



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 4th November, 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 last meeting held 7th October 2010 as a correct record</p> <p>(Copy attached)</p>	3 - 10
7	Headingley; Hyde Park and Woodhouse;		<p>APPLICATIONS 08/04214/OT, 08/04216/FU, 08/04220/LI, 08/04219/FU & 08/04217/CA - RESIDENTIAL DEVELOPMENT, LEEDS GIRLS HIGH SCHOOL, HEADINGLEY LS6</p> <p>To consider the report of the Chief Planning Officer on proposals for a residential development on the site of the former Leeds Girls High School, Headingley.</p> <p>Panel previously deferred determination of this matter from the meeting held 7th October 2010</p> <p>(Report attached)</p>	11 - 56

Item No	Ward	Item Not Open		Page No
8	Weetwood;		<p>APPLICATION 10/02643/FU - TWO STOREY REAR SIDE EXTENSION AND DETACHED GARAGE TO REAR AT 1 SPEN GARDENS, WEST PARK LS16</p> <p>To consider the report of the Chief Planning Officer on an application for an extension and detached garage at 1 Spen Gardens, West Park.</p> <p>Panel previously deferred determination of this matter from the meeting held 9th September 20201</p> <p>(Report attached)</p>	57 - 64
9	Kirkstall;		<p>APPLICATION 10/03249/FU - VARIATION OF CONDITION 4 OF APPROVAL 09/04363/FU RELATING TO OPENING HOURS FOR A PLACE OF WORSHIP AT LYRIC HOUSE, 113-115 TONG ROAD, FARNLEY LS12</p> <p>To consider the report of the Chief Planning Officer on an application to vary Condition No 4 of 09/04364/FU relating to the opening hours for the place of worship located at Lyric House, Tong Road, Farnley</p> <p>(Report attached)</p>	65 - 70
10	Adel and Wharfedale; Weetwood;		<p>APPLICATIONS 10/03618/FU & 10/03620/FU - APPLICATIONS TO ERECT DETACHED FOUR BEDROOM DWELLING AND DETACHED SIX BEDROOM DWELLING TO SITE OF EXISTING BUNGALOW AT 411 OTLEY OLD ROAD, COOKRIDGE LS16</p> <p>To consider the report of the Chief Planning Officer on proposals to erect one four bedroom dwelling and one six bedroom dwelling on the site of an existing bungalow at 411 Otley Old Road, Cookridge</p> <p>(Report attached)</p>	71 - 84

Item No	Ward	Item Not Open		Page No
11	Adel and Wharfedale; Weetwood;		<p>APPLICATION 10/03772/FU - ALTERATIONS AND 2 STOREY SIDE EXTENSION TO FORM ENLARGED SHOP WITH ENLARGED APARTMENT OVER AND ERECT NEW 4 BEDROOM HOUSE WITH INTEGRAL GARAGE AND GARDEN AT 17 - 19 COOKRIDGE LANE, COOKRIDGE LS16</p> <p>To consider the report of the Chief Planning Officer on an application for alterations and extensions to create an enlarged shop with enlarged apartment over, and a four bedroom house at 17-19 Cookridge Lane, Cookridge</p> <p>(Report attached)</p>	85 - 98
12	Weetwood;		<p>APPLICATION 10/04111/FU - WIDENING OF EXISTING ACCESS TO SERVE ELECTRICITY SUB-STATION, EXISTING DWELLING AND PROPOSED DWELLING AT 180 OTLEY ROAD, HEADINGLEY LS16</p> <p>To consider the report of the Chief Planning Officer on an application seeking permission to widen an access at 180 Otley Road, Headingley</p> <p>(Report attached)</p>	99 - 110
13			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 2nd December 2010 at 1.30 pm</p>	

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

To:

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

Contact: Helen Gray
Tel: 0113 247 4355
Fax: 0113 395 1599
helen.gray@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
27th October 2010

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 4TH NOVEMBER 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 10.15 am Application 10/03249/FU – Variation of Condition 4 of approval 09/04364/FU relating to opening hours for a place of worship at Lyric House, 113-115 Tong Road, Leeds 12 (Armley Ward)
- 2 10.55 am Application 10/03772/FU – Alterations and 2 storey extension to form enlarged shop with enlarged apartment over and erect new 4 bed detached house with integral garage to rear at 17-19 Cookridge Lane, Cookridge (Adel & Wharfedale Ward)
- 3 11.20 am Applications 10/03618/FU & 10/03620/FU - To erect detached 4 bed house and detached 6 bed house to site of existing bungalow at 411 Otley Old Road, Cookridge (Weetwood Ward)

Return to the Civic Hall at 12 noon approximately

A minibus will leave the Civic Hall at 10.00 am prompt. Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 224 3421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 9.55 am

Yours sincerely

Helen Gray
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 7TH OCTOBER, 2010

PRESENT: Councillor J Harper in the Chair

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

46 Election of the Chair

The Head of Planning Services opened the meeting and reported the absence of Councillor Taggart, Chair of Plans Panel West due to a family bereavement. The Panel expressed their condolences to Councillor Taggart and his family.

Nominees were sought to Chair the meeting. Councillor J Harper was proposed by Councillor Coulson and this was agreed by the whole Panel
RESOLVED – Councillor Harper took the Chair for the duration of the meeting

47 Late Items

No formal late items of business were added to the agenda; however the Panel were in receipt of the following additional information

Leeds Girls High School (minute 51 refers)–

- a copy of the report presented to the August 2010 Panel meeting for reference
- an improved copy of page 27 of the report showing the architect's representation of the development

45 St Michael's Lane (minute 59 refers) –

- an amended copy of the report as one page from the Inspectors report had been omitted in error from the copy included within the agenda

48 Declarations of Interest

The following Members declared personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct:

Leeds Girls High School applications (minute 51 refers):

- Councillor Akhtar declared a personal interest as a member of North West Inner Area Committee
- Councillor Castle declared a personal interest as both she and her daughter had been educated at the school and as a member of Leeds Civic Trust which had commented on the proposals
- Councillor Chastney declared a personal interest as a member of the Far Headingley Village Society which had been consulted on the application and as a member of the North West Inner Area Committee which had received a presentation on previous proposals in 2009
- Councillor Hardy declared a personal interest as he stated he had made a representation to The Grammar School at Leeds regarding use of the schools' Alwoodley based playing pitches by Headingley based primary schools although he reported he had not received a response

- Councillor Matthews declared personal interests through being a member of West Yorkshire Integrated Transport Authority as Metro had commented on the proposals and as a member of North West Inner Area Committee which had received a presentation on previous proposals in 2009

Councillor Akhtar - LBIA Monitoring Report - declared a personal interest as he stated he regularly used the flight operator named in the report as being in breach of the conditions (minute 55 refers)

Councillor Chastney - Greenlea Mount – declared a personal interest as a local authority member of the Board of West North West Homes, the applicant. (minute 52 refers)

Councillor Harper - LBIA monitoring – declared a personal interest as a member of the West Leeds Gateway Board (minute 55 refers)

Councillor Harper - Kirkstall Road – declared a personal interest as a member of Kirkstall Valley Park, (minute 56 refers)

Councillor Matthews – 111 Otley Road – declared a personal interest as the applicant was known to him (minute 53 refers)

49 Apologies for Absence

Apologies for absence were received from Councillor Taggart. The Chair welcomed Councillor Congreve as his substitute

50 Minutes

RESOLVED – That the minutes of the meeting held 9th September 2010 be agreed as a correct record

51 Applications 08/04214/OT; 08/04216/FU; 08/04220/LI; 08/04219/FU and 08/04217/CA - Residential Development at Leeds Girls High School, Headingley

The Chief Planning Officer, Mr P Crabtree, addressed the meeting to explain the request to withdraw the item from the agenda.

It was reported that a member of the public had sought an injunction to prevent a decision being made at this meeting, and had subsequently sought a Judicial Review of the decision to be made. The High Court had rejected the injunction application the day prior to this Panel meeting.

Although the Panel was entitled to make a decision, officers were mindful of the new issues raised in the applications by the member of the public and the continued threat of a legal challenge. Advice sought on the approach the Authority should take concluded that the matter should be deferred to allow time for officers to prepare a report to be presented to the next Panel meeting which would address the matters raised in the applications for the injunction and Judicial Review.

Members expressed concern at the prospect of further delays to the determination of the applications and the likelihood of an appeal against non determination being lodged by the applicant. The Panel requested that the documents pertaining to the High Court applications be sent to them as soon as possible. Members also reported receipt of additional correspondence from local residents as recently as the previous evening.

The Chief Planning Officer reported that the matter had been discussed with Morley House Trust, the applicant; and highlighted the fact that the late submission of information from interested parties had an impact on the decision making process.

RESOLVED – That determination of the application be deferred for one cycle to allow time for officers to prepare a report which will respond to the matters raised in the applications before the High Court and be presented to the next Panel meeting.

(Councillor Akhtar withdrew from the meeting)

52 Application 10/00708/LA - Greenlea Mount, Yeadon LS19

The Chief Planning Officer submitted a report on a retrospective application to regularise development of a car park completed in 2007 to serve 15 bungalows for elderly residents and their visitors. Members had visited the site prior to the meeting. Aerial photographs and a site plan were displayed at the meeting.

(Councillor Akhtar rejoined the meeting)

Officers reported the main issues raised by objectors to the application as being their concerns over the quality and design of the existing car parking, along with issues of highway/pedestrian safety and drainage. With regards to the proposed conditions, officers also requested that Condition No 5 should be amended to “The development hereby permitted shall not be used until a Management Plan for the car park has been submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall include:

- allocation of bays
- laying out of markings
- measures to ensure private car park”

Members discussed the impact of the redevelopment works on the residents, particularly in terms of access and were keen to ensure the works caused minimal disruption.

RESOLVED – That the application be granted subject to the specified conditions contained within the report with the amendment to Condition No 5 as above, plus an additional condition to ensure the submission of a construction management plan to minimise disturbance to residents

53 Application 10/03806/FU - 111 Otley Road, Leeds LS6

The Panel considered the report of the Chief Planning Officer setting out proposed reasons to delegate refusal of an application for the change of use

of a vacant retail unit to restaurant which would allow an existing operator to expand the business from the adjoining unit.

Officers reported that since the agenda for the meeting had been despatched, the Authority had received two petitions containing 240 signatures, 2 further letters and a letter from Mr G Mulholland MP, all in support of the application. Officers also noted a correction to the report to properly identify "Weetwood" as the relevant ward.

Site plans, internal layout plans, photographs of the premises and the streetscene were displayed at the meeting

Officers highlighted the main issues for considerations as being the designation of the site within the UDP, the fact that only 4 out of the 14 units remained as retail and the desire to retain retail uses for the future, highway safety issues and car parking and the location of the site within Headingley Conservation Area.

The Panel heard from Mr R Raper, agent for the applicant who highlighted the support for the scheme from local residents, measures to encourage non car use by staff including cycle bay facilities, parking issues and the scale of the development.

The Panel had regard to the outcome of an appeal concerning a change of use of another retail unit in the same parade. Members discussed the view that one of the aims of the UDP was to protect existing and promote new developments as appropriate to a locality and, mindful of the support for this development from local residents; Members further discussed whether this scheme could be considered as an exception to the policy

Overall, the Panel were not minded to accept the officer recommendation to refuse the application, however did acknowledge that further consideration was needed in terms of control of the land use around the unit, control for the Authority and the Travel Plan. The Panel therefore

RESOLVED – not to accept the officer recommendation to refuse the application, but to defer determination of the application to allow time for further consideration of Travel Plan issues, car parking and environmental improvement and how those matters would be delivered

54 Application 10/01838/FU - Gordon Mills, Netherfield Road, Guiseley LS20

The Panel considered the report of the Chief Planning Officer setting out an application for permanent consent for the change of use of an industrial unit to an Indoor Kart Arena. Plans and photographs of the site were displayed at the meeting. It was noted that temporary consent was granted by Panel in 2008

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

55 Leeds Bradford International Airport - Monitoring Report of night time aircraft movements, noise levels and air quality

The Chief Planning Officer submitted a report on the monitoring of night time aircraft movements, noise and air quality in relation to Leeds Bradford International Airport covering the period from February to August 2010. Members had considered a similar report on 15th April 2010 and requested a monitoring report every 6 months (Minute 107 refers)

The report referred to the breaches of conditions relating to night time flying identified previously and set out the action taken to address these with the relevant flight operators and LBIA along with the responses received.

Officers highlighted the three occasions during February to August 2010 when breaches had occurred again, but explained one of those could be seen as an exceptional circumstance. Officers, having regard to the Panel's previous wish to ensure action should be taken if breaches were to occur, confirmed that the incidents were being investigated and careful consideration was being given to the most appropriate course of action to be taken.

(Councillor Akhtar declared a personal interest at this point as he stated he regularly used the flight operator named in the report as being in breach of the conditions)

RESOLVED –

- a) That the contents of the report in relation to night time aircraft movements, noise and air quality monitoring be noted.
- b) To note that formal action is proceeding with regard to breaches of planning control as outlined in paragraph 4:6 of the submitted report
- c) To note that a further report on that issue and on the night time movements, noise and air quality will be presented to the Panel in six months time

56 Application 10/01289/FU - Land adjacent to 419 & 421 Kirkstall Road, Burley LS4

Plans, internal layout plans and photographs of the site were displayed at the meeting. A photo montage showing the development in situ was also displayed for reference. Members noted the totem advertisement pole as shown in the slides would require separate Advertisement Consent.

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

(Councillor Wood withdrew from the meeting at this point)

57 Application 10/03129/FU - 20 Rockery Road, Horsforth LS18

The Chief Planning Officer submitted a report on proposals for a contemporary extension to an end terrace property within Horsforth Conservation Area. The Panel had previously refused an application on the same site on 15th April 2010 (minute 111 refers). Plans and photographs of the site were displayed at the meeting along with the architects drawing of the proposal.

(Councillor Wood rejoined the meeting)

Officers stated there were no issues of overlooking or over dominance to adjacent houses due to the distances involved, and requested Condition 10 requiring provision of landscaping details should be amended to include reference to submission of details of treatment to the boundary.

Members discussed access to the private right of way which ran to the rear of the terrace and highways issues in relation to access to the garage
RESOLVED – That the application be granted subject to the specified conditions contained within the report and subject to an amendment to condition 10 to read “Submission of full landscaping details and boundary treatment”
(Councillor Akhtar withdrew from the meeting)

58 Applications 10/03603/FU & 10/03604/CA - the former Lounge Cinema, North Lane, Headingley LS6

The Panel considered the report of the Chief Planning Officer on redevelopment proposals for the former Lounge Cinema, Headingley. Plans, artists' impressions of the proposals and photographs of the site and streetscene were displayed at the meeting. Slides showing a scheme approved in November 2009 for a mixed use development were also displayed for reference.

Officers reported the following amendments to the report:

- Condition 2 to refer to measures to ensure the development is built as per the submitted plans
- Condition 5 of the Section 106 obligations to refer to 1 hours free car parking (not 2 hours)

Officers highlighted the planning issues for consideration as the retention of the North Lane façade, the change from office use to residential and the reduction in the scale of the redevelopment along with car parking and highways issues.

(Councillor Akhtar rejoined the meeting)

Discussion ensued on the following:

Car Parking - Desire for 2 hours free car parking which would be in line with other car parks covered by the draft Headingley Car Parking Strategy. Officers responded the Strategy was not yet adopted and the one hour free public provision was seen as a reasonable compromise. Comments made on behalf of Highways Services and the Transport Strategy Team were noted.

The Arc - An application had been submitted by the same applicant to relax the conditions stipulating the hours of use of The Arc balcony adjacent to this site and Members discussed the possible impact of that on the future residents of the Lounge development. Officers responded that LCC Environmental Protection Team had not objected to this application and confirmed that music would be inaudible from The Arc balcony as set out in the conditions

Traffic Regulation Orders – TRO's would establish the one way system through the site but Members were concerned about the possible impact on existing shops nearby. Officers reported that this development was likely to commence before the Headingley Car Parking Strategy was taken forward

(Councillor Akhtar withdrew from the meeting for a short time before resuming his seat)

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for final approval subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months from the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:

- 1) Travel plan - £7000 for metro cards and car club contributions
- 2) Travel plan monitoring fee - £2500
- 3) Public Transport Contribution - £38,469
- 4) Green space - £27,706 for off-site Greenspace provision in the locality
- 5) Public car parking to be made available for retail shopper for 1 hour free parking

Or, if an agreement cannot be reached on the S106 matters, the application to be deferred and delegated to the Chief Planning Officer for refusal

59 Application 10/00779/EXT - 45 St Michaels Lane, Headingley Leeds LS6

Further to minute 109 of the meeting held 15th April 2010 when the Panel deferred determination of the application, the Chief Planning Officer submitted a report on an application for the extension of time for permission for the redevelopment of 45 St Michael's Lane and setting out consideration of the matters raised in April:

- Planning Policy Statement 3
- Student housing demand and developments in the locality
- The relevance of the outcome of the "Glassworks" appeal

Plans of the proposals and photographs of the site were displayed at the meeting. A copy of the Inspectors decision from February 2007 which allowed the appeal for Application 06/02738/FU was included in the report for reference.

Officers highlighted the mix of uses in the locality and the difficulties of developing this site, which they felt was not suitable for family homes. Overall, officers reported no basis on which to justify refusal of this application. Members expressed their regret over the outcome of the appeal. The Panel received confirmation that the applicant had agreed that the path through the site to Back Broomfield Crescent would be for emergency access only.

RESOLVED – That the application be deferred and delegated to the Chief Planning Officer for final approval subject to the specified conditions contained within the report (and any others he might consider appropriate) and completion of a legal agreement within 3 months from the date of resolution unless agreed otherwise in writing by the Chief Planning Officer to

cover a financial contribution of £26,555.86 for Public Open Space provision off-site.

60 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Thursday 4th November 2010 at 1.30 pm



Originator:	Mathias Franklin
Tel:	24 77019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 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

<p>Electoral Wards Affected:</p> <p>Headingley & Hyde Park and Woodhouse</p> <p><input type="checkbox"/> Y 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: Defer and delegate the following approvals to the Chief Planning Officer: 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 legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to cover the following matters, and subject to no further representations raising new material planning considerations being received prior to the expiry of the further statutory advertisement period. All contributions are to be index linked.

- 1. On site greenspace to be laid out plus £35,528.98 towards equipped children’s play provision if not delivered on site.**
- 2. 15% of the total number of dwellings to be constructed to be provided as affordable housing on site, as a fallback position, with the financial equivalent otherwise being used to purchase properties in the Headingley area for use as affordable family housing.**
- 3. Contribution for cost of introducing residents only permit scheme,**
- 4. Travel Plan monitoring fee of £2585 and contribution of £11,700 to travel plan measures including discounted travel cards or cycle equipment.**
- 5. Public Transport Infrastructure contribution of £81,517**

- 6. Contribution for cost of 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.**
- 7. Education contribution of £172,394**
- 8. 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. Development to be commenced within 3 years or 2 yrs of final approval of reserved matters.
3. Highways works including the footpath and cycle way links from Victoria Road to Headingley Lane to be provided to adoptable standards prior to commencement of building works on new housing or conversion works.
4. Numbers of dwellings not to exceed 51 houses and 15 flats.
5. Details of provision for disabled access within all publicly accessible areas of the site to be submitted and implemented prior to development being brought into use.
6. Survey of gate piers, steps and railings and other features of interests and scheme for the retention and restoration of these to be submitted and implemented.
7. Approved plan list;
8. Sample of materials for walls, roof and windows to be submitted and approved;
9. Surfacing materials to be submitted and approved (porous materials to be used where possible);
10. Levels plan to be submitted and approved showing existing and proposed and off site datum points;
11. Landscape scheme to be submitted and approved;
12. Tree removal and tree replacement scheme;
13. Landscape implementation scheme;
14. Provision of cycle and footways within the site;
15. Off site highway works to be completed prior to occupation of any dwelling;
16. Car parking areas to be laid out prior to first occupation;
17. Sewer easement;
18. Separate systems of foul and surface water drainage;
19. Scheme for surface and foul water drainage to be approved prior to commencement;
20. Surface water drains to pass through oil interceptors;
21. SUDS scheme to be submitted and approved prior to the commencement of development;
22. 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;
23. Notwithstanding the provisions of the General Permitted Development Order (2010 revisions) there shall be no permitted change of a Dwellinghouse from the C3 Use Class to Class 4 of the 2010 GPDO without prior approval;
24. Permitted Development Rights for outbuildings and dormers removed;
25. The use of any garages must remain for the purpose of the storage of motor vehicles.
26. Parking spaces to remain unallocated and not sold off with individual units;
27. Notwithstanding the approved plans, render shall be removed from the outer faces of the stone boundary walls, and fencing shall be removed from walls;
28. There shall be no vehicular access from Headingley Lane at any time following the commencement of development; and
29. Notwithstanding the information shown on the approved plans natural slate shall be used on all new dwelling houses, apartment buildings, including extensions and outbuildings.
30. The public open space on site shown on the approved layout plan shall be kept as public open space and shall be made available for public access at all times for the lifetime of the development.

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. Highways works including the footpath and cycle way links from Victoria Road to Headingley Lane to be provided to adoptable standards prior to commencement of building works on new housing or conversion works.
4. Samples of all external walling and roofing and window materials;
5. 1:20 detailed plans;
6. External surfacing materials to be submitted;
7. landscaping (hard and soft landscaping) scheme to be submitted and approved;
8. landscaping implementation programme;
9. Notwithstanding the provisions of the General Permitted Development Order (2010 revisions) there shall be no permitted change of a Dwellinghouse from the C3 Use Class to Class 4 of the 2010 GPDO without prior approval;
10. car parking area to be laid out prior to first use
11. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.
12. The public open space on site shown on the approved layout plan shall be kept as public open space and shall made available for public access at all times for the lifetime of the 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. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.
10. The public open space on site shown on the approved layout plan shall be kept as public open space and shall made available for public access at all times for the lifetime of the 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:

- 1.0 This application is brought to Panel due to significant public interest and previous considerations of these applications by the Panel. 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. The applications were subsequently presented before the Panel on the 12th August 2010 with a recommendation to defer and delegate approval of all applications subject to the completion of a S106 agreement. The Panel deferred the applications at that meeting for officers to report back to the Panel on a variety of issues.
- 1.2 Members will also recall that the applications were referred back to the Plans Panel meeting on the 7th October 2010 . It was reported that a member of the public had sought an injunction to prevent a decision being made at this meeting, and had in addition sought a Judicial Review (JR) of the decision to be made. The High Court had rejected the injunction application the day prior to this Panel meeting but the JR process was ongoing.
- 1.3 The Chief Planning Officer advised that although the Panel was entitled to make a decision, officers were mindful of the new issues raised since the publication of the report and the continued threat of a legal challenge. Advice had been sought on the approach the Authority should take, and considered legal advice was that the matter should be deferred to allow time for officers to prepare a report to be presented to the next Panel meeting which would address the matters raised as well as those arising from the applications for the injunction and Judicial Review.

- 1.4 It was resolved that determination of the applications be deferred for one cycle to allow time for officers to prepare a report which will respond to these matters raised in the applications before the High Court and to report more fully on other additional representations received, and for the applications to be presented to the next Panel meeting.

