy N12: fundamental priorities for urban design;

Policy N13: design of all new buildings should be of high quality and have regard to character and appearance of surroundings;
Policy T2: refers to development capable of being served by highway network

Policy T24: schedule of parking guidelines.

Supplementary Planning Guidance –

Sport England Planning policy Statement: 'A Sporting Future for the Playing Fields of England – Policy on Planning Applications for Development on Playing Fields'

LCC SPG: 'Neighbourhoods for Living – A Guide for Residential Design in Leeds'

9.0 MAIN ISSUES

Principle of development / N6 issues
Design and appearance / Impact on amenity
Highways Considerations
Other Material Issues
Objections

10.0 APPRAISAL

Principle of development

- 10.1 The application relates to the redevelopment of a disused bowling green located off Intake Road in Pudsey, which forms part (approximately 10%, or 0.2 ha.) of the larger Pudsey Congs Cricket Club. Currently the site is attractive to nuisance youths and as it is no longer maintained to a playable standard is increasingly considered a liability. However since the pitch is designated in the UDP as an N6 playing pitch, there are a number of considerations to be overcome before development can be accepted.
- 10.2 Policy N6 covers development of identified playing pitches against which there is a presumption of development unless the criteria in one of the two exceptions can be met. Exception i) permits development under N6 where a net gain to overall quality and provision of pitches can be demonstrated to result from the development, whilst exception ii) allows development in cases where there is no identified shortfall of facilities within the locality.
- 10.3 The Outdoor Recreation Officer has accepted the applicant's assertion that with four alternative bowling greens within 1.5km of this location there is no specific shortfall in the provision of bowling facilities in the locality. Given the various factors behind the disbanding of the Britannia bowling club in 2007 (insufficient membership, resulting from an ageing demographic and competition for members from surrounding clubs, to field the 2 teams required by the league, administer the club's affairs and maintain the facilities) the Outdoor Recreation Officer agreed that rather than provide a direct

replacement bowling green which would itself be susceptible to failure for the same reasons, the future of bowling in Pudsey could be more effectively served through improving the attractiveness of existing Council facilities in Pudsey Park. Circular 05/05 provides for financial contributions to be secured through legal agreement under Section 106 of the Town and Country Planning Act with the purpose of making development acceptable which would otherwise be considered unacceptable in planning terms. To this end the developer has agreed to enter into a legal agreement to pay £21,312 (1776m² @ £12/sq m) toward this investment.

Coupled with a similar legal obligation to channel the receipts from the sale of the green into improvements to cricket facilities as listed above, it is accepted that the level of improvements to sporting facilities in Pudsey that would result from the development of this disused site would represent a considerable, demonstrable net gain to provision and that as such Exception i) of Policy N6 is met.

- 10.4 The Policy officer was broadly supportive of the commuted sum approach agreed between Sport England, Parks and Countryside and the applicant but raised concerns that by accepting a contribution for the purposes of reinvestment (as opposed to the laying out of an additional area of playing pitch), in isolation could set a precedent of putting a cost (in this case £12/m²) on the development of a protected playing pitch resulting in a wider net loss of N6 land. Following further negotiations this concern was addressed through the agreement to commit via legal agreement to re-invest the sum received from the sale of the land into improved cricket facilities.
- 10.5 Sport England are a statutory consultee in applications involving the development of playing pitches and their policy statement 'A Sporting Future for the Playing Fields of England' mirrors policy N6 in its presumption against the loss of protected playing pitches to development unless certain circumstances can be met. In the context of this application the relevant circumstances come under Exception 1 (that there is a demonstrated surplus of playing pitch provision in the locality) and Exception 4 (that the facilities lost to development would be replaced by equivalent or superior quality and quantity in a suitable location).
- 10.6 Sport England have not accepted the argument that the bowling green is surplus to requirements since there is the possibility that it could accommodate cricket facilities in the future in connection with the main site. For this reason Exception 1 is not met. However, as detailed above the extent of the proposed improvements will boost the attractiveness of alternative bowling facilities and secure the continued future of a cricket club (that serves a considerable number of adult and youth players in the local community). Therefore, the loss of the green is considered to be sufficiently mitigated and Exception 4 fulfilled.
- 10.7 Given the assessment of the Outdoor Recreation Officer that there is no demand for an additional green in Pudsey and the wider improvements that could be secured to cricket and bowling provision as a result of this

development Sport England have accepted the approach detailed in lieu of the 'like-for-like' replacement of the green, subject to the reinvestment and commuted sum being secured by a section 106 agreement which the Club as applicant have agreed to enter into.

- 10.8 The agreed method of delivering the reinvestment of the capital receipt into cricket facilities and the commuted sum for the Pudsey park bowling green is via a legal agreement between the relevant parties. A Memorandum of Understanding (MoU) will impose a moral obligation on the parties to then ensure that the necessary improvements to the respective facilities are prioritised and the funds allocated accordingly. At the time of writing the principle of both S106 and MoU had been agreed in principle although certain details remain under negotiation.
- 10.9 Due to the level of development (6 houses) the proposal falls below the thresholds for the provision of affordable housing, public transport or education contributions.

Design and appearance / amenity considerations

- 10.10 The application is currently at outline stage with only principle, access and layout under consideration. This is because the intention is not for the club to itself develop the site but to release it to a third-party developer and re-invest the resultant capital sum. The proposed layout takes the form of a row of houses across the site frontage, split into two pairs of semi-detached and two detached houses flanking a shared access. The area is mixed in terms of the type of residential development surrounding the site and the proposed form and type of the houses is appropriate to this. Whilst scale and form are not under consideration at this stage, an indicative streetscene drawing was included within the supporting statement which shows the eaves and ridge heights of the dwellings at a similar level to those of adjacent properties to Harley Gardens. This, however can be controlled by any subsequent application for approval of reserved matters.
- 10.11 Similarly it is not anticipated that any harm to residential amenity would arise from the siting and layout of the houses. Plot No. 6 is located relatively close to No. 1 Intake Road and projects behind it but it is considered that due to the offset relationship between the buildings that any overdominance would be minimal and overlooking entirely absent; similarly the rear windows of plots 5 and 6 overlook the far ends of the gardens of Nos 7-11 Harley Gardens but only at a considerable distance, whilst the main amenity areas to the rears of the houses are not directly overlooked. If necessary consideration could be given at reserved matters stage to ensuring that windows to the rears of the properties either serve secondary rooms or (at ground floor level) are well-screened by boundary treatment.
- 10.12 In terms of the amenity of future residents of the development itself, the properties are arranged in a row so as not to overlook one another, and the

garden sizes are generous and well in excess of the Neighbourhoods for Living guidance of 2/3 gross floor area for this type of housing.

Highways Considerations

- 10.13 The Highways officer initially expressed a number of concerns over the width of the access, levels of visitor parking and garage dimensions. The layout has been revised to comply with the Manual for Streets in terms of the width of the access road and the number of houses accessed via the private drive (Plot 1 has its own independent access and parking area, facilitated by the more favourable levels to this part of the site, in order to ensure that no more than 5 houses are served from the driveway). Parking levels are sufficient to prevent the generation of on-street parking, a particular concern raised by local residents with reference to match days, and both parking spaces and garages are shown to be of adequate dimensions.
- 10.14 Whilst the parking court arrangement is not ideal in community safety terms, it is considered the most efficient use of this site given the desire to retain as much of the stone retaining wall to the frontage as possible and the difficulties presented in providing individual driveways by the change in levels between the site frontage and Intake Road. The layout is considered broadly acceptable and as the finer details of the parking arrangements can be addressed at reserved matters stage the proposal is considered acceptable in Highways terms.

Other Material Issues

- 10.15 The West Yorkshire Police officer has supplied general information regarding fenestration specifications, fencing and the provision of defensible space, all of which are either incorporated in the design or can be addressed at a future date under the reserved matters / Building Regulations applications. The local Police support the redevelopment of the land which at present serves as a congregation point for youths causing nuisance to local residents and the club alike. The Contaminated Land Officer has recommended that standard conditions are applied to the decision. The Mains Drainage Officer has requested that a feasibility study into the use of infiltration drainage (soakaways) be conditioned, whilst the Health and Safety Executive has decided against advising refusal on the grounds of the site's proximity to a high-pressure gas supply pipeline.

Representations

- 10.16 Three letters of objection have been received. The main points are summarised below and where material to the decision process have been discussed in greater detail within the Appraisal:
- a) Inadequate parking provision resulting in excessive on-street parking pressure on surrounding residential streets.
 - b) Overdominance and overshadowing of adjacent properties.

- c) Overlooking of properties on Intake Road and disruption from headlights due to angle of access.
- d) Loss of green space / sports facility used for over 200 years as a bowling green.
- e) Damage to or loss of adjacent established trees.
- f) Parking / disruption from vehicle movements / increase in traffic especially on match days.
- g) Loss of open aspect over bowling green and cricket ground.

10.17 There is no right to a view over third-party land and so this concern is not a material planning consideration. Similarly it is considered that the development can be carried out without inflicting damage to generally low shrubbery and planting to adjacent gardens. Parking provision for the new dwellings is adequate and conforms with the latest guidance; the Highways Officer has also confirmed that it is usable in terms of dimensions and turning provision and so it is expected that any increase in on-street parking on surrounding streets will be minimal. Finally, it is considered that the orientation / positioning of the new dwellings will avoid any overdominance or substantive overlooking of houses on Harley Gardens and the distance between the new houses and existing properties on Intake Road should ensure that these too are unaffected.