Member's comments from the panel meeting of 12 August 2010

- 1.5 The application was deferred at the meeting and the Chief Planning Officer was asked to submit a further report to the next meeting dealing with matters which are summarised below. The applicant had been asked to comment further on the following points:
- The loss of the land proposed as playing pitches is a very significant concern. This is potentially a valuable resource for the local community and local schools and in addition it provides welcome visual relief in an otherwise densely developed area
 - Concern that the lack of detail in the outline application makes it difficult to come to a view on the proposals.
 - The density of the development is generally too high. Tall buildings fronting onto Victoria Road appear over-dominant and obstruct views of the open space and listed buildings.
 - Strong objections to the lack of detail provided for the 4 storey apartment block in the SW corner of the site – this is too large and over-dominant.
 - There is a potential for harmful impact on the highway network – especially at the junction of Victoria Road and Headingley Lane.
 - The proposed 10 year lease period for Ford House Gardens is too short.
 - Affordable housing. – there was some support for provision off-site through purchase of existing HMO's for conversion to family use – other members were doubtful and thought that provision should be on-site.
 - Main School Building: Members wanted to see further investigations into retaining more of the school building than is being proposed, in particular the well-detailed former library element to the east end of the building
 - Rose Court: No objections to the conversion were raised although there were some comments regarding the design of the modern extension which Members noted was an authorised and historic addition to the listed building.

2.0 PROPOSALS:

- 2.1 The redevelopment proposals for the site comprised six separate planning applications: -

- 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	Current 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 Scheme:

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 western part of the site is to be developed, with terraced properties along the western boundary of the site and a four storey flats block adjacent to Victoria Road. 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.

Conservation Area Consent:

2.13 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 The site was subject to detailed pre-application discussions between officers and the applicant. In addition the applicant undertook a period of community consultation and engagement.

5.2 The LGHS Action Group have also produced their Community Planning Brief for Leeds Girls High School. This brief recommended; No development to take place on any of the areas designated as Protected Playing Pitches in the Leeds UDP Review. All the areas designated as Protected Playing Pitches to be purchased by the City Council at a price which reflects their non-developable status and made available for community use. The existing six tennis courts and grassed area within the Main School Site to be retained in their current form for general community use and/or use by local clubs. The existing playing field at Ford House Garden to be retained as a pitch for use by local clubs and schools. The existing playing field at Chestnut Avenue to be retained as a pitch for use by local clubs and schools. The swimming pool and sports hall to be made available for use by local schools and the local community, either through purchase by the City Council or transfer to a suitably funded Community Trust. A landscape appraisal and tree survey to be carried out for all three sites together with the preparation of a landscape management plan based on the retention of these natural features. Rose Court and the main school building to be retained. conservation appraisal to be carried out to assess the value of the remaining buildings and boundary walls on the main school site and the contribution they make to the Conservation Area and to determine what demolition would be acceptable. Limit new development to the north side of the main school site. Limit new development to two or three storeys. Development to be primarily residential aimed specifically at family housing. Either by design or if necessary by legal agreement, any development to exclude:

- single person accommodation,
- cluster flats
- other provision aimed at student accommodation
- the use of any property for multi-occupation
- At least minimum levels of affordable housing to be provided within any development.
- Development to be exemplary in terms of sustainable development.
- Any planning approval to include a s106 agreement to fund the implementation of a residents permit parking scheme in the surrounding streets.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications have been 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. Following the submission of further information by the applicant on the 13th September the applications were re-advertised on site by the means of a site notice. In addition the Headingley and Hyde Park Ward Members along with MPs Greg Mulholland and Hillary Benn and the community groups; South Headingley Residents Association, Leeds Girls High School Action Group, Friends of Woodhouse Moor and the Leeds HMO lobby have

been sent a letter informing them of the additional information received, and inviting any further comments to be made by the 4th October.

6.2 The three planning applications 08/04124/OT (outline application) and the two full applications for the change of use of Rose Court and the Main School building (08/04116/FU & 08/04219/FU) have been readvertised as a departure from the Development Plan as the site is partly subject to Policy N6 – playing pitches. This further advertising of the applications is a technical and procedural requirement - there are no material changes to the proposals in the applications and additional neighbour and consultee notification is not required.

6.3 The following individuals and groups have also been consulted directly earlier in the consultation phase of the applications:

MP:

- Greg Mulholland
- Hillary Benn

Ward Members:

- Bernard Atha (Kirkstall)
- Councillor James Monaghan (Headingley Ward)
- Councillor Martin Hamilton (Headingley Ward)
- Councillor Jamie Matthews (Headingley Ward)
- Councillor Penny Ewens (Hyde Park and Woodhouse Ward)
- Councillor Akhtar (Hyde Park and Woodhouse Ward)
- Councillor Gerry Harper (Hyde Park and Woodhouse Ward)
- Councillor John Illingworth (Kirkstall Ward)

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

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.
- 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.
- 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
- Object to the amount of demolition proposed on the Main School Building and that the report does not make clear the extent of demolition proposed.
- (On claims that the tennis courts on the LGHS site were not in use as tennis courts and had been used as car parking). The objector provides a satellite image showing no cars parked on the courts in June 2006.
- Objects to the loss of the protected playing pitches as the local community do not support the proposals. PPG17 para 10 refers to the developer being able to show community support. The object considers this given residents a veto over the loss of the pitches.
- The report and officers made no mention of UDP Policy N3.
- UDP policy N6(ii) states, "Development of playing pitches will not be permitted unless there is no shortage of pitches in an area in relation to pitch demand locally." That there's a shortage of pitches in our area is demonstrated by the fact that the six schools within one mile of the Leeds Girls High site have just 29% of the playing pitch requirement of the Education (School Premises) Regulations 1999 (SPRs). The report and officers made no mention of the SPRs.
- The report contains no technical appraisal to establish that the tennis courts are not needed. So, in the absence of a planning department appraisal, we prepared our own technical appraisal (identical to a PPG17 audit) and this shows that

Headingley, Hyde Park and Woodhouse need 8 or 9 more tennis courts, which means that the 7 on the Leeds Girls High site are not surplus to requirements

- There is no mention made of the fact that Ford House Garden has itself N6 Protected status in the UDP.
- Objects to replacement playing pitch provision at Alwoodley being used as a justification for the loss of the pitches at the LHGS. The objector disagrees with the August Panel report and Officers statement that the Alwoodley site can be considered in the 'same locality' as the schools catchments extends into neighbouring Local Authority boundaries.
- Objects to the proposal on the grounds that 5 out of the 6 local primary schools have asked for use of the LGHS playing fields. The objection does not support the position of Education Leeds who have not agreed to purchase the playing pitches for the use by the local schools.
- PPG17 paragraph 18 states, "Where recreational land and facilities are of poor quality or under-used, this should not be taken as necessarily indicating an absence of need in the area." The objection relates to the August Panel report and Officer statement that the courts weren't used and therefore this showed no demand. In addition the conversion of the courts to MUGAs was done without community consultation.
- Paragraphs 2.13 and 10.24 of the report give details of the School's offer to grant a ten year lease on Ford House Garden. This offer is conditional on the planning applications being given approval, and does not make good the inherent deficiencies in the planning applications themselves. It is a bribe. Paragraph B6 of Government Circular 05/2005: Planning Obligations states: "the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is not therefore legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms."
- One letter has been received from the Headmistress of Quarry Mount Primary school. The letter asks for the playing pitches and the swimming pool to be made available for use by the local school and community. The letter says that access to the tennis courts would be beneficial to the school and the local community.
- A further letter from a local resident makes reference to the 2006 application for the new Grammar School at Alwoodley and refers to the issue of playing pitch provision being insufficient at the Headingley site to meet the need of the Leeds Girls High School students. The representation also notes that the local primary schools are under provided for in relation to the schools playing pitch requirements. The objection also refers to the school playing requirements not being mentioned in the Report

The total number of letters received in response to the publicity of all the applications is around 1300. 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)	1313 objections
School Building Conversion (08/04216/FU)	1000 objections
Rose Court Conversion	1000 objections

(08/04219/FU)	
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

6.4 Since the August Plans Panel the following additional representations have been received.

Greg Mulholland MP:

6.5 Mr Mulholland has written to both the Chief Planning Officer and the agent for the applicant outlining his desire for further community engagement on the part of the applicant with the local residents in an attempt to bridge the gap and find a solution by which all parties can agree on a suitable way forward for these applications. The MP's letter to the applicant outlined a process for a meeting with stakeholders being presented from all sides of the debate. The MP notes that unfortunately the applicant has not been willing to attend such a meeting. The MP in his letter again extended the offer of facilitating this meeting.

Hillary Benn MP:

6.6 Mr Benn has written on two occasions to express his concern over the high numbers of representations and objections that have been received to this application and is concerned about the intensity of the development and the lack of family homes being provided and the impacts upon the traffic problems in the area and also how the development will affect the conservation area.

6.7 Since the August Plans Panel the following Ward Members have made comments on the planning applications, their comments are summarised below:

Councillor John Illingworth

6.8 Councillor Illingworth has confirmed his objection to the planning applications and is concerned about the impact of the loss of the playing pitches upon the local community and in particular ethnic minority communities within the inner north west wards of the City. He is concerned that the applications should not be determined until the results of the City Council's PPG17 audit have been published and digested as he considers that when the UDP was published in 1996 the calculation for the Greenspace requirements per head in the City were inaccurate. In addition he considers the impacts on health and equality have not been considered. Councillor Illingworth has also provided an extract of a 2007 article from a medical journal relating to the higher rates of diabetes and high disease amongst South Asian people. In addition clarification on the Greenfield/brownfield areas of the site was requested. Councillor Illingworth also provided a map showing the application site in relation to the primary schools that do not have on site playing fields. The map also shows the concentrations of ethnic minority communities within the City. Councillor Illingworth has also provided two further extracts from medical journals he considers relevant to his concerns over the health impact of the development. A response to the concerns raised by Councillor Illingworth has been provided directly, whilst the issues and objections raised by Councillor Illingworth are also covered within this report.

Councillor Monaghan

- 6.9 Councillor Monahan has recently commented on the issue regarding the lease offer of Ford House Gardens. He considers that the applicant could potentially give Ford House Gardens in perpetuity to the Council. Subject to an Order to sanction the disposal of the land to the Council being granted by the Charities Commission would be in accordance with the legislation governing the disposal of land.

Councillor Atha

- 6.10 Councillor Atha objects to the applications on the following grounds: that the application for the main school site is decided in isolation from the Swimming Pool site and for the Ford House Garden Pitch, to any building on the protected the pitches of the Leeds Girls High School due to the very poor provision of sports pitches in this area. The Alwoodley pitches do not constitute replacement playing pitches in his view of the requirements of UDP policies N6 and N3 or PPG17. Councillor Atha considers the lease of Ford House Gardens is not an appropriate trade off. The application site should be retained as an education use, he considers residential use to be problematic on this site, due to potential student occupiers, HMO concerns and impact on the surrounding highway network. Councillor Atha notes the large community opposition.

Area Committee (Inner North West)

- 6.11 Both the Inner Area Committee (North West) and its Planning Sub Group (Inner Area Committee (North West)) have objected to the planning applications.

Amenity Groups and local residents:

- 6.12 South Headingley Community Association has written expressing their concerns regarding the loss of the protected playing pitches. Their letter explains that they consider that the loss of the tennis courts on the former LGHS would be detrimental to the health of the local community of South Headingley. The Community Association consider that up to an extra 9 tennis courts are needed in the locality. They have used the Lawn Tennis Associations guidance to support their position that additional tennis courts are required. The letter also raises concern that the Panel Report in August did not make reference to UDP policy N3. The letter objects to the August Report which accepted the replacement playing pitch provision at Alwoodley as a suitable replacement site in accordance with UDP policy N6. The letter also objects to the assertion that the Woodhouse Moor tennis courts that were converted into MUGAs cannot be seen as a justification for no demand locally for tennis courts. The letter notes that the absence of a City Wide Audit on open space and playing pitch provision should not be used to justify the development on the LGHS protected playing pitches. Finally the letter also notes that PPG17 at paragraph 10 states that developers should be able to show local support for their proposals

Comments of the Health Scrutiny Board

- 6.13 On the 28th September the Health Scrutiny Board wrote to the Chief Planning Officer advising him of its concerns relating to the planning applications at the former Leeds Girls High School site in Headingley. The Scrutiny Board's concerns related to the proposed development and its potential negative impact on the health and wellbeing of local residents. The Report supplied by the Health Scrutiny Board made reference to paragraphs 42-50 and recommendations 5 and 6. These paragraphs

are explained in more detail below within the Health and Equalities section of the appraisal at paragraph 10.52 of this report.

7.0 CONSULTATIONS RESPONSES:

7.1 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:

ENVIRONMENT AGENCY:

7.2 No objections subject to conditions being appended to any subsequent planning consent relating to improvement of the existing surface water disposal system.

YORKSHIRE WATER:

7.3 No objection subject to conditions for drainage and an easement for sewer running through the site being conditioned.

MAINS DRAINAGE:

7.4 No Objections subject to conditions.

HIGHWAYS:

7.5 Members expressed concern about the following points at the meeting of 12th August:

- the impact of the proposals on both Victoria Road and the junction with Headingley Lane which was a cause for concern due to the high volume of traffic the area experienced.
- whether the highway proposals would provide sufficient turning space for emergency and refuse vehicles.

7.6 In response Officers have considered the comments and note that the level of traffic generated by the residential scheme is not dissimilar to that which was previously generated by the Girl's High School and there is therefore no reason why the development will impact detrimentally on Victoria Road or Headingley Lane.

7.7 To add to that, the school generated significant levels of drop off and on street parking which will not be generated by the residential scheme. Although junction works were previously considered necessary this was because of the additional impact caused by extra development on the sports hall / swimming pool site. This element is no longer under consideration but will be re-addressed in any future planning applications.

7.8 The access road on the western side of the site is constrained in width due to the desire to keep mature trees. 2 way passing is not possible along part of the road and the turning and manoeuvring space is constrained. However the route has been tracked and a large refuse vehicle can enter and be turned in the turning area provided (with some vehicle body overhang over the footways). In addition the footway / cycleway route can be used as an emergency vehicle route if required. The central access road is wider and less constrained.

7.9 The principle of the access arrangements is accepted. The car parking provision for the proposed apartments in the Main School building is in line with the required one space per one unit. The Car parking arrangements for the remainder of the new build

properties is acceptable though it is noted that the layout of spaces is a response to the sites constraints.

SPORT ENGLAND

- 7.11 Sport England have formally withdrawn their statutory objections to the change of use application for the Main School Building and the conversion of Rose court (reference: 08/04216/FU & 08/04219/FU). They had earlier this year removed their statutory objection from the Outline application 08/04214/OT. They retain their non statutory objection on all three of these applications requesting that a financial contribution towards formal playing pitch provision in the locality in made to compensate for the impact on the existing playing pitch provision by future occupiers of the development. The developer has declined to make these contributions. Sport England has also stated that the withdrawal of their statutory objections to these application in accordance with their exceptions criteria E4 does not mean the Council has satisfied the requirements of either its own UDP or PPG17. Sport England state they would expect the Council to still have regard to these policies during the determination of the planning applications.

Non-statutory:

ENGLISH HERITAGE

- 7.12 English Heritage are a non statutory consultee on these applications. They have considered the revisions made to the Rose Court conversion to apartments and have withdrawn the concerns. The revisions focused on the removal of the proposed first floor timber clad side extension.

METRO:

- 7.13 Seek contributions towards the proposed Bus Priority Lane, metro cards for future occupiers.

NGT / PUBLIC TRANSPORT TEAM:

- 7.14 The formula within the adopted SPD gives a required public transport contribution of £81,517.

CONTAMINATED LAND:

- 7.15 No objection to planning permission being granted, as long as conditions and directions are applied.

TRANSPORT POLICY (TRAVEL WISE):

- 7.16 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.

ENVIRONMENTAL HEALTH:

7.17 No objection in principle to the residential development proposals.

VICTORIAN SOCIETY

7.18 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.

LEEDS CIVIC TRUST

7.19 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 non-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 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
- N3; Priority given to improving greenspace within the priority residential areas identified.
- 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.

8.2 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.
- Draft PPS - Planning for a Natural and Healthy Environment.

8.3 Supplementary Planning Guidance

- Neighbourhoods for Living.
- Affordable Housing Policy.
- Greenspace relating to New Housing.
- Draft Headingley Neighbourhood Design Statement (not adopted but post consultation)

9.0 MAIN ISSUES:

9.1 Further to Panels comments on 12th August and having considered this application and representations, the main issues in this case are considered to be:

- Principle of residential development
- Loss of playing pitches;
- Design and impact on the character of the Headingley Conservation area and listed buildings – including the extent that the existing buildings are retained.
- Residential amenity considerations;
- Highway safety and car parking
- Developer contributions
- Injunction and judicial review proceedings
- Health and equality issues

10.00 APPRAISAL:

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. This is the legal requirement in the case of the current planning applications.

Principle of residential development including development on playing pitches Sustainable locations for new housing development

10.2 The application site lies within the urban area of Headingley and is within the Headingley Conservation Area. The school and its grounds are now vacant as the school has merged with Leeds Grammar school to become to the Grammar School at Leeds on a new site at Alwoodley Gates. Given that the surrounding area is predominantly residential, a suitable family residential redevelopment on this site in a sustainable location is considered acceptable in principle. This development proposes family accommodation within a residential area that consists mainly of houses in multiple occupation serving the student community. The site is within the defined Area of Housing Mix (this means that it is subject to Policy H15 of the UDPR

which seeks to restrict the loss of housing suitable for occupation by a family). This 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.

- 10.3 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 are additional factors in favour of the development.

Unitary Development Plan Review Policy N6

- 10.4 Over half of the application site – land which was used as tennis courts and informal recreation space by the former school - has an N6 (Playing Pitches) designation within the UDP Review 2006. In summary the areas of land being considered are:

1. Tennis courts and other N6 allocated land on LGHS former school site 1.24 HA
2. Tennis courts comprise about half of the 1.24 HA area – the remainder was informal open space
3. On the proposed residential development 0.46 HA of the land would be public open space.

The supporting text to Policy N6 of the UDPR explains that land to which the public has access is protected by virtue of policy N1 Greenspace of the UDPR whereas other land without full formal public access is identified as N6 – Protected Playing Pitches. At the time of plan preparation an overall deficiency of playing field provision compared to the National Playing Fields Association's minimum standard of 1.8 HA per 1000 population was noted. In those circumstances, the UDPR approach is to retain most playing field facilities and encourage new provision. The text also notes that in some circumstances it may be appropriate to relocate playing pitches elsewhere.

UDPR policy N6 states that: "Development on areas subject to Policy N6 will not be permitted unless either (but not both) of two criteria are met: -

- 1. There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of the site or suitable relocation within the same locality of the city consistent with the site's functions **or***
- 2. 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..."*

- 10.5 In terms of the first criterion, it is acknowledged that the proposed development would not in isolation result in a demonstrable net gain to overall pitch quality and provision. Accordingly, it would appear that, on the face of it, the first criterion of N6 has not been satisfied. Also, in the absence of an up-to-date PPG17 assessment it is also not clear that it can be established that there is no shortage of pitches and accordingly it could be argued that the second criterion is also not satisfied. This is why the application was advertised as a departure from the development plan.

Having said this, it is important to note the purpose of policy N6 is clearly to protect playing pitches from development unless either there is no need for the pitches or the development provides for suitable replacements. In this case the function of the pitches was as tennis courts solely for the use of the school with no other public access. That function has been transferred to the Alwoodley site. Accordingly it can be properly asserted that the purpose of Policy N6 was achieved when the new school site was developed and there is, in practice, nothing more to protect pursuant to the N6 status. In other words the purpose of this policy has effectively been satisfied because improved facilities have already been provided at the alternative site at Alwoodley. This being the case it would clearly not be reasonable to demand further replacement facilities given that enhanced facilities have been provided for the school.

10.6 To expand on the improved nature of the replacement facilities at the Alwoodley site, there is a net gain in area of 6.3HA and on this area are 2 football pitches, a cricket pitch and 4 rounders pitches. Other facilities which were provided post-merger of the two schools are 8 tennis courts, 4 hockey pitches, 4 5-a-side pitches and two football pitches **which (unlike the facilities at the former site) are available for public use**. This public access is secured by virtue of an agreement under S106 of the Planning Act. The land and facilities of The Grammar School at Leeds are privately owned and maintained, and no unauthorised access or usage is permitted. However, the facilities are made available for public use, both in accordance with the school's charitable objectives and by virtue of commitments reflected in the S106 Agreement. This access is managed according to the following scheme:

1. The facilities are defined in the S106 Agreement as 'The sports field, sports hall and associated changing facilities, theatre and other areas made available to the public on the site'. The Public is defined as 'Any individual, groups of individuals, associations, clubs or other organisation who have the consent of [GSAL] to use the facilities'

2. No casual Public use of the facilities is permitted. Public access is strictly authorised and managed on a day-to-day basis through GSAL Enterprises Ltd, the trading company of The Grammar School at Leeds. GSAL Enterprises can be contacted through the Enterprises Secretary at the school (Alwoodley Gates, Leeds, LS17 8GS or 0113 229 1552), or e-mailed to enterprises@gsal.org.uk. Further information is available from the School's website, www.gsal.org.uk.

3. GSAL Enterprises exists to promote, *inter alia*, the profile of GSAL within the local community and to enhance the ways in which the school benefits the local community, with particular emphasis on benefiting young people and learning, and to raise charitable funds for bursaries to enable academically able children of low-income families to enjoy an education at GSAL.

In summary, the playing pitch provision at Alwoodley is clearly superior to the provision lost at LGHS, none of which was available to the public.

It is acknowledged that the two sites are 4 miles apart and the policy requires that the relocation of pitches should be "within the same locality". Having said this, although some distance apart both sites lie within the northern and north-west sector of the city. It should also be borne in mind that the facilities served the school community. GSAL as a fee-paying school draws pupils from a wider catchment area than a community-based school and as such it is considered that there has been no detriment to the school population which used the tennis courts and which has now been relocated to the Alwoodley site. There is also demonstrable net public benefit

in terms of accessibility to sports pitches which has been secured through a Section 106 legal agreement and the implementation of that legal obligation is explained within the above paragraph.

10.7 The second criterion of policy N6 deals with provision of pitches in an area in relation to pitch demand locally, in the context of the City's needs, and City-wide. Specific representations concerning the 'need' for tennis courts in the area have been made.. In particular, the Lawn Tennis Association is reported as stating that there is a need for additional tennis courts in the locality. The LTA has been invited to comment on this directly via an email to the organisation from officers on the 21st October. Whilst it might be expected that such an organisation would lobby for more tennis courts, officers' considered view is that there is sufficient court provision to meet demand from the courts at Woodhouse Moor which is only 300 metres from the application site. In addition it is noted these courts are free to use and are considered high quality. In investing public funds at Woodhouse Moor, the Parks and Countryside Section of the Council have had regard to competing interests from a cross section of the local community for a range of facilities to be provided and a balanced approach has been taken to meet these aspirations. Officers consider that the provision of the 6 high quality tennis courts at Woodhouse Moor is sufficient to meet the demand locally for the foreseeable future. Furthermore the courts that were upgraded off Moorland Road are adjacent to the refurbished pavilion, shared with crown green bowlers, which provides changing and toilet facilities. As such it is considered that the quality and quantity of provision of tennis courts is sufficiently provided for when taking all these factors into consideration.