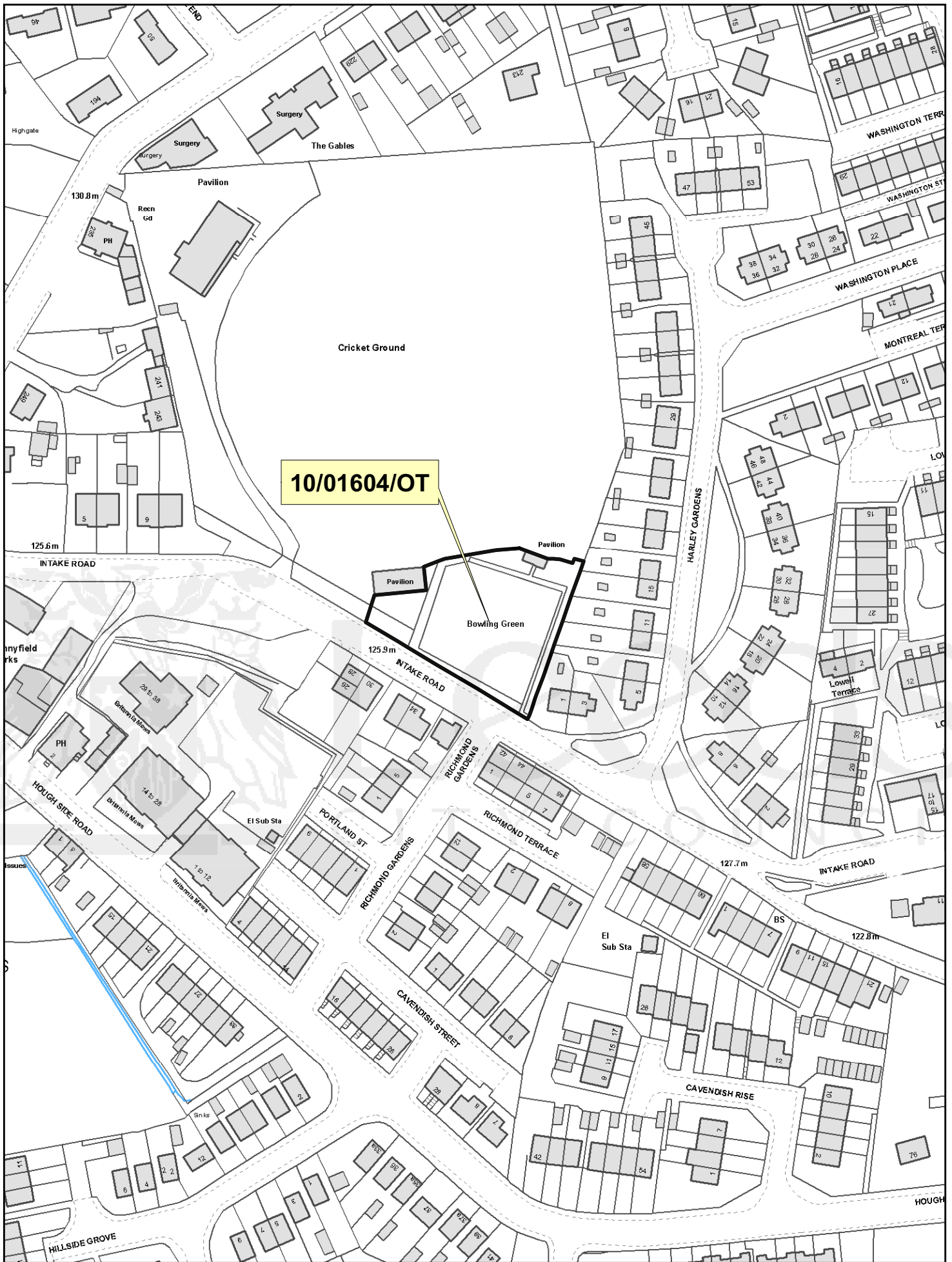
10.18 In addition, Councillor Coulson initially expressed concerns that the funds to be spent on improvements to Pudsey Park bowling green would be more effectively reinvested into the cricket club. However it was explained that under the agreed proposal, bowling and cricket provision in Pudsey would both benefit (although the majority of the money would be re-invested into Pudsey Congs) and that this approach represented the best compromise in terms of satisfying the concerns of the Policy Officer, Sport England and Leisure Services.

11.0 CONCLUSION

11.1 For the reasons outlined in the above report and taking into account all other material considerations it is recommended that planning permission should be approved subject to the aforementioned conditions.

Background Papers:

Application file 10/01604/OT



WEST PLANS PANEL