10.8 The local community & Ward Members have asked Officers to explore the potential use of this land by local Primary Schools who do not have their own playing fields. Education Leeds responded to an earlier request to purchase the LGHS site in an email dated 4th April 2008, which states that:

"there is no identified funding vested with Education Leeds to support the cost of this purchase and, since the fields are not linked to any of the local existing primary schools, I would foresee implications in both the management and maintenance of the fields if they were linked to the schools." In addition Education Leeds states that *"the absence of playing fields (at the primary schools) does not of itself constitute a breach of any regulation or legislation"*.

Extensive efforts have been made by Officers to attract an organisation to acquire the playing pitches. Both Leeds Metropolitan University and Leeds University were approached about the sites and declined to acquire them as did Leeds City College. Officers have concluded that there is no reasonable prospect of facilitating a recreational use for the land.

10.9 The pitches at LGHS have a limited range of potential functions. They are too small for and not suitable for football, rugby, cricket or hockey and the Council's Parks and Countryside Service has confirmed that there is not enough demand for tennis courts to justify their retention on site – even if there were funds to do this. The Council's policy is to consolidate pitches in suitable locations where there is access to changing and toilet facilities. In the case of tennis courts, as indicated above there are 6 high quality tennis courts nearby at Woodhouse Moor which have been upgraded quite recently. The advice of the Parks and Countryside service is that these pitches are considered to be the right level of provision for this area in the foreseeable future. The upgraded tennis courts at Woodhouse Moor are off Moorland Road and are situated adjacent to the refurbished sports pavilion, shared with the crown green bowlers,

which provides changing and toilet facilities. Other provision at Woodhouse Moor includes 3 bowling greens, the MUGA, skate park and a children's play area as well as a substantial area of mainly grassed space comprising a substantial total area of 19.8HA excluding the area set out as allotments.

- 10.10 It is also true to say that in addition to its benefits for use for sport, there are benefits to playing pitches as a visual amenity and to an extent this would be lost by the development of the N6 designated area of the site. It is important also to note however that this loss is being offset by the provision of a new area of publicly accessible open space which runs through the proposed development and provides a new pedestrian and cycle link route through the site.
- 10.11 Sport England has removed its statutory objection to the loss of the protected playing pitches and accepts that the provision of new playing field facilities at the Alwoodley site is sufficient to meet their 'exceptions' policy relating to the development of playing pitches. Sport England has maintained its non-statutory objection to the applications unless an additional financial payment is made by the applicant towards the provision of sports facilities. It is important to note that this request is unrelated to the N6 playing pitch designation of the site, but rather a general response which Sport England makes to any larger scale residential developments. The Council does not however have any policy basis to request such payments and could not defend any refusal based on their absence.

Policy Guidance in PPG17

- 10.12 Members of the public objecting to the proposals have made frequent reference to the Government's guidance set out in PPG17 - Planning for Open space, Sport and Recreation published in 2002. This states (at paragraph 10) that:

*Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. **Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.** Paragraph 15 below applies in respect of any planning applications involving playing fields.*

- 10.13 Objectors, understandably, argue that because the proposed development is not supported by the local community, it should be refused. The School and their consultants have carried out a number of detailed and lengthy public consultation events to explain the emerging proposals for the site and has taken the views expressed into account, for example by seeking to promote more family housing and fewer apartments across the site.

- 10.14 The fact, however, that a significant number of people in the local community have opposed the principle of developing on any of the playing fields from the outset meant that the prospect of the community "widely supporting" development proposals on that part of the site was unlikely to ever be achieved. It is not considered that paragraph 10 provides a 'community veto' over development of protected playing pitches as stated by objectors, rather it is considered that this sentence is a material consideration in the determination of any planning application where protected playing pitches are involved.

It is further noted that paragraph 13 of PPG17 states that:

Equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

- 10.15 The pitches at LGHS were not accessible to the public, they were on private land, and the local community will suffer no loss of access to the facilities at the School playing fields should they be developed. Community support for alternative uses on playing pitches that were in public use would of course be of relatively greater importance. The School was a part of that same community and the need to ensure that the interests of existing and future pupils were not prejudiced has been achieved by the replacement facilities created at the Alwoodley site.
- 10.16 As referred to in paragraph 10.1 above the starting point for consideration of this application is the development plan. After careful and detailed evaluation of policy N6 of the UDPR officers have concluded that the loss of the playing pitch land to development does not provide a robust and defensible grounds for refusal of planning permission under this policy - notwithstanding the strong views of the local community on this matter. The guidance in PPG17 is a material consideration – an important one – but officers have concluded that having carefully considered the guidance in PPG17 – having particular regard to the fact that there has never been access for the wider community to the tennis courts at the school – that PPG17 does not provide a basis for refusal.
- 10.17 As part of the applications a detailed PPG17 assessment of playing field provision and replacement was submitted by the applicants. This approach accords with the provisions of paragraph 10 PPG17 in circumstances where a District wide PPG17 audit is unavailable. This was the subject of consultation to the statutory body – Sport England and careful analysis by the City Council. Initially, Sport England objected to the potential loss of playing fields but, following the submission of further information by the applicants and a visit to the Alwoodley site, Sport England withdrew its objections. The position when considering the City wide audit being undertaken for playing pitch provision is that the determination of planning applications cannot reasonably be held up to wait for documents and policies that have not yet been produced. 'Planning General Principles' (CLG publication) helps to explain why prematurity is not a relevant consideration in the determination of these

planning applications. 'In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a relatively small area would rarely come into this category. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. Members will recall that PPG17 states that in the absence of an up to date City wide assessment the applicant can produce their own independent PPG17 assessment. This work was undertaken and submitted to the Council and Officers and Sport England have assessed this document. In addition Sport England have withdrawn their statutory objection due in part to the submission of the applicant's PPG17 assessments. As such it is not considered appropriate to refuse these applications on the basis that they are premature pending the outcome of the PPG 17 review.

- 10.18 The replacement facilities created at the Grammar School at Alwoodley are considered to meet Exception E4 of Sport England's Playing Fields Policy. Sport England has confirmed the withdrawal of their earlier objection following a site visit to the School to inspect and quantify the replacement facilities.
- 10.19 The arguments surrounding provision of alternative pitches would be different for a community based school. Sport England agree with this interpretation. For clarity, Officers did not refer to the catchment being the whole of the Leeds District and the objector's comments that the replacement playing pitch provision could be provided in another City is a not accurate or in accordance with the Officers presentation on the 12th August. Furthermore the comments about potential provision of replacement playing pitches in another District to Leeds would be outside of the Council's control and is not something that is material to the determination of this application. PPG17 at paragraph 18 relates to pitch quality and state that where pitches are of poor quality (which is true of the 4 eastern courts on the LGHS site) or under used this should not be taken as a lack of need and officers do not present this as an argument in favour of accepting the development. The upgrading of the 6 courts at Woodhouse Moor is considered an appropriate provision of tennis courts in the locality and the Parks and Countryside Section of the Council is of the view this was responding to the needs of tennis players who used the courts and had complained about the courts which were sited at the Hyde Park Corner end of Woodhouse Moor.
- 10.20 Central Government recently undertook a period of consultation on a replacement of PPG17 with a Planning Policy Statement (PPS) Planning for a Natural and Healthy Environment. This PPS would replace PPS7 (Rural), PPS9 (Biodiversity and PPG17 (Sports and Recreation). The key policy features of the new PPS are a new policy requirement for the delivery of green infrastructure (the network of green spaces comprising of open spaces, parks, wildlife corridors, rivers etc.), continued support of the need to assess and make adequate provision for sport, recreation and children's play, and a requirement to consider the wider recreational benefits of floodlighting to the community as well as the impact on local amenity. The draft retains the Continued Government support of the need to make adequate provision of land and facilities for sport, recreation and children's play by maintaining the existing policies in PPG17. Continued requirement for local authorities to protect existing land and facilities from development unless it can be demonstrated that they are surplus to requirements.

Where deficits are identified, local authorities should identify opportunities to improve provision either by providing new facilities or by making better use of existing ones. In addition the draft also has continued requirement for local authorities to assess the existing and future needs of the community for open space, sports, recreational and play facilities and undertake and keep up to date an audit of the existing provision taking into account its quantity, quality, accessibility, typology and location. The existing companion guide for PPG17 is currently under review and will be published in due course. The draft PPS has included a link to other central government publications of which some address health and well being. For example “*Healthy Weight, Healthy Lives: A Cross-Government Strategy for England* (Department of Health, January 2008) gave the Government’s commitment to creating supportive built environments, which help tackle obesity and support healthy communities and *Be Active, Be Healthy – A Plan for Getting the Nation Moving* (Department of Health, February 2009) sets out the Government’s strategy for promoting physical activity in our everyday lives alongside sport and based upon local needs, with particular emphasis upon the physical activity legacy of the 2012 London Olympic and Paralympic Games. A key objective is creating active environments: ensuring that people have access to high quality open spaces and that new developments seek to increase opportunities for physical activity”. The draft PPS is a positive attempt to link a range of objective that the government is trying to achieve and better integrate different government departments in a co-ordinated spatial planning approach. This draft PPS can only be afforded minimal weight in relation to the determination of this application as the results of the consultation exercise have not been published.

Offer of Ford House Gardens

10.21 As part of the development package the applicant had offered to provide for public use 0.8 HA of land in its ownership nearby at Ford House Gardens on a 15 year licence. In the light of legal advice from leading counsel which has confirmed that the Council cannot lawfully take this offer into account in its determination of the planning applications, (see below) that offer has (quite properly) been withdrawn.

10.22

The legal tests governing the relationship between planning obligations and the determination of planning permission are contained in the Community Infrastructure Regulations 2010. . Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 provides that :

” A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(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.”

10.24 Regulation 122 does not prohibit the making of section 106 obligations but instead limits the situations in which the Council may take such obligations into account when deciding whether to grant planning permission. In particular the Council cannot take an obligation into account

in support of an application unless it is necessary to make development acceptable in planning terms (test (a) set out above). In practice, unless there would be a good reason for refusing planning permission in the absence of the planning obligation in question, it is unlikely that the obligation could be shown to be 'necessary' as required by the first test in the regulations.

The offer of a 15 year licence to use Ford House Gardens was not made on the basis that the proposal resulted in a loss of open space which required some compensatory provision and in such circumstances it does not amount to a necessary obligation in the terms of the regulations. Furthermore, as a failure to improve greenspace cannot provide a sustainable reason for refusing the proposal it could not be properly regarded as necessary to further the aims of Policy N3 of the UDPR. Finally, even if it could be argued that the obligation was in some way necessary to make the proposal acceptable, there would then be a strong argument that the offered obligation was inadequate as it only had a 15 year lifespan and it is not clear how a temporary provision could properly address the identified deficiency.

Playing pitch and Greenspace issue summary

- 10.25 To summarise on the playing pitch issue, Officers have come to the firm conclusion that the relevant UDPR policies identified within this report and the guidance in PPG17 do not provide a basis for refusal of these applications for the reasons set out above. Further, the greenspace proposed as part of the development is appropriate and there is no basis in law for requiring the 15 year licence of Ford House Gardens by way of a planning obligation.

Design and Impact on the character of the Headingley Conservation Area and the listed buildings

- 10.26 The site is within the Headingley Conservation Area and two of the buildings within it - Rose Court and Rose Court Lodge – are Grade II listed buildings. In assessing proposals which affect a Conservation Area it is noted that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area. Planning Policy Statement 5 (Planning for the historic Environment) has recently been published and replaces PPG15. This national planning policy statement provides guidance on the role of determining planning application within Conservation Areas and for proposals affecting the setting and character of Listed Buildings

Rose Court Conversion

- 10.27 Full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments is sought under applications 08/08419/FU & 08/04200/LI. 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. Members will note that whilst this extension is not considered the most attractive of additions it is an authorised extension that was granted planning permission and listed building consent. 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.

- 10.28 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 pavements are considered an improvement over the current surfacing material. The proposed new building elements are considered to preserve or enhance the setting and appearance of the existing Lodge listed building.
- 10.29 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. Accordingly in line with the requirements of UDP policies N14, N15, N17, N19, H4, H15, GP5 and BD6 the alterations and conversion of the listed building are considered to be in accordance with the policies of the Development Plan. This element of the proposal is considered to comply with the requirements of Section 72 of the 1990 Act.

Outline Residential proposals

- 10.30 The proposal for residential development within the grounds of the school site is submitted in Outline with Access, Scale and Layout detailed. Appearance and Landscaping are reserved for later consideration under detailed Reserved Matters 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 and the setting of the two listed buildings, Rose Court and the Lodge building.
- 10.31 The proposed residential development within the grounds of the school site 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.

- 10.32 One layout change since the Panel saw the proposed plans in August 2010 which is very minor in nature relates to the proposed row of terraced town houses next to the Main School building. Previously there was a 1m maintenance gap between the School building and the proposed town houses. It is now proposed to connect the town houses to the Main School building but this has a very minimal impact on the appearance of the scheme overall.

Main School building proposals

- 10.33 The extent of demolition of the Main School Building was discussed at the August Plans Panel meeting and within the August report. It is considered that the exterior front elevation of the building is the main positive feature of this building and although much of the remaining Main School building is proposed to be demolished the front facade of the original 1905 part of the building is to be retained. The demolition plan appended to the August and October Panel report shows the extent of retained and demolished buildings on the site. The element to be demolished has been assessed by Conservation Officers and whilst it is not without merit it is not considered that its loss causes harm to the extent that refusal of permission would be justified.
- 10.34 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. The new build town houses would be visible from the public highway of Victoria Road but the majority of the new build extension attached to the Main School Building would be largely screened from public views due to the change in levels across the site and the high stone boundary wall on Headingley Lane. 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 court yard there is no objection to this design approach.

Re-use of Main School Building

- 10.35 The applicant has explored the possibilities of retaining and converting the Main School Building extension and attached Library building. The additional information submitted in September 2010 includes layout drawings of options to retain the front facade of the Main School building and an option to retain the Library building (the plans were appended to the October panel report). The applicant considers that if these elements of the Main School building were retained then their likely re-use would be for apartments. Also, retaining these elements of the building would result in the loss of up to 4

townhouses. The developer notes that Members and the local community wanted to see more family housing and fewer apartments and the retention of the school would push the balance towards more flats as well as reducing substantially the development potential of the site.

- 10.36 Furthermore, in considering the impact of the retention and re-use of these elements of the Main school Building the applicant's Conservation consultant has appraised this part of the building and overall concludes that it does not make a positive contribution to the Conservation Area and due to its scale, massing, design of the third floor extension results in an extension that competes with the original element of the Main School Building to the detriment of the building's character and appearance. The applicants conservation consultant also questions the structural viability of retaining the facade. The Council's Conservation Officer has also assessed the merits of the retention of this part of the building and whilst noting that the Library building in particular has some quality does not consider that refusal is justified if these elements of the building are not retained. The Conservation Officer considers that the second floor extension on both the eight bay section and the Library building should be demolished. Conservation Officers also think there is potential to demolish or adapt the extensions provided they are replaced with a good quality building and that it is accepted that any re-use would compromise the internal spaces by the need to create new floor levels. Officers are of the view that the proposal for the retention of the front facade of the original element of the Main School Building is sufficient to preserve or enhance the character and appearance of this part of the Headingley Conservation Area. It is also noted that the building has been declined for listing by English Heritage. In addition English Heritage are not statutory consultees on these applications.

Four storey flats building

- 10.37 The applicant has supplied further indicative images of the potential design and appearance of the proposed 4 storey block in the south west corner of the site adjacent to Victoria Road. The images show that this block could have a pitched roof design with a strong gable fronting onto Victoria Road. The applicant's architect considers this picks up some of the local characteristics of the terraced housing located along Victoria Road. (Members should note that this element of the scheme relates to an Outline application where Siting and Scale are to be considered at the Outline stage whereas Appearance is a matter which is reserved for further approval).
- 10.38 Officers have concerns that the images supplied do not clearly portray the true impact of the scale of this building given the change in ground levels whereby the building would appear 5 storeys when viewed from Victoria Road and 4 storeys when viewed from the north of the site looking down towards Victoria Road. In addition, the images supplied do not clearly show how the undercroft car parking would be accessed or how it would affect the character and appearance of this part of the Conservation Area. This concern has been communicated to the applicant. The proposed apartment block in the south west corner of the site is submitted as an outline application with details of Siting and Scale included for consideration. The appearance of the block is a matter which may be considered at Reserved Matters application stage (assuming the Outline is approved). As has been requested Officers have discussed the concerns relating to the legibility of the images supplied and the lack of clarity relating to the access into the undercroft car parking.

- 10.39 Members should note that the applicants have chosen not to alter the design, layout and number of dwellings proposed from that presented to Members at the August Plans Panel meeting other than some additional drawings to show possible design options for

the 4 storey apartment block. It is considered overall that the siting and scale of the proposed apartment building in the south west corner of the site is appropriate in relation to visual amenity and the street scene. Appearance is a matter reserved for detailed approval. In the context that the building would be sited the Headingley Conservation Area and within the setting of two listed buildings on site it is considered that the Scale and Siting of the proposal is acceptable in terms of preserving or enhancing the character or appearance of this part of the Headingley Conservation Area and has a neutral overall impact. The same position is considered in relation to the impact of the this element of the proposal on the setting and appearance of the listed buildings on site.

Greenspace /Landscaping and Tree Issues

- 10.40 The proposed layout is designed to create two areas of public open space (which complies with the size required by policy N2.1 of the UDP) 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.
- 10.41 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 thought-out 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 in accordance with UDP policies N2, N12, N13 and LD1 and the guidance contained within the Neighbourhoods for Living SPG and the draft Headingley and Hyde Park Neighbourhood Design Statement.

Residential amenity considerations

- 10.42 The proposal is considered acceptable in terms of the amenity afforded to future occupiers in relation to privacy, over looking 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. Approval of 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, and the development thus accords with the relevant UDPR policies which address residential amenity including GP5 and BD5. 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 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 dwelling are occupied as C3 dwellings and not permitted to change to HMOs without prior planning permission being granted.

- 10.43 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. Overall the proposed residential redevelopment of the site is considered to be in compliance with UDP policies GP5, BD5, BD6, H4 and H15. In addition the proposal is considered to comply with the guidance within Neighbourhoods for Living SPG and the draft Headingley and Hyde Park Neighbourhood Design Statement.

Highway safety and car parking

- 10.44 The proposal has been assessed by the Highways Authority 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. On balance with highways considerations of the applications is considered to comply with UDP policies GP5, T2 and T24.
- 10.45 The applicants have submitted a Transport Assessment which considers the impact of the development against the traffic generated by the former school. Surveys were carried out by the applicant prior to the school closing down and these have been used to form a base from which to work. The applicants have acknowledged that the school had a different (pm) peak i.e. the school had a staggered finish between 3:20pm and 3:45pm and that the majority of pupil/parent trips would have dispersed

prior to the general pm peak hour of 17:00 to 18:00hrs. Highway Officers have considered the impact of the proposals based on their predicted impact in the (am) peak hour of 08:00 to 09:00 and the (pm) peak hour of 17:00 to 18:00, which are the recognised peak periods for traffic flow on the highway network. Total traffic movements generated by the school in the (am) peak was recorded as 168 vehicle trips, made up of 142 (two-way) student/parent trips and 26 (inbound) staff trips. The proposed development would result in a total of 75 (two-way) vehicle trips in the (am) peak which would be a net reduction of 93 (two-way) trips. Therefore in the (am) peak, it is considered that there would be a significant reduction in the previous levels of traffic on the highway network. Total traffic movements generated by the school in the (pm) peak (17:00 to 18:00) was recorded as 15 (outbound) staff trips. The proposed development would result in a total of 65 (two-way) vehicle trips which would be net increase of 50 (two-way) vehicle trips. The additional 50 (pm) peak hour trips would be distributed across the adjacent highway network using existing turning proportions at junctions. These indicate that 32 of those 50 trips would be via the Victoria Road/Headingley Lane junction with the remaining 18 being made at junctions along the length of Victoria Road and at it's junction with Cardigan Road. The existing traffic counts indicate that there are a total of 703 existing (two-way) vehicle trips at the junction of Victoria Road/Headingley Lane. Therefore, in conclusion, the 32 additional (two-way) trips that would be generated at the junction of Victoria Road/ Headingley Lane would represent an increase of only 4.36% and is not regarded by Highway Officers as having a material impact on the safe operation of that junction. Overall it is considered that the TA presents a robust assessment of the proposals and that the closure of the existing vehicular access on Headingley Lane to traffic has significant highway safety benefits. There are no objections to the proposed access arrangements onto Victoria Road. The proposed restriction on vehicular access from Headingley Lane is welcomed. The retention of this access for pedestrians and cyclists is positive and the proposed internal footpaths and cycle routes are also 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.

Developer Contributions

Public Transport Infrastructure:

- 10.46 In accordance with the requirements of SPD Public Transport Improvements, a public transport contribution of £81,517 (index linked) would be required.

Affordable Housing:

- 10.47 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 differs from the normal approach which is to deliver affordable housing on-site. The applications will deliver the required number of affordable dwellings at 15 % of the total number (17 in total) in accordance with the SPD and policies H11, H12 and H13 of the adopted UDP. The off site commuted sum will be provided in accordance with the formula in the SPD as

such the applications are considered to be in compliance with the planning policies outlined herein.

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 the Panel is recommended that provision should default 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.

Public Open Space provision

- 10.48 Under current UDPR policy the development requires provision of on-site Greenspace as follows based on the revised scheme comprising 62 apartments and 58 houses (total 117 units):-

N2.1 Local Amenity Space

- 10.49 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.

Equipped Children's Play

- 10.50 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.

Ford House Gardens

- 10.51 The offer of Ford House Gardens does not now form part of the recommended S106 package for the reasons set out in the report.

Health and Equality Issues

- 10.52 On the 28th September the Health Scrutiny Board wrote to the Chief Planning Officer advising him of its concerns relating to the planning applications at the former Leeds Girls High School site in Headingley. The Scrutiny Board's concerns related to the proposed development and its potential negative impact on the health and wellbeing of local residents
- 10.53 Contained within a Scrutiny Inquiry Report of May 2010 there are references to relationship between Planning and Health and well being notably between paragraphs 42-50 and recommendations 5 and 6 within the report. Recommendation 5 seeks to ensure that the health agenda and relevant NICE recommendations are appropriately addressed and reflected in the emerging Core Strategy. Recommendation 6 relates to the desire to reduce the number of fast food outlet lets across the City and promote access to good quality food. The Report in summary recognises the role that Planning has to play within Health considerations. The paragraphs referred to by the Health Scrutiny in the Report (42-50) mentions the concerns of local residents on the effect

on health due to the lack of playing pitches in the Hyde Park and surrounding areas. The report goes on to discuss the importance of protecting and retaining N6 designated protected playing pitches. The paragraphs in the report referred to also mentions how the formation of the LDF will take account of Health considerations. The Scrutiny Board has sought assurances that such concerns had been brought to the attention of the Plans Panel (West) and were a matter of public record prior to determining the proposed planning application.

- 10.54 Public open spaces promote exercise to the benefit of both individual and public health. It is noted that there are a significant number of residents of Asian background living in the area near to the application site (as shown on census data 2001 records) and a proportion of these ethnic groups suffer from high cases of diabetes.
- 10.55 Officers are not of the of the view that these health problems can be directly related to the provision of playing fields and the potential loss of the tennis courts at the Leeds Girls High School site. Already, there is significant playing field provision in the area (eg at Woodhouse Moor) and the tennis courts at the High School have never been available for public use. It is therefore concluded that there is no evidence of a direct relationship between the health problems experienced by these ethnic groups and the potential loss of the privately owned playing fields within the High School site itself.
- 10.56 In relation to the matter of equality the Council has a general duty under s71 of the Race Relations Act 1976 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. A recent Court of Appeal decision involving Haringey Council has confirmed that where the requirements of section 71 form - in substance – an integral part of the decision-making process then it is necessary to demonstrate that the particular requirements of Section 71 have been taken into account in coming to a decision on a planning determination. Accordingly it is the responsibility of the Local Planning Authority to consider whether the requirements of the Section 71 are integral to a planning decision. . It is important to note that Section 71 is concerned with promoting equality of opportunity and good relations between different racial groups – the Court of Appeal in its decision stressed that this is not the same as the promotion of the interests of a particular racial group or racial groups. In the circumstances Officers do not consider that Section 71 requirements are integral to these decisions. Moving away from Section 71 considerations it is considered there is no direct correlation between ill health and Type II Diabetes in the Asian population in Hyde Park\Kirkstall and the lack of availability or otherwise of the privately owned playing pitches on the LGHS site which have never been available for community use in the area. Members are asked to note there are other issues of equality relating to the applications beyond that of the playing field provision. These include the availability of affordable housing – which could be made available to people with disabilities and/or from minority ethnic backgrounds and access to and within the site and access within the buildings – which is controlled by Part M of building regulations. A planning condition is proposed to ensure that accessibilities needs for disabled users into and around the site is appropriately planned for.
- 10.59 Members are asked to take into account the contents of this part of the report relating to the concerns expressed by the Health Scrutiny Board and further representations from Councillor Illingworth as outlined in the representation section of the report above and other interested parties in relation to the above mentioned planning applications and the impact that the proposed development on the protected playing pitches would have upon the health of the local community and on equality issues.

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 mixture 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 families. 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 Overall, the proposed conversion of the listed buildings is considered 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, namely the retention of the front facade of the Main school building and the two listed buildings. 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. The proposed change of use and conversion to residential apartments and town houses are considered to have satisfactory relationship to the setting and character of the listed buildings, Rose Court and Rose Court Lodge. In addition the proposed site layout is also considered to preserve the character and appearance of this part of the Headingley Conservation Area. Although the outline application does not provided full details of the scheme, it is considered that there is sufficient detail to enable consideration of the development, further details can be considered at Reserved Matters stage. Overall the applications are considered to comply with Section 72 of the 1990 Act (that development should preserve or enhance the character of the Conservation Area) and with the aims and objectives of PPS5, and the relevant UDP policies and Supplementary Planning Guidance relating to Conservation Areas and Listed Buildings.
- 11.3 The scheme has been carefully assessed by highway officers 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 and that the form and detail of development proposed is acceptable on balance and overall accords with the relevant highways policies contained within the UDP and the aims and objectives of PPG13.
- 11.4 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 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 £92,419 (total contribution for the three applications) 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.

- 11.5 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 Plans Panel West Position Statement

August 2010 Plans Panel West Report

October 2010 Plans Panel West Report

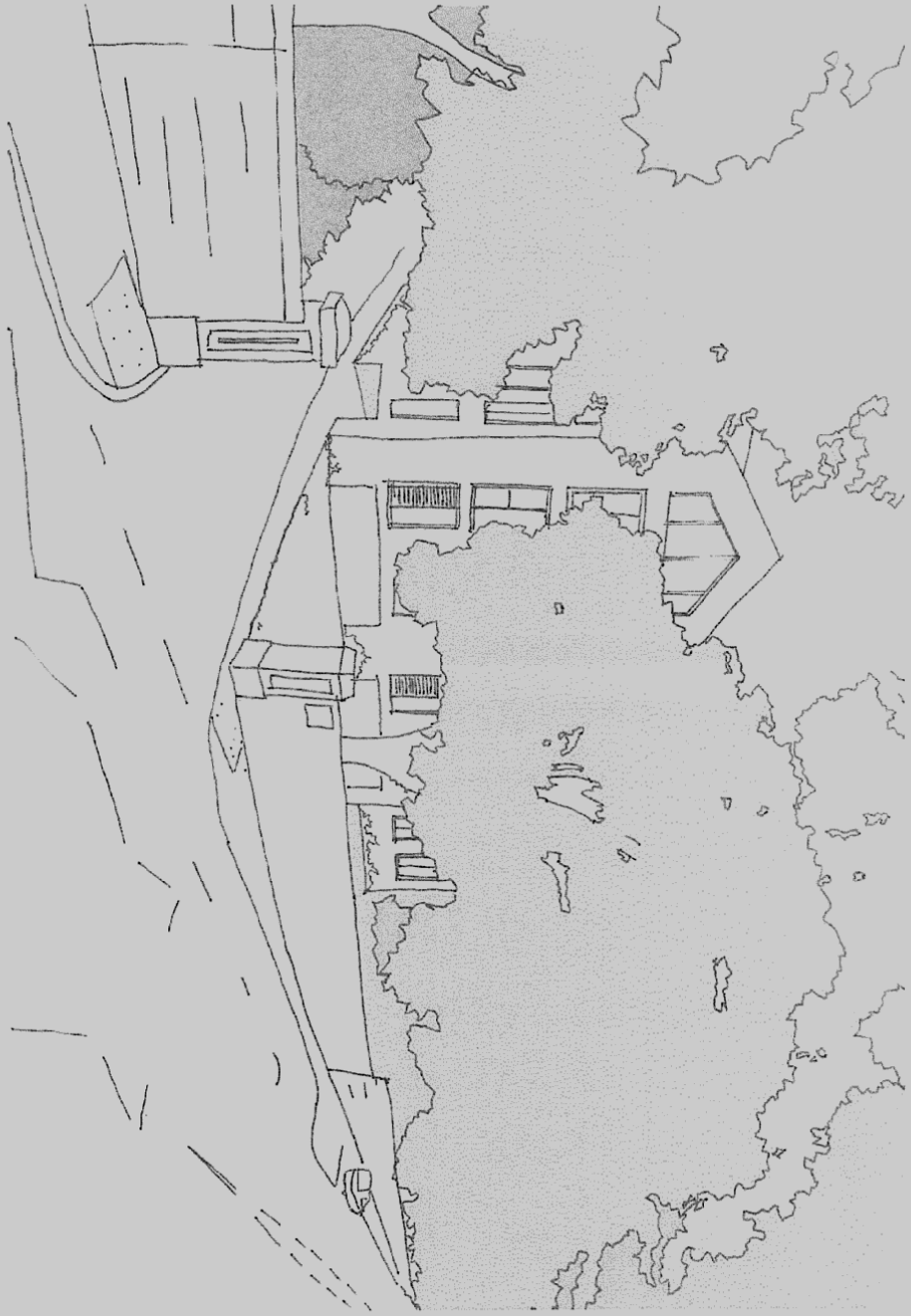
APPENDIX 1: SUMMARY OF FACILITIES LOST, RETAINED, UPGRADED AND PROVIDED AT THE LEEDS GIRLS HIGH SCHOOL AND GRAMMAR SCHOOL AT LEEDS SITES

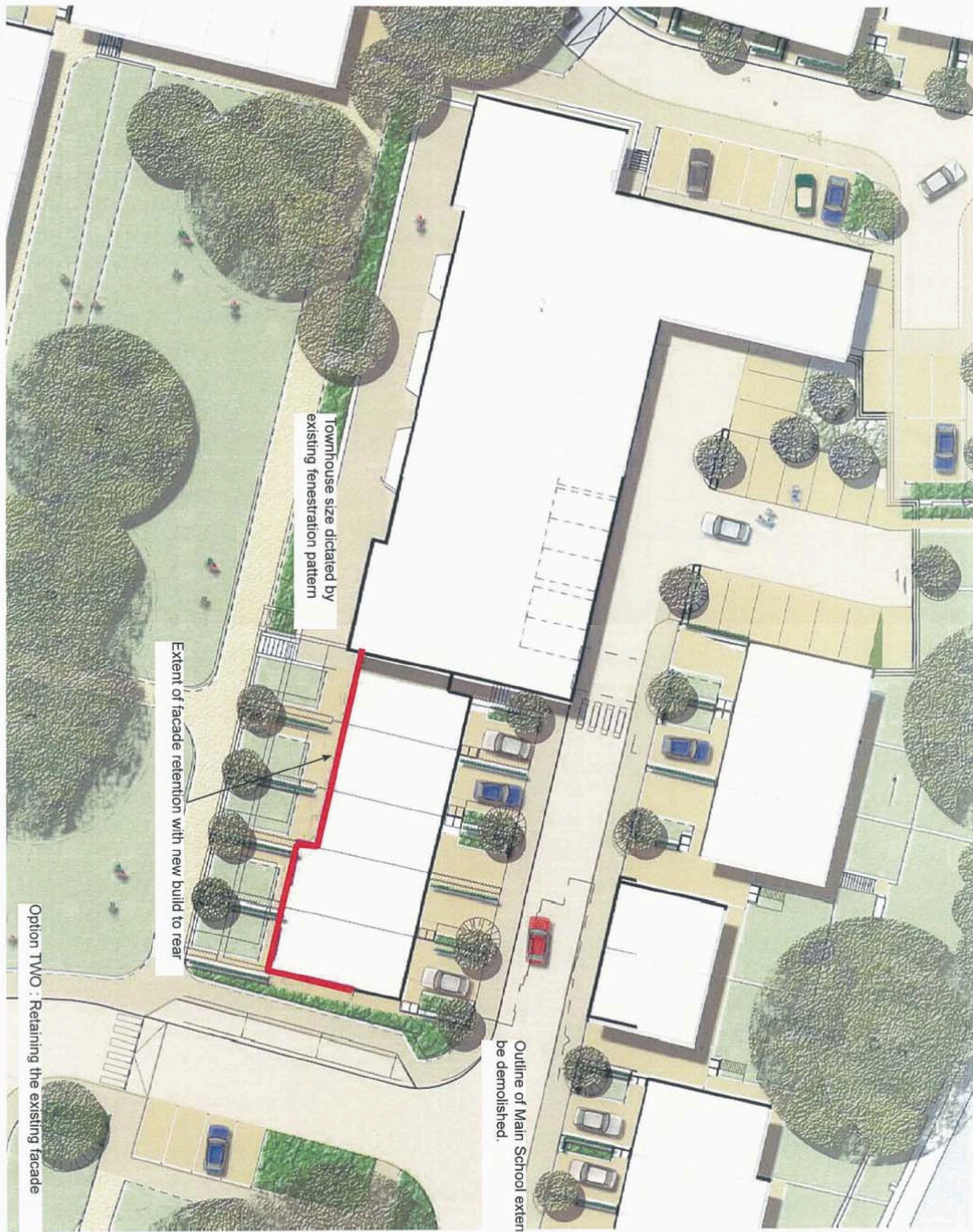
	Location	Number & type	Area (ha.)	Availability to local community	
				Pre-Merger	Post-Merger
Facilities Lost to LGHS Development	LGHS	6 Tennis/Netball 1 Grass Hockey	0.94	No	No
Existing Facilities Retained	LGHS	1 Gym 1 Swimming Pool	0.2	No	Yes
	LGHS	Ford House Gardens	0.5	No	Yes
	GSAL	2 Rugby or Football	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
Existing Facilities Upgraded Post Merger	GSAL	Netball	0.005	No	No
	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
New Facilities Post Merger	GSAL	4 Tennis 2 Netball	0.23	No	No
	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	

APPENDIX 2: SUMMARY OF PUBLIC/PRIVATE FACILITIES LOST/GAINED AT THE LEEDS GIRLS HIGH SCHOOL AND GRAMMAR SCHOOL AT LEEDS SITES

	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

Sketch view looking at the SW block from the Victoria Road entrance



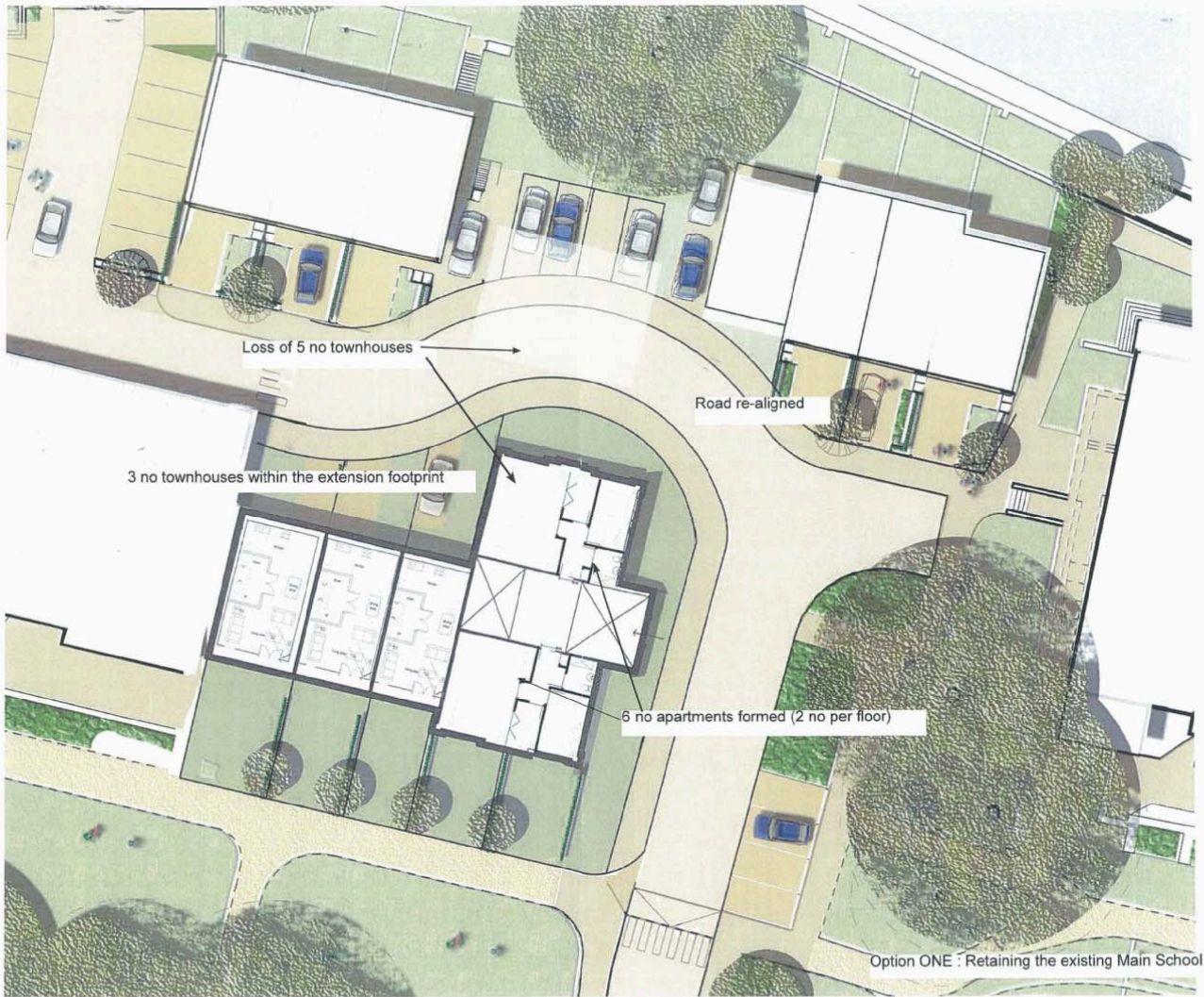


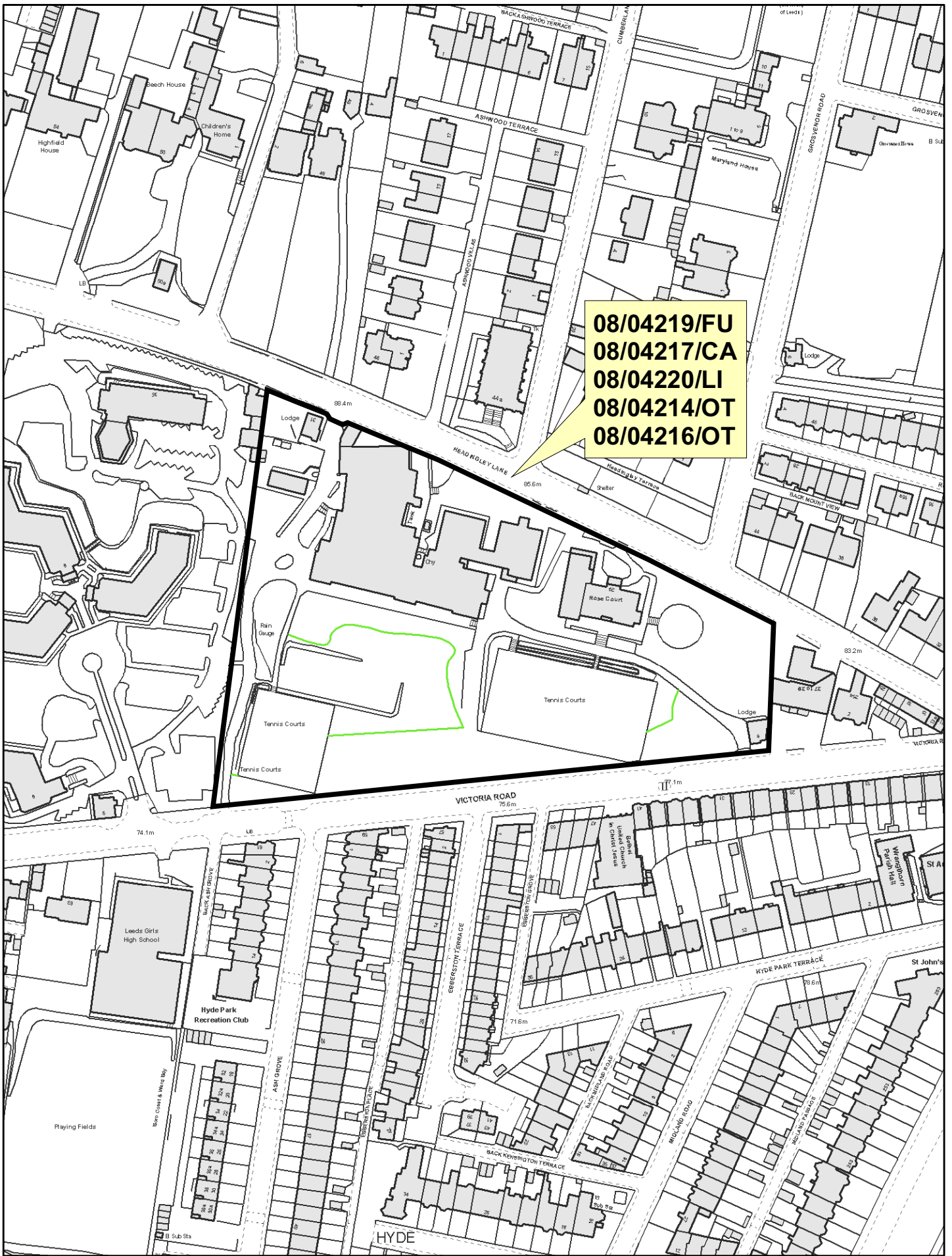
Townhouse size dictated by existing fenestration pattern

Extent of facade retention with new build to rear

Outline of Main School extension to be demolished.

Option TWO : Retaining the existing facade





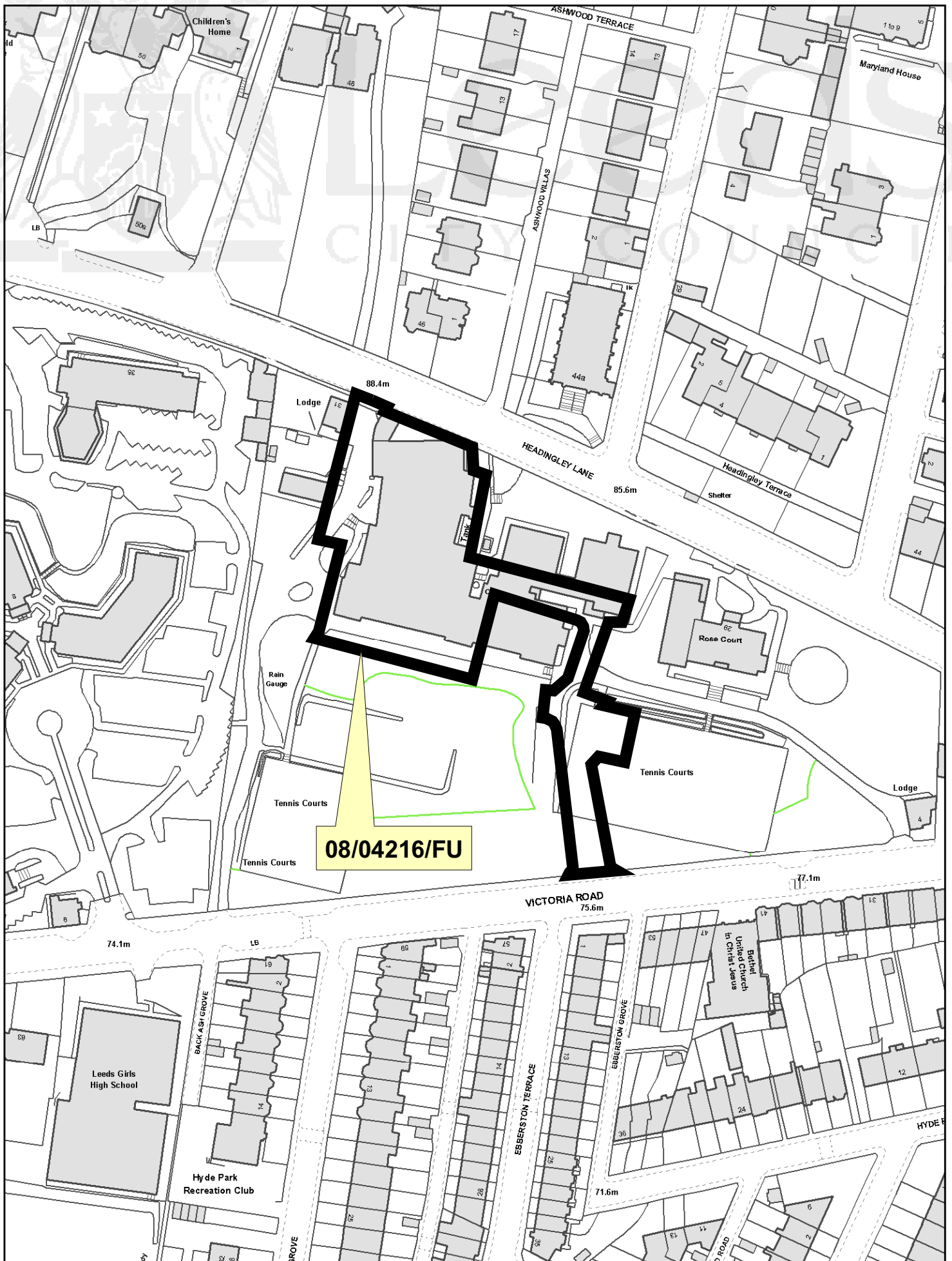
WEST PLANS PANEL



Scale 1 / 2000

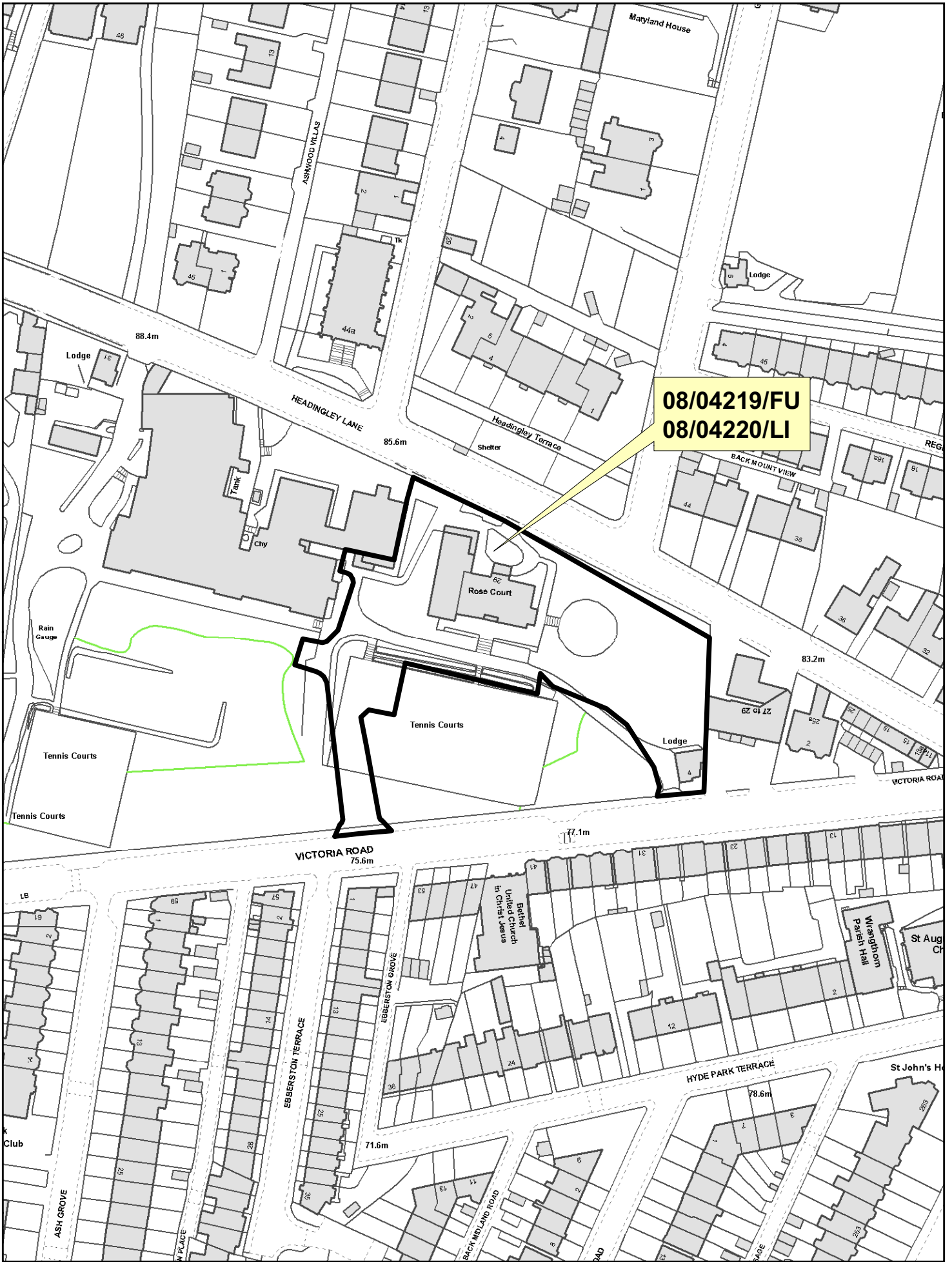
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WEST PLANS PANEL

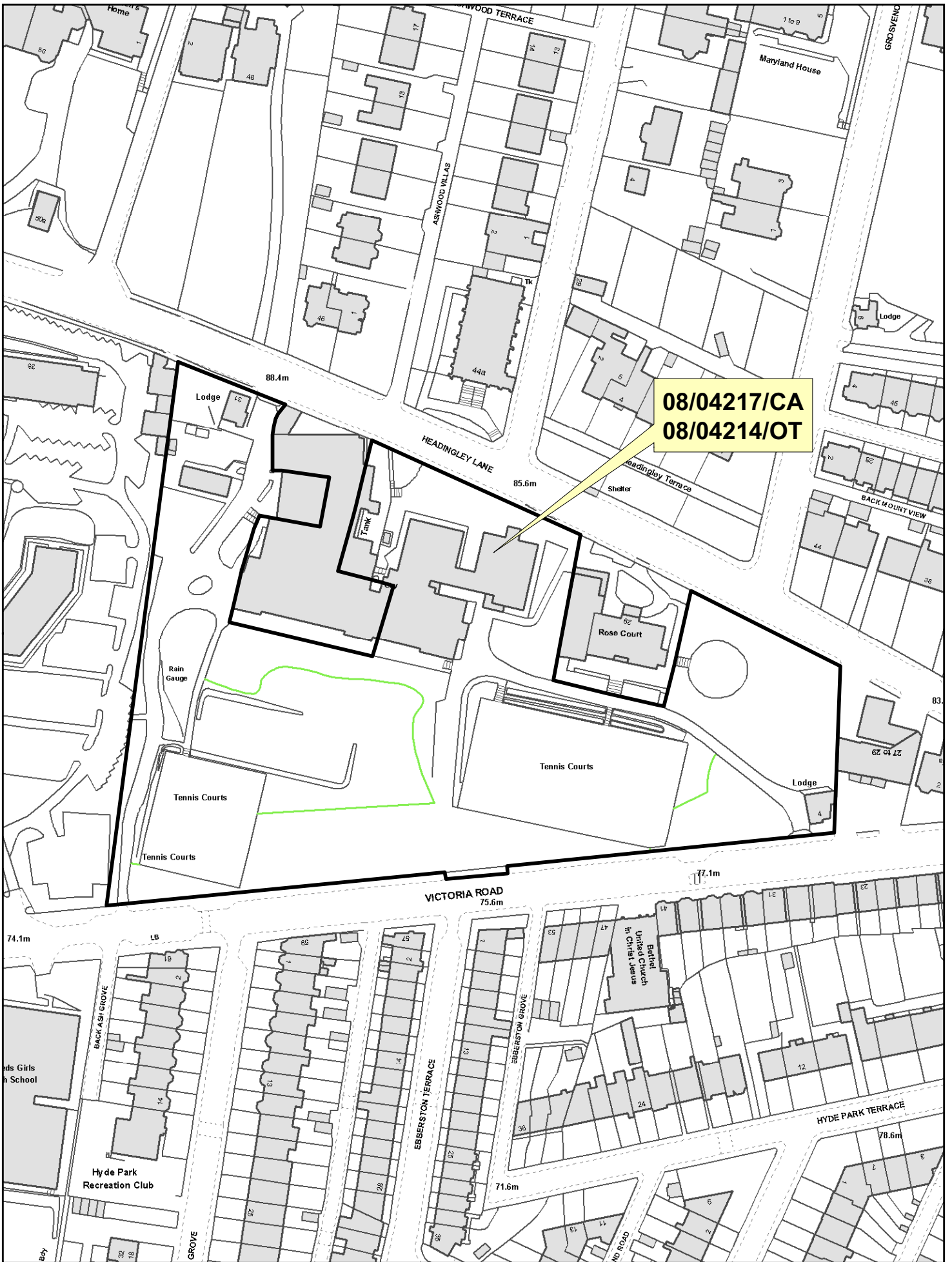
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08/04219/FU
08/04220/LI

WEST PLANS PANEL





08/04217/CA
08/04214/OT

WEST PLANS PANEL



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Originator: Theo Matthew
Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: APPLICATION 10/02643/FU - Two storey side extension and detached garage to rear at 1 Spen Gardens, West Park, Leeds, LS16 5AQ

APPLICANT

Miss. S. Akhtar

DATE VALID

9TH June 2010

TARGET DATE

9th September 2010

Electoral Wards Affected:

Weetwood

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 conditions to cover the following:

1. Time limit on full permission
2. Plans to be approved
3. Limit to obscure glazing only
4. Materials to match the existing
5. Garage use incidental to the enjoyment of the dwelling
6. No insertion of windows to the rear and side of 2-storey extension
7. Dwelling to remain as C3 dwelling house
8. Reason for approval
9. Permitted development informative for single storey rear extension

1.0 INTRODUCTION

The application is brought before Plans Panel due to the high level of community involvement including representations from two elected ward members (Councillor Sue Bentley & Councillor Judith Chapman). This application was deferred from Plans Panel on 9th September 2010, Members of Plans Panel accepted that the form of the

extensions were acceptable but officers were requested to go back to the applicant to clarify the future occupancy of the extended dwelling.

2.0 PROPOSAL

The application is for a two storey side extension and detached garage to the rear of a semi-detached house. The extension would form a bathroom and a second lounge to the ground floor and two bedrooms to the first floor with one having an en-suite bathroom. The extension measures 4m wide by 7.4m long with eaves and ridge heights to its hip roof of 5.2m and 7.8m respectively. The detached garage is sited within the rear garden and measures 3m wide by 6m long with heights to its pitch roof of 2.3m and 3.2m and would replace an existing flat roof sectional garage. The floor plans show that 3 original bedrooms exist to the dwelling which would be increased to 5 with the side extension. Included within the submitted plans but determined as Permitted Development is a single storey rear extension to enlarge the kitchen and dining room.

3.0 SITE AND SURROUNDINGS:

Located within the West Park area which is residential in character, the application relates to a 1920's style red brick and white render semi-detached house with grey concrete tiles to its hip roof. To the front of the house are half round bay windows capped with a gable roof, and a canopy porch over the entrance. To the rear is a decaying timber and glass porch with a lean-to roof along with a flat roof pre-cast concrete garage. The irregular shaped plot is fairly flat and even in level and produces a good size continuous garden to the front, side and rear of the house which is enclosed by brick walling, timber fencing and shrubbery planting.

The townscape of Spen Gardens and Spen Drive is defined by semi-detached houses to similar designs, sizes, appearances and periods of construction and shows one other dwelling to have been extended to the side, with space between the dwellings, trees and other greenery as strong characteristics also.

4.0 RELEVANT PLANNING HISTORY:

26/410/04/FU - Two storey side extension - Refused - 11.08.04

10/00329/FU - Two storey side extension and detached garage to rear
(Single storey rear extension and dormer to rear are Permitted Development) -
Refused - 08.04.2010

5.0 HISTORY OF NEGOTIATIONS:

During a meeting on 30.06.2010, the applicant/agent were informed that the initial plans of the re-submission did not go far enough in addressing the issues of the refused application and that formal clarification as to the intended use of the property and justification for the need to enlarge it as proposed would be needed. Subsequent plans were received 18.07.2010 but these were not considered acceptable.

Further revised plans showing the extension to now be suitably subservient with a flat front elevation were received and accepted 05.08.2010

The applicant has submitted further information regarding the future occupancy of the dwelling.

- i) The applicant has confirmed that the house is no longer on the rental market.

- ii) The applicant would agree to the removal of permitted development rights from the dwelling
- iii) The house will not be used by students as a House in Multiple Occupation (HMO) and will always be used as a single dwelling
- iv) The applicant will move into the extended dwelling with her large family once the extension works have been completed.
- v) The applicant may wish to rent the property out in the future but only to a single family and not as a HMO.

6.0 PUBLIC/LOCAL RESPONSE:

The application was advertised by notification letters to neighbouring properties dated 15 June 2010. 29 letters of representation have been received, covering the following points:-

- Student occupancy
- Extension too large
- Car parking
- Out of keeping
- Loss of daylight
- Over-development
- Over-dominance
- Over-looking
- Reduced amenity garden space

7.0 CONSULTATIONS RESPONSES:

North West Area Management Team - Community Planner: Concern expressed whether the proposal has overcome the previous reasons for refusal.

8.0 PLANNING POLICIES:

Since the Panel meeting on 9 September 2010, national legislation has changed in relation to HMO's. On the 1st October 2010 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 amended the 1995 Order meaning that from this date a change of use from C3 (dwelling house) to C4 (House in Multiple Occupation) is permitted development.

This change in legislation would allow the applicants to let the extended dwelling as a HMO without the need for a change of use planning application.

Planning Policy Statement 1: Delivering Sustainable Development: Sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. These seek to avoid imposing architectural styles to stifle innovation, originality or initiative through requirements to conform to development forms or styles. They should instead concentrate on guiding scale, density, massing, height, landscape, layout and access in relation to adjacent buildings and the locality. It is however proper to promote or reinforce local distinctiveness where supported by clear

plan policies or supplementary planning documents on design.

UDP: General Policies: All development – Policy GP5 refers to proposals resolving detailed planning considerations (access, landscaping, design etc), seeking to avoid problems of environmental intrusion, loss of amenity, danger to health or life, pollution and highway congestion, and to maximise highway safety. Should have regard for guidance contained in any framework or planning brief for the site or area.

UDP: Building Design: Alterations and Extensions – Policy BD6 refers to the scale, form, materials and detailing of an extensions design in respect of the original building.

UDP (Review 2006): Housing: Area of Housing Mix – Policy H15 refers to student housing restraint area and control of student housing and extensions to student housing. 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, would not be unacceptably reduced in terms of quantity and variety;
- ii. There would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, either from the proposal itself or combined with existing similar accommodation;
- iii. The scale and character of the proposal would be compatible with the surrounding area;
- iv. Satisfactory provision would be made for car parking; and
- v. The proposal would improve the quality or variety of the stock of student housing.

Relevant Supplementary Planning Guidance Documents:

SPG13 -Neighbourhoods for Living: A guide for residential design in Leeds (2003)

Supplementary Planning Document (Draft) - Street Design Guide

9.0 MAIN ISSUES

- Design & character of extension & impact on the setting
- Overlooking
- Area of Housing Mix/ Future Occupancy
- Representations

10.0 APPRAISAL

10.1 Design and character of extension & impact on the street scene

The proposed two storey side extension is considered to be of a design and scale that would represent a sympathetic form of development in relation to the original dwelling and wider street scene.

The hip design of the roof is in keeping with the original and is set-down from its ridge by 0.5m. The front of the extension is set-back from the front of the house by 1.15m, whilst its rear is set-in from the back of the house by 0.5m. The amendment to the scheme removed the half round bay windows to the front in exchange for a simple flat elevation. It is therefore considered that the extension would be set well within the frame of the dwelling so as to appear suitably subordinate to its host.

The appearance and vertical emphasis of the 4 panel windows to the lounge and bedroom are duly appropriate to the existing 6 and 2 panel windows of the front elevation. Similarly the mix of window sizes to the side and rear elevations are carried

through along with the element of blank walling.

The design, scale, form, materials and detail of the extension would not undermine the character of the dwelling or unreasonably unbalance the symmetry of the semi-detached pair. The only other two storey extension within the street scene is to the rear of the adjacent dwelling 3 Spen Gardens which is similarly subordinate.

The proposed garage is to the same location as the existing flat roof outbuilding and in having a pitch roof it is more in-keeping with the dwelling and would constitute a visual improvement. The driveway measures some 14M in length and as such it is reasonable to assess that 4 cars could be accommodated within the site without need for any additional hard standing.

Both the extension and garage are to be constructed with red brickwork, white painted render, concrete roof tiles and brown upvc windows to match the existing dwelling. As such, the proposal is considered to satisfy Planning Policy Statement 1 which states that 'design which is appropriate in its context and takes the opportunity available for improving the character and quality of an area and the way it functions, should be accepted', and Leeds Unitary Development Plan policies GP5 and BD6 which aim to protect the visual amenity and character of the wider street scene.

10.2 Overlooking

The rear window of the ground floor bathroom, new rear window to the existing bathroom and side window to the en-suite bathroom would be obscure glazed and as such could not offer any intrusive views. The front windows to the lounge and bedroom above would look-out onto the front garden area and not affect any neighbouring property.

The 3 panel rear bedroom window measures 8.4m from the rear boundary and is a high level letter-box type with a sill height of 1.7m from floor level, would not offer any views into the adjacent bathroom window to 3 Spen Gardens or its private garden area, it also satisfies the 7.5m minimum requirement of the Council's guidance to safeguard against harmful overlooking. The secondary side window to the bedroom would overlook the side garden area and highway.

It is therefore considered that the proposed extension would not result in any loss of amenity by overlooking.

10.3 Policy H15 - Area of Housing Mix / Future Occupancy

This part of the H15 area is primarily populated by families and whilst 1 or 2 of the houses may indeed be rental properties (although there is no clear evidence of this beyond comments received), there does not appear to be even a modest volume of student houses in the area. The proposed two storey side extension would create an additional lounge, ground floor bathroom and 2 new bedrooms above, 1 with an en-suite bathroom. The level of accommodation to the dwelling would rise from 3 bedrooms to 5. The arrangement of the extended rear kitchen and dining room does not lend itself to the likelihood of them being utilised as auxiliary bedrooms. However, it is possible if not necessarily probable, that either the proposed or existing lounge could be used for this purpose.

Written justification for the additional accommodation was provided by the applicant on submission of the planning application. The house is to be occupied by 10 members of the applicant/owners family with an elderly member having need of the downstairs toilet facility.

As such, it is considered that the proposal would not lead to any significant unbalancing of the student/local resident mix or have any unreasonable impact upon the amenity of other local residents.

Since last Plans Panel the applicant has supplied additional information in support of her application, which is detailed above in para. 5.0. In essence the applicant wishes to occupy the dwelling with her family but also be able to rent the house out to another family if she wishes. This matter has been complicated by the recent change in legislation which would allow the change of use of the house to a HMO without the need for planning permission. Officers are of the opinion that this site is not a suitable location for a HMO due to the impact that general activities together with the comings and goings of non-related occupants would have on the living conditions of local residents. Therefore it is suggested that an additional condition is added to any approval which states the following:

Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order, with or without modification) the dwelling house shall not be used for any other purposes than as a C3 (dwelling house).

Reason - In the interests of the residential amenity of the occupants of nearby properties.

10.5 Representations

29 representations were received with most of the objections and comments being repeated.

Student occupancy: The site is within the H15 Area of Housing Mix and whilst it has openly been a rental property for some 4 years, the tenants have been single family units as opposed to students and young professionals. Considering the proposed addition of 2 bedrooms to the dwelling in order to provide 5 bedrooms in total and accommodate a single family unit of 10 people, the scheme does not appear disproportionate with an excessive level of accommodation for a family dwelling. Although the rear garden area would indeed be reduced by the proposal it is open to public views and lacks any significant degree of privacy. The good size area of garden to the front and side of the house is soft landscaped and would be largely retained after the extension. It is therefore considered that whilst the private amenity space is indeed limited, the garden land to the dwelling would be characteristic of a family dwelling and not too dissimilar to the adjacent property 3 Spen Gardens. Given that the applicant has been fully informed of the H15 policy implications, is aware of the local concern regards HMO's and has subsequently submitted a justification statement to outline the family's need to increase the level of accommodation from 3 bedrooms to 5 bedrooms, the objections on this point are not agreed with.

Extension too large: The previous applications were refused partly due to the size of the extension. The revised proposal has indeed taken heed of design guidance and now is suitably subordinate to the host and as such the objections on this point are not agreed with.

Car parking: The 14M length of driveway and detached garage provide the property with parking provision for 4 cars. In that provision of 2 parking spaces is acceptable for a household of 6, the level of accommodation being increased from 3 bedrooms to 5 with 4 parking spaces available is deemed to be acceptable.

Out of keeping: Given that the only other two storey extension to the street scene is of a similar scale and design, it is not agreed that the proposed extension would be uncharacteristic of the setting.

Loss of daylight: The good distance that the extension is set away from the rear boundary and adjacent property, combined with the degree of shade that would be cast towards them from the sun's orientation, would prohibit any unreasonable overshadowing.

Over-development: The two storey extension would occupy less than one third of the space to the side of the house whilst the garage would fill about one quarter of the rear garden area and as such the proposal does not constitute over-development of the site.

Over-dominance: The 8.4m mean average that the extension would be set-away from the rear boundary ensures that it does not impose an overbearing affect upon the adjacent dwelling or otherwise prove to be too close.

Reduced amenity garden space: In-conjunction with the single storey rear extension which is permitted development, the rear garden space would indeed be reduced to a level not normally in-keeping with a family dwelling. However, the present rear garden is open to some public views and a good size area of garden remains to the rest of the plot. It is considered that as the rear garden is not presently totally private and it is therefore not significantly different from the rest of the garden or that to the adjacent property 3 Spen Gardens. It is not considered that the amenity of the future occupiers would be unduly affected.

Over-looking: In measuring a mean of 8.4m away, the rear bedroom window surpasses the minimum distance requirement of 7.5m from the rear boundary. Further to this the high level design of the window sets its sill height at 1.7m above floor level to all but eliminate unreasonably intrusive views across to neighbouring houses.

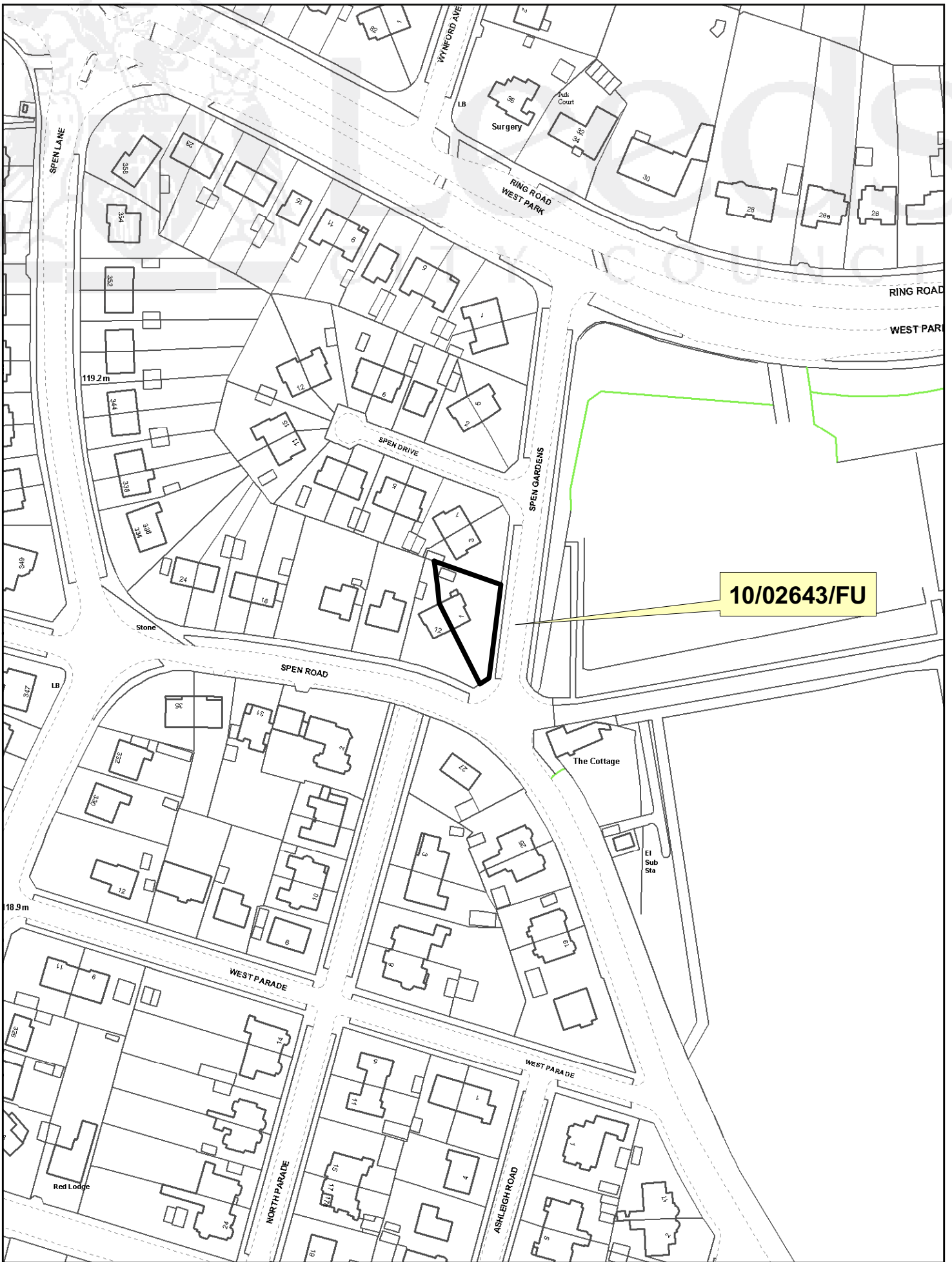
11.0 CONCLUSION

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**.

12.0 BACKGROUND PAPERS

Letters of representations

North West Area Management Team - Community Planner comments



10/02643/FU

WEST PLANS PANEL





Originator: Carol
Cunningham
Tel: 0113 247 8017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: APPLICATION 10/03249/FU – Variation of Condition 4 of approval 09/04364/FU relating to opening hours for a place of worship at Lyric House, 113-115 Tong Road, Leeds 12

APPLICANT

Mr T Ndebele

DATE VALID

16 July 2010

TARGET DATE

10 September 2010

Electoral Wards Affected:

Armley

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. Use to be discontinued on 30 November 2011
2. Use for Apostles of Muchinjikwa as place of worship
3. Rear car park to be available at all times when use in operation
4. Proposed opening hours
5. No operation of amplified speakers
6. No consumption of alcohol outside the premises within the confines of the site
7. Noise management plan to be submitted for 24 hour opening

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 (Councillor Lowe and Councillor Harper) and Rachel Reeves MP.

2.0 PROPOSAL:

- 2.1 Planning permission was granted under delegated powers for the conversion of an existing garage to a place of worship on 18th December 2009. Condition 4 of this approval stated that the opening hours for the use were 0900 to 1700 Monday to Friday (except on Maundy Thursday where they are extended to include 2100 to 0300), 0900 to 1600 on a Saturday and 0900 to 1700 on a Sunday. This application was originally to vary that condition to 24 hour use 7 days a week. This was considered to be unacceptable and the hours of opening have been negotiated by officers to now be the following:
0800 to 2100 on a Monday, Tuesday, Wednesday, Thursday and Friday
0900 to 2100 on a Saturday and Sunday

There are also two instances when twenty four hours use is proposed - these being from 9am on 31st December to 9am 1st January and 9am on the 6th August to 9am 7th August. These relate to important dates within their religious calendar.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing large building which historically was used as a cinema. Its immediate previous use was a garage. The building is located on the south side of Tong Road amidst a variety of industrial and commercial buildings. The property is set back from the highway to the front and has a small area of parking. There is a large car park to the rear which is accessed down the side of the building and there is a gate to this car park. Beyond this car park is a railway line. On the other side of Tong Road are residential properties. Tong Road is busy in terms of pedestrian and vehicular traffic during the day.

4.0 RELEVANT PLANNING HISTORY:

09/04364/FU – Application for a change of use from garage and to place of workshop Approved 18th December 2009.
24/255/79/fu – change of use of cinema to wholesale and furniture warehouse/storage approved 25/6/79
24/741/75/fu – change of use of cinema to bingo hall approved 1/12/75
24/688/75/fu – change of use of cinema to storage and maintenance of car vehicles approved 22/12/75

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Planning permission for a change of use of a garage to a place of worship was granted planning permission in December 2009. Complaints have been received that the use was operating outside of the opening hours condition. This planning application was submitted in response to the complaints. The hours originally applied for were 24 hours 7 days a week. Officers considered that 24 hour use was not acceptable and the hours in front of you today were in response to negotiations between officers and the applicant.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Councillor Lowe – Does not support an extension of hours application under any circumstances. Clear they are letting the building for a concert and party venue. The constituents need to sleep at night and believe their human rights will be breached if permission given.

Councillor Harper – Agrees with Councillor Lowe’s comments

Rachel Reeves MP also supports the Councillors and Local Residents objections and requests the item is considered by Panel not officers.

Eleven letters of objection to the application for 24 hour use 7 days a week.

Concerned with the following:

- Been very disruptive all night parties at the venue recently
- Disturbed by loud music, shouting in street, breaking bottles, children playing.
- Go on through the night till 5am and beyond
- Doesn’t look like ‘religious or charitable activity’
- Similar noise and disturbance at their previous premises at St Bartholomews Church Hall
- Loss of sleep impacting on daily activities
- Car parking inadequate for the number of visitors
- Members sleeping on the premises overnight
- Permission should be cancelled not extended

There have been a further 4 letters regarding the revised opening hours which state

- Occupiers have been clearly breaching their planning conditions
- One all night event was a commercial concert with tickets for sale on the internet.
- Premises being used for a nightclub not a place of worship
- Due to previous behaviour do not expect them to comply with new conditions
- Due to previous behaviour local residents should not be subject to a 1 year experiment
- Most nights there are still people there in an evening and overnight
- If given consent to use building later it will be a green light for them to do whatever they want
- Say one thing to council officials then act as they please

7.0 CONSULTATIONS RESPONSES:

Highways – Conditional approval to revised hours subject to one year temporary consent

Environmental Protection Team – There have been a number of complaints regarding activity at these premises at out of hours times with people attending various events and antisocial behaviour. Noise from people arriving and in particular leaving cannot be controlled so would support a refusal. However, if planning permission was issued then conditions should be attached for opening hours 0900 to 2100 hours and no operation of amplified speakers. There has been further consultation regarding the proposed one year temporary permission with revised hours. Environmental Health strongly objects to the proposed two twenty four hour periods and requests that there shall be no operation of amplified speakers and for each 24 hour period there should be

- 28 days notice shall be given to nearby residents
- No amplified speakers
- No consumption of alcohol
- Noise management plan for each of the 24 hour periods to be submitted to Environmental Protection Team 28 days before each event

Site notice posted 21 July 2010 expires 11 August 2010.

8.0 PLANNING POLICIES:

Development Plan

The land is unallocated in the Unitary Development Plan. There are a number of relevant policies as follows:

- GP5: Development should resolve detailed planning considerations.
- T2: Development to be capable of being served by highway network.
- T24: Parking provision.

9.0 MAIN ISSUES

1. Principle of development
2. Highway safety
3. Residential amenity
4. Drainage
5. Impact on wildlife
6. Representations

10 APPRAISAL

1. The main consideration in relation to the extension of hours application is the impact of the extended hours on the residential amenity of the properties which are situated across the road from the site. Tong Road is a very busy during day time hours and creates significant background noise. This noise is generated by traffic noise and the industrial premises which operate on the same side of the road as Lyric House. The level of noise created from the use of the application site as a place of worship during these times should not create a level above the existing background noise which will have a detrimental impact on residential amenity. The original application was for 24 hour use 7 days a week. This was considered to be unacceptable as Tong Road is quiet overnight and the comings and goings of people and vehicular overnight would create noise and disturbance which will impact on the residential amenity of the surrounding residential properties.

The revised hours now to be considered involve 0800 to 2100 for five days during the week and 0900 to 2100 at weekends. As these hours tend to be when there will be existing background noise and residents tend to be up and about it is not considered that there should be a detrimental impact on residential amenity.

The applicant requested an opening to 3am on a Thursday night as this is considered to be leading up to the Sabbath day which is a Friday. Officers could not support these additional hours as the area becomes quiet after 9 pm and any coming and goings from the premises after this time would not have a detrimental impact on residential amenity.

The application also involves two overnight openings within the one year permission. These intend to be starting at 9am one morning to 9am the following morning and are on a Friday or Saturday night. As weekend opening is 0900 to 1700 the request would mean that the premises is used from 9am on one day till 1700 the next day. The two dates in question are on New Years Eve through to New Years day and one Saturday in August (6th) through to 1700 on the 7th. The overnight opening on new years eve is considered to be acceptable as the level of background noise will be higher than normal and residents will generally be up later on this day. In terms of the night in August this will be for one night only and will allow for the level of noise overnight to be assessed for any future planning

application. Environmental health have suggested conditions for no amplified speakers, no consumption of alcohol on the 24 hour opening and a noise management plan to be submitted at least 28 days before the overnight events. In terms of alcohol consumption, a place of worship does not require any licence for the consumption of alcohol. It would be unreasonable and difficult to enforce a complete ban of alcohol on the premises. The antisocial behaviour at this premises during the summer months involve groups of people drinking alcohol outside of the premises which caused noise and disturbance to surrounding residents. For this reason it would be appropriate to ban the consumption of alcohol outside of the premises.

There have been several discussions between the applicants and council officers regarding the events during the summer. The applicants have been advised that the previously disregard of planning conditions is unacceptable and the applicant has excepted this. They have also been advised that any further breach will not be tolerated and would result in a stop notice and breach of condition notice as well as no renewal of this permission.

Due to the previous problems in relation to antisocial behaviour and noise and disturbance overnight the permission is for one year only so that the impact of the extended hours can be monitored before a formal permission can be issued.

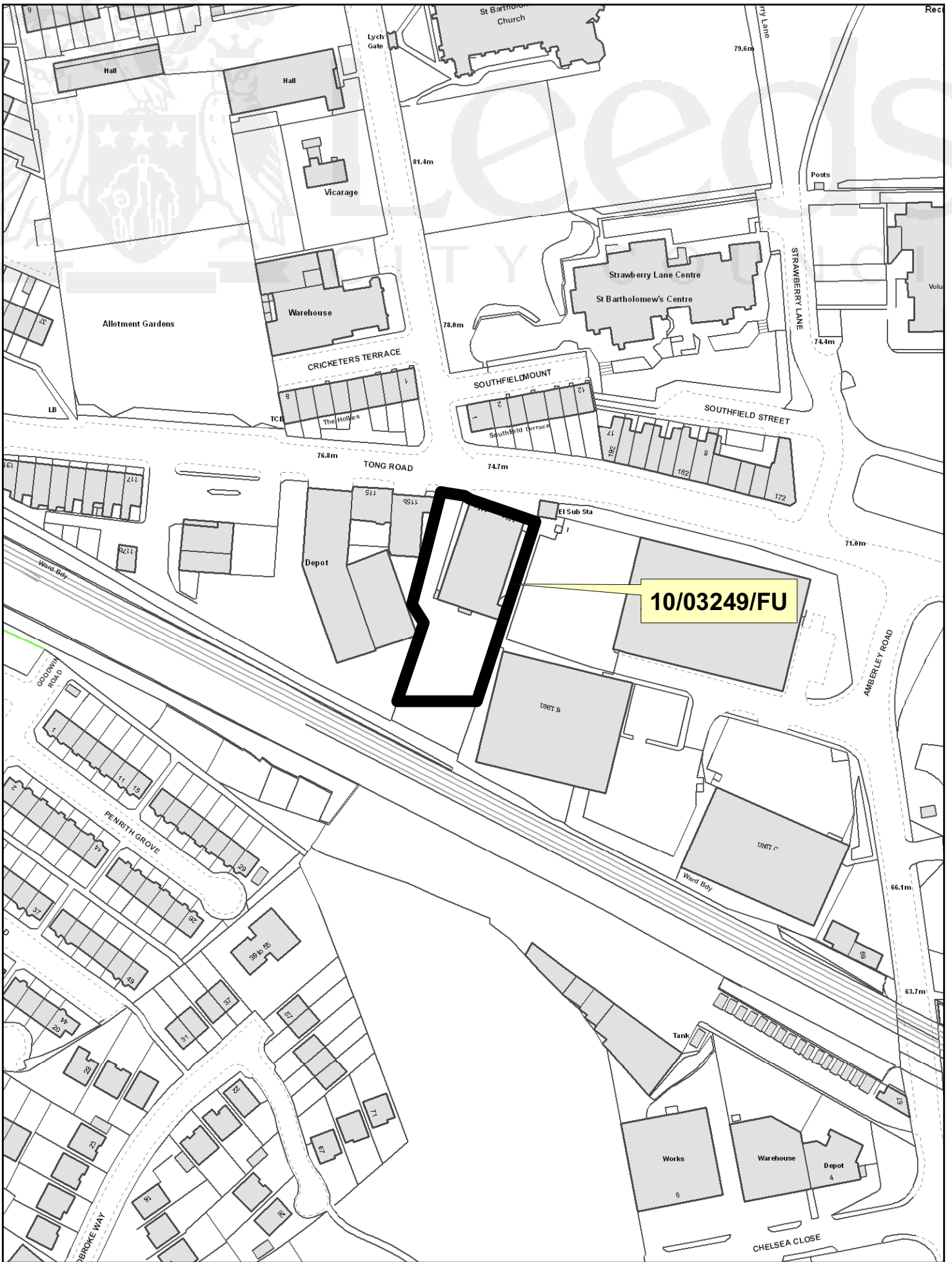
Overall it is considered that the one year permission for the suggested hours will be a reasonable period to determine if the disturbance will or will not have a detrimental impact on residential amenity in terms of noise and disturbance and can be supported

2. The property has a large car park to the rear. Further information has been submitted by the applicant detailing the number of members to the church and their mode of transport. The level of car parking is more than adequate for the numbers of members. The one year consent allows the use to be monitored in terms of overspill onto the highway network and any potential impact on the safe and free flow of traffic.

3. The majority of issues raised in the representations have either been covered above or have been addressed by the reduction of hours. There is concern by the residents that why should their hours of use be extended when they have not complied with the previous hours. It is believed that the occupiers were not the applicants to the previous application. Their worshipping needs require longer hours, in fact as mentioned earlier they would prefer even longer hours. The opening till 2100 hours is a compromise between the approved hours and the applicants required hours. A temporary stop notice has been issued on the premises and if the new hours are not complied with a full stop notice and breach of condition notice can be served.

Background Papers:

Application file: 09/04742/fu



WEST PLANS PANEL



Originator: Patrick Bean

Tel: 39 52109

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: APPLICATIONS 10/03618/FU AND 10/03620/FU – FULL APPLICATIONS TO ERECT DETACHED FOUR BEDROOM DWELLING AND DETACHED SIX BEDROOM DWELLING TO SITE OF EXISTING BUNGALOW AT 411 OTLEY OLD ROAD, COOKRIDGE, LEEDS LS16 7DF.

APPLICANT

Mr M Khalid

DATE VALID

11 August 2010

TARGET DATE

6 October 2010

Electoral Wards Affected:

Weetwood

(Adel and Wharfedale on opposite side of Otley Old Road)

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:

PLANNING APPLICATION 10/03618/FU:

1. 3 year time limit for implementation
2. Development to accord with approved plans
3. Details and samples of external walling and roofing materials to be submitted
4. Details of surfacing materials
5. Details of boundary treatments
6. details of finished floor levels
7. Report unexpected contamination
8. importation of soil
9. No insertion of additional side windows
10. Obscured glazing to side windows
11. PD removal garages and outbuildings
12. Removal of existing footings and restoration of garden area
13. Area used by vehicles laid out, surfaced, sealed and drained
14. No solid boundary treatment to frontage greater than 1m high
15. No gates to the frontage for lifetime of development

16. Unexpected contamination to be dealt with
 17. Existing dwelling to be demolished prior to commencement of development
 18. no works of demolition or construction before 07.30 or after 18.30 on any week day or before 08.00 or after 13.30 on Sundays / Bank Holidays
 19. details of works for dealing with drainage of surface water discharges, including infiltration drainage methods
20. 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 Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, H4, BD5, N13, N25, T2, T24

SPG13 Neighbourhoods for Living
 PPS1 Delivering Sustainable Development
 PPS3 Housing

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.

PLANNING APPLICATION 10/03620/FU:

1. 3 year time limit for implementation
2. Development to accord with approved plans
3. Details and samples of external walling and roofing materials to be submitted
4. Details of surfacing materials
5. Details of boundary treatments
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7. Report unexpected contamination
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Policies GP5, H4, BD5, N13, N25, T2, T24

SPG13 Neighbourhoods for Living
PPS1 Delivering Sustainable Development
PPS3 Housing

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 The applications have been brought to Plans Panel at the request of Councillors Bentley and Chapman due to the number of previous applications and the community significance of the proposals.
- 1.2 While the proposals have been submitted as two separate applications, in reality they can be considered together as they have both been submitted by the same applicant and affect one site. The proposals effectively are to replace one existing dwelling with two, which would be identified as no.'s 411 and 411a.

2.0 PROPOSAL:

- 2.1 The proposal seeks full consent to erect two detached dwellings to a site presently occupied by a large bungalow. It is proposed to erect a six bedroom dwelling to the approximate present site of the bungalow, while the second application proposes to erect a smaller four bedroom house to an area that is presently a side garden area.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the western side of Otley Old Road, close to the junction with Holtdale Approach. The site is relatively flat, although there is a slight fall to the north west of approximately 1m. Consequently the property to the south, no. 409a, sits at a level approximately 1m higher than the property to the north, no.413.
- 3.2 The site is presently occupied by a large dormer bungalow of brick and tile construction. The walls of the bungalow are mostly finished with concrete render. The building is set at an unusual oblique angle to the road. To the north and west of the property there is a relatively large garden area, bounded by timber fencing.
- 3.3 The site could be seen as a double plot, having a frontage width of over 30m, while the majority of neighbouring plots measure less than 15m in width.
- 3.4 The area between Otley Old Road and Tinshill Drive to the rear is characterised mostly by detached and semi-detached properties. The palette of materials in evidence in the locality includes brick, render and stone, although brick predominates. The commonest roof form in evidence is the hip. Two notable exceptions are the two adjacent properties to the south, no.'s 409 and 409a, which feature stone and render construction with gabled roof forms. These properties have been built in a relatively modern style, with no.409a including a projecting gable, square bay window and integral garage. Some of the design elements of

these properties have been referenced in the design of the proposed no.411 replacement six bedroom dwelling.

- 3.5 The property to the north, no.413, is a more traditional brick and tile dwelling. This features typical pre-war period detail such as a large semi-circular bay window and hipped roof form. The site therefore represents a transition zone between these two differing styles.
- 3.6 Opposite the site, the street scene is dominated by system built concrete panel properties backing on to Holtdale Place and beyond.

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 A Certificate of Proposed Lawful Development for residential development at 411 Otley Old Road is still pending determination, under reference 10/03619/CLP. This application seeks a determination as to whether a large outbuilding in the rear garden of the existing bungalow, for which footings have been built, needs planning permission. There will be further discussion of this in this report.
- 4.1.2 A planning application which sought planning permission for a two storey and single storey front extensions, part two storey and part single storey side and rear extension with new first floor, raised roof height with rooms in roof space, 3 dormer windows to rear and windows to first floor to both sides, forming 5 bedroom dwelling house. Single storey detached living accommodation with attached double garage. New 2m high gates and 1m high fence to existing 1m high boundary wall and alterations to driveway to front at 411 Otley Old Road was withdrawn on the 7 April 2010, under reference 10/00292/FU.
- 4.1.3 Planning permission was refused for a Detached 5 bedroom dwelling house to garden site on Land Adjacent 411 Otley Old Road on 30 December 2009, under reference 09/04643/FU.
- 4.1.4 A Formal Permitted Development Enquiry was submitted for a part two storey part single storey side and rear extensions, hip to gable conversions and dormer to rear. Detached outbuildings to rear at 411 Otley Old Road on 21 September 2009, under reference ENQ/09/01625.
- 4.1.5 A Formal Permitted Development Enquiry was submitted for a two storey side extension, single storey rear extension, and 2 dormers to rear at 411 Otley Old Road on 21 August 2009, under reference ENQ/09/01513.
- 4.1.6 Planning permission was refused on 31 January 2007 for two 5 bedroom detached houses at 411 Otley Old Road, under reference 06/05608/FU.
- 4.1.7 An application for a semi-detached house at 411 Otley Old Road was withdrawn on 29 November 2005, under reference 26/580/05/FU.
- 4.1.8 Planning permission was granted for a new vehicular access to front of 411 Otley Old Road on 1 June 2005, under reference 26/224/05/FU.

4.1.9 Planning permission was approved on 24 December 1999 for a part new roof dormer windows to front and rear and 2 two storey side extension and new access at 411 Otley Old, under reference 26/412/99/FU.

4.1.10 Outline planning permission was refused on 25 November 1997 for a 4 bedroom dwelling house on land adjacent 411 Otley Old Road, under reference 26/304/97/OT.

4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The site has been the subject of a number of proposals and applications as listed above.

5.2 At least four unsuccessful applications for dwellings have been made on the site, either as replacement dwellings or an additional dwelling proposed to the side of the present bungalow. Proposals to insert an additional dwelling to the side of the present bungalow have generally been resisted largely due to the unsatisfactory relationship that would result due to the awkward angle at which the bungalow is sited.

5.3 An unsuccessful application was also made in 2010 to extend the existing bungalow, and to erect single storey detached living accommodation attached to a double garage, which was ultimately withdrawn.

5.4 Additionally, a number of enquiries and applications have been made in an attempt to establish permitted development rights on the site. These have generally sought to identify fairly extensive extensions and in some cases relatively large detached outbuildings. These applications would seem to be an attempt to establish a fallback position in lieu of securing approval for the proposed replacement dwellings.

5.5 An application for a Certificate of Proposed Lawful Use for various extensions as well as two detached double garages with attached additional living accommodation is currently pending.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications have been publicised by means of neighbour notification letters.

10/03618/FU – four bedroom dwelling:

6.2 Four representations have been received, including three from local residents and one from Councillor Sue Bentley.

6.3 Councillor Bentley raises the following issues, in respect of the plans as originally submitted:

- This application does not include a garage which is very unusual in these days of high car ownership;
- There are concerns about a garage being added at a later date and where it would be positioned and the permitted development rights under which this could be built;
- The topography and site levels of the land makes it difficult to fully assess the real situation in relation to neighbouring properties;

- This is a three floor house with a window overlooking a neighbouring property and garden resulting in a loss of privacy for that dwelling; and
- There are highways issues regarding the closeness to the road crossing and the accessibility of the property.

6.4 Other representations raise the following additional issues:

- The proposal does not include any garage accommodation, and may be likely to lead to a requirement for such provision; this may have an impact upon amenity of neighbouring properties;
- The plans do not show the true fall of the land;
- Loss of privacy from overlooking caused by second floor roof light;
- Loss of feeling of spaciousness;
- Loss of highway safety due to creation of two vehicular access points;
- Overdevelopment of the site; and
- The proposal represents a 'garden grab'.

10/03620/FU – six bedroom dwelling:

6.5 Four representations have been received, including three from local residents and one from Councillor Sue Bentley.

6.6 Councillor Bentley raises the following issues, in respect of the plans as originally submitted:

- This is an overbearing property;
- The three dormer windows would mean a loss of privacy for neighbouring properties;
- This is over development of the site;
- It does not fit in with the street scene;
- There is a loss of spaciousness around the property;
- Design is out of keeping with the street scene;
- There are highways issues regarding the closeness to the road crossing and the accessibility of the property; and
- There are further highway concerns over the sliding gates which would be slow to open and could hold up cars entering the property and cause delays on this busy road into Leeds.

6.7 In addition Councillor Chapman has also requested that the applications be referred to Plans Panel.

6.8 Other representations raise the following additional issues:

- Extensive use of rear dormers out of keeping with the area and likely to lead to overlooking;
- Excessive massing of the property;
- Threat to garden trees;
- Lack of garage accommodation leading to a requirement for such provision; this may have an impact upon amenity of neighbouring properties;
- The plans do not show the true fall of the land;
- Loss of privacy from overlooking caused by second floor roof light;
- Loss of feeling of spaciousness;
- Loss of highway safety due to creation of two vehicular access points; and
- Overdevelopment of the site.

6.9 Councillor Bentley has submitted the following comments in respect of the revised plans which are the subject of this report:

- There remain some foundations at the rear of the property for a double garage very close to adjoining properties
- The site will be greatly developed with the proposal of two houses on it and any further development would be over dominant
- The access and ingress are close to the pedestrian crossing
- Water drainage from 411a is a concern for residents in Tinshill Drive who are on a lower level and there needs to be reassurance that their land will not be affected by this
- There are concerns about the possibility of further development in the roof area by adding dormer windows which had been removed from previous applications
- There should be some landscaping to soften the area to keep in line with the street scene
- In view of these concerns and the fact that there have been 12 previous applications I would like this to go to panel in the interests of transparency for all parties concerned; and that permitted development rights are removed as well as the foundations for the large double garage.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

7.1 None, due to the minor nature of the application.

Non-statutory Consultees:

7.2 Public Transport / NGT - no objections;

7.3 Neighbourhoods and Housing (Environmental Health) – comments provided and list of recommended conditions provided;

7.4 Main Drainage - detailed comments provided and suggested conditions provided;

7.5 Contaminated Land Officer – no objection subject to recommended conditions;

7.6 Highways – comments provided and list of recommended conditions provided.

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

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. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -
- UDP policy GP5 seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of local residents amenities.
 - UDP policy H4 refers to residential development on sites not identified for that purpose will generally be permitted provided the proposal is acceptable in sequential terms, and is within the capacity of existing and proposed infrastructure.
 - UDP policy BD5 seeks to ensure that all new buildings are designed with consideration given to their own amenity as well as that of their surroundings.
 - UDP policy N13 seeks to ensure that the design of all new buildings should be of a high quality and have regard to the character and appearance of their surroundings.
 - UDP policy N25 seeks to ensure that boundaries of sites should be designed in a positive manner and be appropriate to the character of the area.
 - UDP policy T2 seeks to ensure that new development should be served adequately by existing or programmed highways and by public transport, make adequate provision for cycle use and parking, and be within walking distance of local facilities.
 - UDP Policy T24 seeks to ensure parking provision reflects the guidelines set out in UDP Appendix 9.

Relevant supplementary guidance:

- 8.5 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.
- SPG13 Neighbourhoods for Living.

Government Planning Policy Guidance/Statements:

- 8.6 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.

- PPS3 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:
- Principle of the development;
 - Visual impact;
 - Neighbour amenity; and
 - Highways.

10.0 APPRAISAL

Principle of residential development:

- 10.1 Policy H4 of the UDP concerns windfall residential development on sites not specifically identified for that purpose. This states that such development would be permitted provided that the site is a sustainable location, acceptable in sequential terms and within the capacity of local infrastructure. The site is a broadly sustainable one, being within the existing built up area, and the proposed development of two additional dwellings would be within local infrastructure capacity.
- 10.2 The issuing of the revised PPS3 in June 2010 has had the effect of taking domestic gardens out of the definition of 'previously developed land' and thereby effectively defining them as Greenfield sites. This is not to say, however, that development of all such Greenfield sites is precluded prior to the development of all brownfield land. Each proposal needs to be considered on its merits, taking into account the character of the area. In this particular case, it is considered that the existing bungalow is somewhat out of character, being of a contrasting form and siting to that prevailing in the local area. Broadly speaking, the proposed dwellings would be more appropriate to the area. Additionally, as referred to above, the plot appears to be of approximately double width frontage, and hence the redevelopment of the site for two properties would fit the prevailing grain of the area.
- 10.3 While it may be acceptable to demolish the bungalow and to replace it with the larger dwelling alone, it would not be acceptable to leave the bungalow in situ and to erect the smaller house to the side. This is due to the close proximity and unsatisfactory relationship that would result between the two properties. It is therefore essential that the bungalow be demolished prior to the commencement of development of the smaller dwelling and this is the subject of a recommended condition.

10/03620/FU – six bedroom dwelling:

Visual impact:

- 10.4 The loss of the bungalow is not considered to be problematic, due to its somewhat anomalous siting and appearance. The larger dwelling would occupy the approximate footprint of the existing bungalow. It would however be orientated in a more conventional manner such that it would be aligned parallel to the road.

- 10.5 Materials would comprise natural coursed stone to ground floor level, with cement render to the first floor and artificial blue slates to the roof. Windows, doors and rainwater goods would be uPVC. This approach would match the neighbouring property at 409a.
- 10.6 The design of the property has been the subject of some discussion and revision in order to bring the proposal more in line with local vernacular and to reduce the bulk and massing of what is quite a large property.
- 10.7 In brief, the revisions achieved to the scheme include:
- A reduction in the mass and dominance of the roof by changing the roof form from gabled to hipped; this has reduced the impact of the proposal on the street scene;
 - A reduction in the amount of fenestration to the projecting front gable in order to give a more domestic appearance;
 - A reduction in the number of dormer windows on the rear facing roof plane from three to one; this has improved the appearance by reducing the dominating effect of the dormers; and
 - Improvements to the design of the rear single storey elements, such as changes to roof pitch, to make them better harmonise with the host building.
- 10.8 The front elevation of the property would include a projecting gable structure which would provide an architectural feature to emphasise the front entrance, and also to provide internal illumination to the hallway and staircase area. This feature is considered to be in scale with the host property and reflects a projecting gable in evidence at no.409a. The front elevation would also include a canted bay window.
- 10.9 The roof form would be hipped, and would also include three roof lights to illuminate two bedrooms housed in the roof space. To the rear, the property would include a projecting single storey element at ground level, with a single pitched roof dormer window to the roof.
- 10.10 The existing stone boundary wall to the site frontage would be retained, but these would be topped with metal railing to an overall height of 1.8m. No gates have been proposed.
- 10.11 Little detail has been provided regarding boundary treatments and as such further details of the proposed treatment of all boundaries should be required by condition.
- 10.12 Overall in terms of impact upon visual amenity and the street scene the proposal is considered to be acceptable.

Neighbour amenity:

- 10.13 Space about the dwelling would be adequate to both protect the amenity and privacy of neighbouring occupiers, as well as to provide a suitable level of private amenity space for prospective occupiers. Distances to side boundaries would be approximately 4m to the existing property at 409a, and 2.6m to the proposed adjoining property.
- 10.14 A garden length of 15m from the outlook of the main habitable room would provide a good level of amenity and mean that occupiers of the opposing properties on Tinshill Drive would be protected from overlooking. Overall the proposal meets the requirements of Neighbourhoods for Living and is considered to be acceptable.

- 10.15 First floor side windows would be to bathrooms, and would incorporate obscured glazing to eliminate any problems of overlooking.

Highways:

- 10.16 The applicant has elected to remove the gates from the proposal as the previously proposed gates would have caused a highway safety issue by potentially causing vehicles to have to wait on the highway. The inclusion of gates should therefore be restricted by condition.
- 10.17 The surface treatment would be macadam to car parking and manoeuvring areas.

Other issues:

- 10.18 Work has already commenced on what appears to be a large outbuilding sited in the south western corner of the site. However this is not shown on the submitted plans and does not form part of this application. This structure does not have the benefit of planning permission, and neither is it considered that works of this scale could be considered to be incidental to the enjoyment of the dwelling house, and hence they may not benefit from permitted development rights.
- 10.19 Therefore the likely cumulative impact of these works if implemented plus those applied for as part of this application would be excessive and would constitute an overdevelopment of the site. The outbuilding may also cause a loss of amenity for neighbouring occupiers due to comings and goings etc.
- 10.20 The removal of the works thus far implemented, and the reinstatement of the garden area, should therefore be required by condition.
- 10.21 Councillor Bentley has expressed concern that neither dwelling proposed includes a garage. In response, there is no legitimate planning reason to insist on a garage provided adequate car parking is provided which is the case. Both dwellings would have space to erect a garage if such was required.

10/03618/FU – four bedroom dwelling:

Visual impact:

- 10.22 The four bedroom property is proposed to be constructed from red brick with red concrete interlocking roof tiles. The design also features a canted bay window, hipped roof form and canopied front door. The rear elevation includes a projecting single storey element. There would be a fourth bedroom accommodated in the roof space, however this is shown to be illuminated by roof lights to the side and rear.
- 10.23 The design of the property essentially refers to the existing adjoining property to the north, and is similar to it in terms of overall size and ridge height.
- 10.24 The street scene elevation submitted by the applicant depicts overall ridge heights to be falling in line with local topography. The ridge height of the proposed no.411 is shown approximately 0.4m lower than 409a, and the ridge of the proposed no.411a is shown approximately 1.5m lower than no.411. Details of finished floor levels should be secured by condition. .

Neighbour amenity:

- 10.25 The property would enjoy a good amount of space about the dwelling, with a rear garden length of over 16m. It would be sited relatively close to the boundary with the proposed no.411 at 1.3m, however overall the relationship between the two properties is considered to be acceptable. It is understood that the property would be occupied by members of the applicant's extended family.
- 10.26 In view of the falling topography of the site it is considered appropriate to require further details of finished floor levels by condition.
- 10.27 First floor side windows would be to stair areas and bathrooms, and would incorporate obscured glazing to eliminate any problems of overlooking.

Highways:

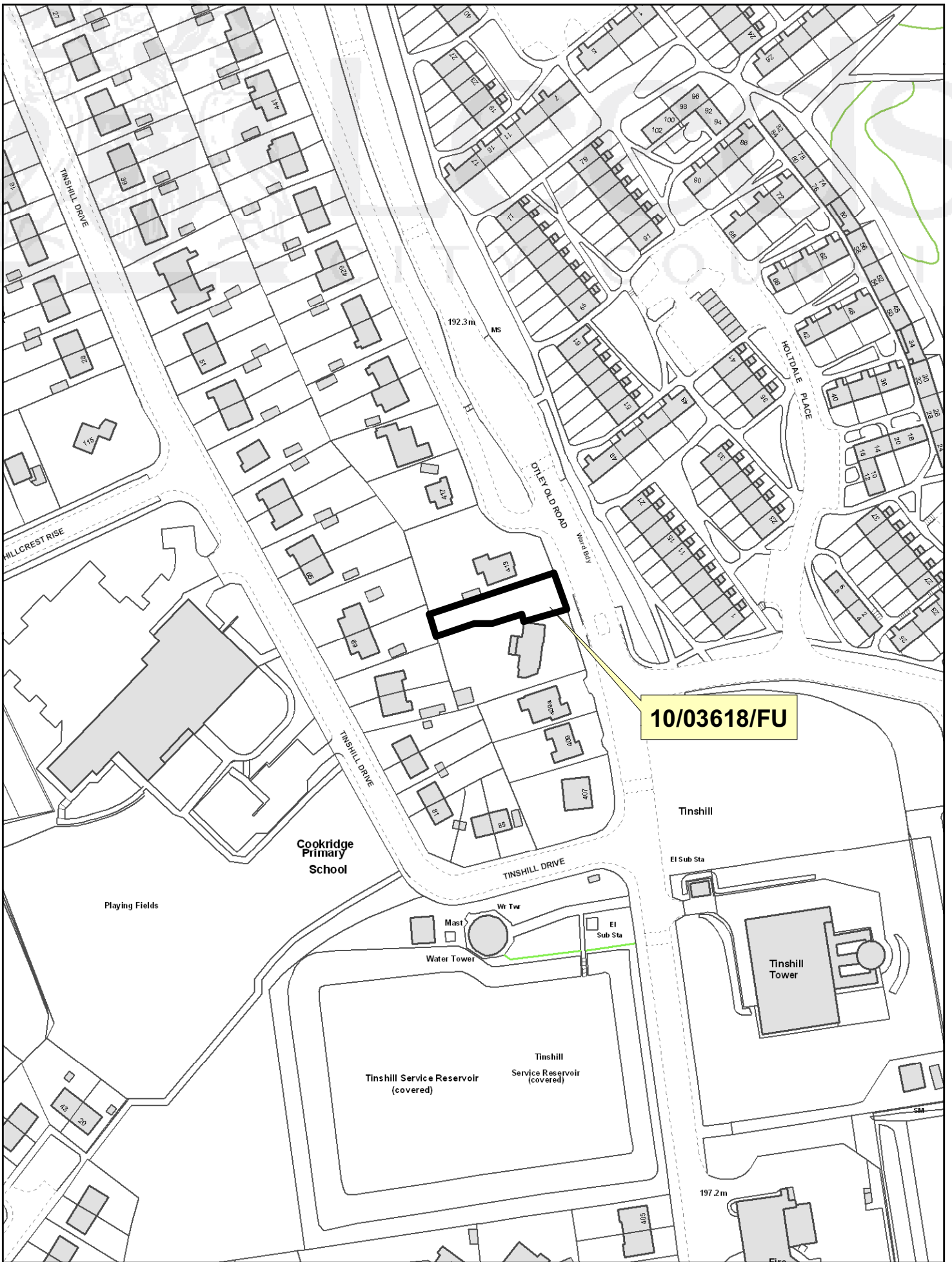
- 10.28 The applicant has elected to remove the gates from the proposal as the previously proposed gates would have caused a highway safety issue by potentially causing vehicles to have to wait on the highway. The inclusion of gates should therefore be restricted by condition.
- 10.29 The surface treatment would be macadam to car parking and maneuvering areas.

11.0 CONCLUSION:

- 11.1 The proposed development results in two dwellings on the site of a single dwelling, but this is on a plot which is substantially larger than its typical neighbours which can accommodate the development whilst respecting the character of the area and not resulting in problems of unacceptable impact on neighbours or other planning detriment. Approval is therefore recommended.

Background Papers:

Application files 10/03618/FU & 10/03620/FU



WEST PLANS PANEL

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Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4 November 2010

Subject: APPLICATION 10/03772/FU – ALTERATIONS AND 2 STOREY EXTENSION TO FORM ENLARGED SHOP WITH ENLARGED APARTMENT OVER AND ERECT NEW 4 BEDROOM HOUSE WITH INTEGRAL GARAGE TO GARDEN AT 17 - 19 COOKRIDGE LANE, COOKRIDGE, LEEDS, LS16 7LQ.

APPLICANT

Mr. Parmar

DATE VALID

16 August 2010

TARGET DATE

11 September 2010

Electoral Wards Affected:

Adel & Wharfedale

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 deemed necessary by the Chief Planning Officer):

1. Standard 3 year permission;
2. In accordance with approved plans;
3. Opening Times;
4. Details of all surface materials;
5. Boundary Treatments;
6. Details of hard and soft landscaping;
7. Landscaping implementation;
8. Landscaping maintenance;
9. Surface Water Drainage details;
10. All dropped crossings to be constructed to the satisfaction of City Development;
11. Car parking details;
12. Cycle and bins stores;
13. 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 Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, H4, N12, N13, BD5, BD6, S2, S3A, S9 and T2.

SPG13 Neighbourhoods for Living
PPS1: Delivering Sustainable Development;
PPS3: Housing; and
PPS4: Planning for Sustainable Economic Growth.

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 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of its significance, impact on the local area and following a request from local ward member, Councilor Barry Anderson (Adel & Wharfedale Ward).

2.0 PROPOSAL:

- 2.1 The application proposes alterations and a two storey extension to form an enlarged shop with a four bedroom apartment over, and a detached four bedroom house with integral garage to the garden.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing corner shop built of brick and tile construction. The building is two storey with three bedrooms to the first floor. The building has a large forecourt area to the north and east. To the western part of the site there is a lawned area, plus a domestic garage accessed by a private drive. Adjacent to the eastern boundary of the site there is a lay-by which forms part of the highway. The area is characterised principally by two storey dwellings. The palette of materials includes brick, tile and render.

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 March 1992 for alterations to form enlarged kitchen and extension to form shower room to side of shop and dwelling, under reference 26/44/92;
- 4.1.2 A planning application was withdrawn in April 2009 which sought permission for alterations and two storey extension to form enlarged shop with two bedroom flat over and detached four bedroom house with integral garage to garden, under reference 09/01052/FU; and
- 4.1.3 Planning permission was refused on the 17 September 2009 for alterations and two storey extension to form enlarged shop with 4 bedroom flat over

and detached 4 bedroom house with integral garage to garden, under reference 09/02673/FU.

4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As stated in paragraph 4.1.3, application 09/02673/FU was refused on the 17 September 2009. This scheme was refused for the following reason: -

5.1.1 The Local Planning Authority considers that the proposal would be detrimental to visual amenity and to the street scene by virtue of siting, design, scale and massing, and use of materials of the proposed enlarged shop and flat, and the detached dwelling. In particular the LPA considers that the prominent forward siting of the buildings, as well as the design of the enlarged shop and flat fails to have sufficient regard to the local vernacular, and is of excessive scale and massing. The proposed dwelling would be constructed of materials unsympathetic to those found in the local area and as such would be incongruous. Overall the total amount of development proposed for the site is considered excessive and the proposal therefore constitutes overdevelopment.

5.1.2 The Local Planning Authority considers that the proposal provides an inadequate level of off-street parking for users of the shop, which would lead to an increase in on-street parking on Mavis Lane and Cookridge Lane. Additionally the proposal fails to make adequate provision for servicing of the shop, resulting in delivery vehicles using the customer parking. The proposal also includes an extended length of dropped crossing of over 17m on Mavis Lane, which would be unsafe for pedestrians.

5.1.3 The Local Planning Authority considers that the application fails to demonstrate that the proposal meets the requirements of PPS6, or the criteria included in policy S9 of the Leeds UDP Review 2006 and as such fails to demonstrate that it would not be detrimental to the vitality and viability of identified local centres, in particular Holt Park Centre.

5.2 This application was subject to an appeal under reference APP/N4720/A/10/2121041. The Planning Inspectorate dismissed the appeal by letter dated 19 July 2010.

5.3 The Planning Inspector dismissed the scheme on the grounds of the appearance and character of the area, not on any potential impact on vitality and viability of the local centre or highway/pedestrian safety issues.

5.4 This revised application has been submitted by the applicant as they believe it overcomes the Planning Inspectors concerns of the scheme's impact on the appearance and character of the area.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by the means of site notices (x3) on Cookridge Lane and Mavis Lane. All the above publicity started from the 3 September and ran until 24 September 2010.

- 6.2 In addition, all the neighbouring properties who made representation on the previous planning application have been written to directly on the 23 August 2010 making them aware of the current application proposals.
- 6.3 28 letters of objections have been received from local residents and their objections can be summarised as follows: -
- Lack of off-street parking, proposed parking would be difficult to access, increased traffic congestion, loss of highway safety due to poor visibility and inadequate provision for delivery lorries;
 - Loss of neighbour amenity due to overshadowing;
 - Inappropriate siting forward of the established building line / dominating impact;
 - Proposed extended shop is too large;
 - No need for expanded shop due to existing provision in the locality;
 - Potential for increased anti-social behaviour due to off-licencing hours; and
 - Out of character with a residential area / excessive size of development / lack of space about buildings.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

MAINS DRAINAGE:

- 7.1 No objections are raised to the scheme, subject to the imposition of drainage conditions.

Non-statutory Consultees:

HIGHWAYS:

- 7.2 No objections are raised to the scheme, subject to the imposition of highway conditions.

WEST YORKSHIRE POLICE:

- 7.3 No objections are raised to the scheme.

ACCESS OFFICER:

- 7.4 No objections are raised to the scheme following revised plans being submitted and subject to the imposition conditions.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

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

- GP5 – proposals should resolve detailed planning criteria;
- H4 – residential development of non identified sites
- N12 – priorities for urban design;
- N13 – design of all new buildings should be of high quality and have regard to the character and appearance of the surroundings;
- BD5 – all new buildings should be designed with consideration given to both their own amenity and that of their surroundings;
- BD6 – all alterations and extensions should respect the scale, form, detailing and materials of the original building;
- S2 – vitality and viability of town centres will be maintained and enhanced;
- S3A – priority will be given for refurbishment and enhancement of local centres, including Holt Park; and
- S9 – retail developments outside of centres will not normally be accepted unless: the development cannot be accommodated within existing centres; the proposal would not undermine local centres due to scale and type of retailing; it addresses deficiencies in shopping facilities; it is accessible; it does not entail the loss of housing, employment or green belt land.

Supplementary Planning Guidance:

8.5 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.

- SPG13: Neighbourhoods for Living.

National Planning Policy:

8.6 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;
- PPS3: Housing; and
- PPS4: Planning for Sustainable Economic Growth.

9.0 MAIN ISSUES:

9.1 Having considered this application, its history and all representations, it is the considered view that the main issues in this case are the impact of the scheme on:

- The principle of an enlarged shop, and its impact on the vitality and viability of Holt Park Centre;

- Principle of residential development;
- The appearance and character of the area;
- Highway, servicing and pedestrian safety; and
- Residential amenity.

10.0 APPRAISAL:

The principle of retail development, and its impact on the vitality and viability of Holt Park Centre:

- 10.1 When the Council determined the previous scheme in relation to its impact on the vitality and viability of identified local centres (in particular Holt Park Centre), it was considered that the application failed to demonstrate that the proposal meet the requirements of PPS6, or the criteria included in policy S9 of the Leeds UDP Review 2006.
- 10.2 Information supplied within the previous application indicated that the existing shop had a gross internal floorspace of 45m² while the previous proposal would extend this to 178m², which represented a nearly fourfold increase.
- 10.3 Whilst it was acknowledged at the time, that the previous extension was less than 200 square metres (which is the threshold that requires an applicant to undertake a sequential test of alternative sites). The crux of the Local Planning department's argument was that the proposal failed to identify the potential impact upon the Holt Park local centre. This is because the UDP gives priority to maintaining the vitality and viability of existing local centres, and policy S3A specifically identifies Holt Park as one which will be given priority for refurbishment and enhancement as the vitality and viability of it is considered to be insecure. Holt Park is about 1.5km away, where there is a supermarket together with a range of smaller retail and service outlets. Without this evidence to support the previous proposal, officers believed that it would be likely to further undermine an existing local centre which is insecure.
- 10.4 National planning guidance on shopping developments in (PPS6), in force at the time of receipt of the previous application, has now been superseded by revised guidance in *PPS4 Planning for Sustainable Economic Growth*. This guidance also post-dates saved UDP policies S9 and S3A. This change in guidance occurred when the previous scheme was subject to the appeal (reference APP/N4720/A/10/2121041) and both the Council and the appellant commented and gave further evidence to the Planning Inspectorate on the scheme in relation to this change in government guidance.
- 10.5 Whilst dismissing the appeal, the Planning Inspectorate found in favour of the appellant on this matter and stated that *"I do not consider there would be material conflict with the thrust of UDP saved Policies S2 or S3A which have as broad aims the protection and enhancement of the vitality and viability of defined town centres such as Holt Park."*
- 10.6 The current application would only extend the shop by 53m² (an approximate doubling of the existing area) and is substantially smaller than the extension which the Inspector concluded was acceptable in shopping policy terms under the previous appeal.

- 10.7 Policy EC17 within PPS4, indicates that such uses that are not in an existing centre should be refused permission where there is clear evidence that the proposal is likely to lead to significant adverse impacts on matters including those set out in Policy EC10. These include accessibility by a choice of means of transport, local employment, economic and physical regeneration in the area and whether it would secure a high quality and inclusive design.
- 10.8 It was accepted by the Inspectorate that the increase in size of the shop unit and the likely consequent extension in the range of goods that might be sold would attract additional trade from a wider catchment together with further passing trade. However, having considered all these principle points previously, the Planning Inspectorate concluded that *“the proposal would primarily continue to serve the more immediate neighbourhood where it would be accessible by foot, cycle and car.”*
- 10.9 Given that this proposal represents a substantial reduction in new retail floor space from that considered acceptable by the appeal Inspector it is considered that it would be unreasonable for the Local Planning Authority to continue to seek to resist this proposal on PPS4 grounds and against UDP saved Policies S2 or S3A (ie out of centre shopping policies).

Principle of residential development:

- 10.10 The application site lies within the urban area of Adel and is unallocated with no specific land use allocation. Policy H4 is relevant (residential development on non identified sites). H4 sets out that the site should be within a sustainable location, acceptable in sequential terms , within the capacity of infrastructure and compliant with all other relevant UDP policies. The site is within the main urban area and reasonably located in relation to facilities.
- 10.11 The surrounding area of the site is predominantly residential. The proposed site is part of an existing rear garden and as such it is no longer defined as previously developed (*change to PPS3 - Annex B definitions*) and that this has become a material consideration in the determination of this application. Although the site is no longer regarded as brownfield, this does not automatically mean that development is unacceptable – the impact on character and appearance is critical as well as whether the development of the garden will adversely impact on the ability of the Council to meet brownfield targets or affect the 5 year land supply. With a site as small as this there will be no tangible impact on the ability of the Council to meet brownfield targets or contribute to the 5 year land supply. Site specific issues and the impact on character are therefore the most important factors to consider in this case.
- 10.12 The proposed new dwelling would still need to be assessed against policies GP5 with respect to general amenity issues, BD5, N12 and N13 with respect to design and particularly to the Supplementary Planning Guidance contained within ‘Neighbourhoods for Living’.

The character and appearance of the area (*enlarged shop and apartment over*):

- 10.13 The existing building is a relatively small corner shop. It’s appearance suggests that it dates from the 1920’s or 1930’s. It is of brick and tile construction, with render at first floor level. The building features large gables with oriel windows facing both Cookridge Lane and Mavis Lane. In this respect the building was clearly originally

conceived to 'wrap around' the junction in design terms as both these elevations are very similar in design and proportions. The corner entrance to the shop also reflects this design approach.

- 10.14 The previous proposal sought the replacement of this modest 'corner' shop with living accommodation over with a larger store of about four times the floor area, again with living accommodation over, and a separate detached two-storey house within the present garden area. The store/apartment would have stood further forward than the existing towards the junction of Mavis Lane and Cookridge Lane, the new shop front being orientated towards this latter road.
- 10.15 It was considered that the previous proposal did not follow the original design principles of the building, in that the whole scale and massing of the new shop proposal was considered out of character with the area as the entrance was proposed to be re-orientated to face Cookridge Lane only, so that the building would no longer turn the corner as before.
- 10.16 On this issue the Inspector found in favour of the Local Planning Authority's stated position that the proposal would be harmful to the character of the area. The Inspector did, however, do so for very specific reasons. He found that the siting of the shop unit was acceptable and noted that there was no uniformity of design in the area. Generally he was supportive of the design approach taken and it is pertinent to note that this proposal represents a substantial reduction on the amount of extension and new build from that considered by the Inspector.
- 10.17 Nonetheless the Inspector was critical of the proposal's impact on the Mavis Lane frontage. Particular reference was made to the large expanse of walling proposed behind the parking spaces and the proposed roof form of the shop / apartment along with the height of the proposed new dwelling combined with what was perceived as a narrow gap between the two elements and the siting of the dwelling in relation to Mavis Lane.
- 10.18 To address these matters the enlarged shop and apartment elements has been amended from that previously submitted. These revisions are:-
- The setting back and amended design of the flank wall of the shop/apartment extension. The design aim of revision is to provide less massing and a reduced elevation to the shop unit;
 - An amended roof design of the shop/apartment extension; and
 - A significant increase in the gap between the two elements of the proposed development.
- 10.19 These revisions have resulted in the removal of the monolithic façade, roof and ungainly dormers to the Mavis lane frontage. This revised scheme is now considered to work much more sympathetically with the existing building. The reduction in the footprint has freed space up around the building softening the built form edge. A landscaping scheme for this part will be essential to prevent it becoming a hard surfaced forecourt for displaying wares. A condition is suggested to control this element.
- 10.20 As previously the design on the Cookridge Lane elevation does reflect existing arts and crafts detailing. Overall, given the amendments to the scheme and the Inspector's specific design comments, it is considered the scheme would not be

contrary to saved Policy N13 of the Leeds Unitary Development Plan (Review 2006) (UDP), which requires that the design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.

- 10.21 It is considered the scheme would satisfy the thrust of Planning Policy Statement 1 *Delivering Sustainable Development* (PPS1) which at paragraph 34 indicates that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The character and appearance of the area (*new dwelling*):

- 10.22 The area is residential in nature and is characterised by properties of varying forms, styles, types and ages. The streets are laid out in a grid, linear form. The dwellings stand within large gardens, and are set back from the road frontage.

- 10.23 The previous proposal also sought approval for a large detached house to the rear of the site, fronting onto Mavis Lane. It was considered that the proposed detached dwelling appeared quite large, again with a very large roof and that the proposed use of materials such as stone and slate does not seem to be sympathetic to the area.

- 10.24 As stated previously, on this issue the Inspector found in favour of the Local Planning Authority's stated position that the proposal would be harmful to the character of the area. The Inspector did, however, do so for very specific reasons. To address the Inspector's concerns as annotated in paragraphs 10.17 and 10.18, revision have been made to the 'new dwelling' element of the scheme, and these are:-

- A reduction in the height of the proposed dwelling. The design aim of the revision is to attempt to make the proposed dwelling relate better to the existing and adjoining houses.
- A significant increase in the gap between the two elements of the proposed development is required; and
- Setting back of the main body of the new house and deletion of the previously proposed bay window. The design aim of the revision is to provide a more suitable relationship with the adjoining dwelling on Mavis Lane.

- 10.25 The revised proposed dwelling is now of a more 'traditional' appearance that reflects the property located at Mavis Lane. Its size and proportions are also reflective of other dwellings on Mavis Lane. The proposed new dwelling is also comparable in height and will not dominate the surrounding properties. The proposed dwelling is set back from the road frontage and space is retained around it and between it and the adjacent dwellings.

- 10.26 For these reasons it is felt that the development would not unacceptably affect the spatial pattern of development in the street or the visual amenity of the locality.

Highway, servicing and pedestrian safety (*enlarged shop and apartment over*):

- 10.27 The existing site is served by a hard standing area to the front of the shop and by a lay-by on Cookridge Lane. The new shop would be served by three spaces also accessed off Mavis lane, one being for disabled persons, the remainder for staff.

The proposals also intend to utilise the existing lay-by off Cookridge Lane which can hold 7 parking spaces.

- 10.28 In objecting to the previous scheme on highway grounds, the Council believed that the numbers of off-street parking spaces were inadequate when considered against adopted UDP guidelines. A total of 13 spaces would normally be required but only seven of the ones depicted would be acceptable. The three spaces shown on Mavis Lane for use of the shop staff and disabled customers were also considered unacceptable on a minor residential road such as this. As this would have introduced commercial parking to a residential street and would require a length of dropped crossing of over 17m, being detrimental to highway safety.
- 10.29 The Council also considered that the seven spaces shown on the Cookridge Lane side would in fact be located on Leeds City Council maintained highway land and would not be within the application boundary. Whilst it was accepted that there would be likely to be little demand for these spaces from drivers other than those using the shop, it was felt that the application relied on use of public parking provision outside of the applicants control. The applicant did also suggest the use of two parking spaces on the other side of Mavis Lane outside of 21 Cookridge Lane. However it was also thought that these were not likely to be used due to the distance from the application site.
- 10.30 However, the Inspector did not share these concerns and concluded that the scheme in his view provided adequate off-street parking for the proposed scheme. The Inspector determined that “the store/apartment would have five parking spaces within the site to include provision for its residents and for staff use.” He noted that there is an existing lay-by parking bay directly outside the present shop within Cookridge Lane which is clearly used by present customers, and this would continue to exist.” The Inspector also made reference to the further smaller parking bay to the north side of the Cookridge Lane/Mavis Lane junction. Although the Inspector agreed that this is outside the existing commercial premises, he believed that its proximity to the site would suggest that if spaces are available this too could be used by shop customers.
- 10.31 The Planning inspector also made reference to LCC’s guideline parking standards within the UDP, and that the Council considered there to be a shortfall in overall parking provision of some three spaces and this may therefore led to on-street parking. He concluded that “these guideline figures are maxima and in his view the scheme would continue to primarily serve a local neighbourhood catchment where walking and cycling custom would be likely, he consider that the overall availability of parking within the site and within the adjacent lay-bys would be adequate.”
- 10.32 In relation to pedestrian safety, the Inspector stated that “even if some degree of kerbside parking was to be occasioned in Mavis Lane it appeared to his own observations and the evidence presented that this is a relatively quiet residential street and highway and pedestrian safety would not be materially compromised as a result of this.” Nor did the Inspector consider there would be significant risk to pedestrian safety as a result of the dropped kerb that would extend the length of the five parking spaces to be provided within Mavis Lane. This because some of these are intended for staff and resident parking which is likely to mean more limited vehicular manoeuvring than if the bays were simply for customer parking. Also, there is a further unaffected footpath to the opposite side of Mavis Lane.
- 10.33 No servicing area is shown for this, or the previous scheme. In assessing the previous scheme, the Council conceded that it could be acceptable for deliveries to

take place from the lay-by, however a Traffic Regulation Order would be required to restrict use of the lay-by during delivery times. The applicant was and is unwilling to consider this as they believe it to be unnecessary.

- 10.34 The Inspector noted the Council's concerns that there was no dedicated parking provision for deliveries and these might therefore, have to take place within the space intended for customer parking, the adjoining lay-by or else within the road. On this issue the Inspector concluded that the overall size of the shop unit would itself be a limiting factor in the number and character of deliveries. The probable short-term nature of these led him to the view that servicing provision, even in the absence of a dedicated space, would be unlikely to pose a material detriment to road safety.
- 10.35 Given that all highway and pedestrian safety issues were considered acceptable by the appeal Inspector it is considered that it would be unreasonable for the Local Planning Authority to continue to seek to resist this proposal against policies BD5 and T2, which seek to ensure that, amongst other matters, proposals do not result in highway safety problems, or Policy T24 requiring parking provision to reflect guidelines provided within the UDP.

Highway, servicing and pedestrian safety (*new dwelling*):

- 10.36 This scheme (as the previous submission) would have two off street driveway spaces and a double garage for the proposed new dwelling. The apartment would be served by two off street spaces on Mavis Lane. In this context the Highways Department do not raise objections as the proposal will not prejudice the safe and free flow of traffic.

Residential amenity (*enlarged shop and apartment over*):

- 10.37 The opening hours of the shop are proposed to be 07:30 to 22:30 Monday to Saturday and 08:00 to 20:00 on Sundays. The site already has a licence to sell alcohol from the premises. It is not considered that these opening hour will cause any loss of amenity to surrounding residential properties though noise and disturbance.
- 10.38 Litter generated and other antisocial behaviour rarely occurs within the immediate vicinity of the premises but over a wider area, where the operator has no control over the behaviour of customers. This is generally a matter for other legislation to deal with. No clear evidence has been submitted to demonstrate that this issues are a particular problem on this site, and the containment of waste produced at the premises in order minimise litter and vermin activity could be required by planning condition.

Residential amenity (*new dwelling*):

- 10.39 It is considered that there will be no significant adverse impact on residential amenity through overlooking, overshadowing or loss of privacy to the adjoining residential properties in relation to the proposed new dwelling on Mavis Lane and the design of the dwelling, separation distances and provision of private garden space are acceptable under the Council's normal standards.

11.0 CONCLUSION:

11.1 The scheme is therefore considered to comply with the relevant local policies of the Unitary Development Plan and national planning guidance and as such the application is recommended for approval.

Background Papers:

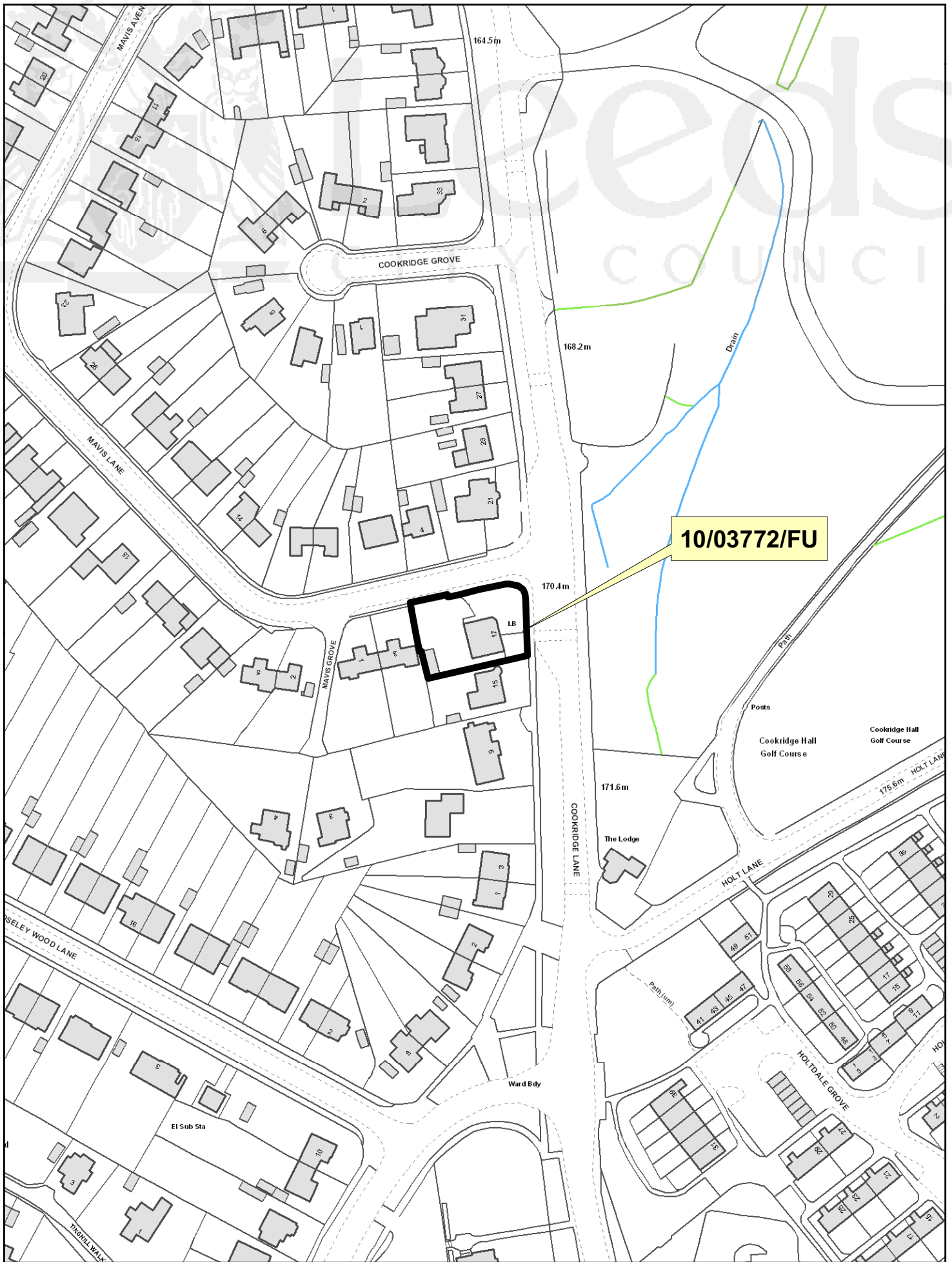
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Certificate of Ownership



WEST PLANS PANEL



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Originator:	Mathias Franklin
Tel:	0113 2477019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4 November 2010

Subject: APPLICATION 10/04111/FU – Widening of existing access to serve electricity substation, existing dwelling and proposed dwelling, 180 Otley Road, Headingley, LS16 5LH

APPLICANT	DATE VALID	TARGET DATE
Mr B Howgate	09.09.2010	04.11.2010

<p>Electoral Wards Affected:</p> <p>Weetwood</p> <p><input type="checkbox"/> No 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:

Refuse planning permission for the following reason:

1) The proposal would result in additional turning manoeuvres onto the A660 which is designated as a Primary Route and which carries in excess of 26,000 vehicles per day. It is considered that such manoeuvres could potentially be hazardous and conflict with the safe and free flow of traffic on this heavily trafficked area of the highway network. In addition the servicing requirements of this proposal would be met, at least in part, on street which would be detrimental to the safety of vulnerable road users, especially cyclists, in such a heavily trafficked environment. The proposal is therefore considered to be contrary to Policies GP5 and T2 of the adopted Leeds Unitary Development Plan, with respect to access and highway safety, efficiency, and amenity.

1.0 INTRODUCTION:

1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination following the request of a Local Ward Member (Councilor Sue Bentley- Weetwood) who supports the proposal on the grounds of similar access arrangements onto Otley Road from nearby properties.

2.0 PROPOSAL:

- 2.1 The proposal involves widening the existing access from 3metres to 5metres by resiting the gate post. The proposal is to serve the new dwelling (a bungalow) constructed on site at 180 Otley Road (approved in 2009 but with access out onto Otley Road from the Village Hotel). The access would also serve the existing dwelling house at 180 Otley Road (the applicants property) and the YEDL electricity sub station currently located adjacent to the existing access.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site consists of a bungalow set in a rectangular area of land adjacent to the A660 Otley Road. The site lies to the south-east of the older lodge dwelling at 180 Otley Road. The site is roughly grassed and contains a number of protected trees which are mainly sited around the site boundaries. The site is bounded from Otley Road by a stone wall, which is approximately 1.8m in height. The older dwelling at 180 Otley Road is a 1½ storey Victorian 'lodge', which originally was constructed as the gatehouse for the building which is now operates as the Village Hotel. This dwelling is Grade Two Listed and the site is within the Headingley Conservation Area. The principle access to both dwellings is via the entrance to the Village Hotel, and there is an existing secondary access to the site directly from the A660 the use of which is restricted to the substation and the older lodge by virtue of a planning condition attached to the permission for the new bungalow.
- 3.2 The site lies in an established suburban residential area, which is dominated by Edwardian architecture and the popular 'Arts and Crafts' designs of the early 20th century. However, this section of Otley Road is mainly developed on its opposite southern side. The northern side of Otley Road, where this application site lies is sparsely developed, and characterised by the length of stone wall with trees beyond.
- 3.3 The application site has traditionally been in separate ownership from that of the dwelling at 180 Otley Road, and owned by Yorkshire Water until recently. The owner of 180 Otley Road bought the site from Yorkshire Water in recent years. The new residential property has been constructed in the garden but has not been occupied as a residential unit at present.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 09/04004/FU: Widening of existing access to serve electricity substation and existing dwelling. Withdrawn
07/05766/FU: Detached annexe/art studio to garden. Approved of dwelling house but appeal to remove planning conditions applied restricting Permitted Development Rights for Access onto Otley Road and Outbuildings Dismissed.
06/06013/OT: Outline application to erect one detached. Approved dwelling.
06/02134/OT: Outline application to erect one detached. Refused dwelling with vehicular access to Otley Road also dismissed at Appeal.
26/275/05/FU: Detached games room (domestic). Approved
26/655/04/FU: Change of use of vacant land to domestic. Withdrawn garden with pedestrian access

26/144/02/FU: Single storey rear extension and conversion Approved of part of loft to bedroom to lodge house

26/147/02/LI: Listed building application to erect single. Approved storey rear extension and conversion of part of loft to bedroom

5.0 HISTORY OF NEGOTIATIONS:

5.1 The site has a long planning history. The applicant has been advised that the use of the access from Otley Road is not considered safe and should not be intensified and that the access through the Village Hotel is more appropriate in highway safety terms. The refused applications and two dismissed appeals on this matter have been highlighted to the applicant.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by the means of a site notice. No representations have been received.

7.0 CONSULTATIONS RESPONSES:

Non Statutory Consultees:

7.1 HIGHWAYS: Object to the proposal on the grounds of highway safety due to the potential intensification of the access and right hand turns access the A660. They consider that the alternative existing access through the Village Hotel is more appropriate in safety terms for both the existing dwelling and the proposed dwelling (which is the access approved as part of the new build property located in the grounds of 180 Otley Road).

8.0 PLANNING POLICIES:

8.1 The application should be determined in accordance with the Development Plan by virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

Local Planning Policies:

8.2 Locally Leeds City Council has begun work on the 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.

8.3 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.

- Policy GP5: Development proposals should resolve detailed planning considerations;
- Policy T2: Development should not create problems of highway safety; and

9.0 MAIN ISSUES:

9.1 It is considered that the main issues in this case are:

- Visual amenity;

- Highway access, pedestrian and cyclist safety; and
- Change in planning circumstances since previous refusals and dismissed appeals

10.0 APPRAISAL:

Visual Amenity:

- 10.1 The development is considered acceptable in terms of visual impact as the widening works would be fairly minor in nature in relation to the setting and appearance of the listed building and in relation to the desirability of preserving or enhancing this part of the Headingley Conservation Area and the setting of the listed building.

Highway access, pedestrian and cyclist safety:

- 10.1 The highway Authority has assessed the principle of intensifying the use of this access. It is still considered that as the proposals would intensify the use of the access onto a Primary Distributor Road (A660) that there would be detriment to highway safety. When assessing the impact of the proposal consideration has been given to the intensity of use of the access at present and the likely increase in usage of the access if permission were granted. At present the intensity of the use of this access is low and infrequent. The sub station is located directly behind the access and as such it appears to not be in use by the occupier of 180 Otley Road who has access to his property through the Village Hotel. The latter has an access to the north-west of the site which is a recognised junction with appropriate kerb radii, a right turn lane and internal turning facilities.

- 10.2 The frequency of visits by YEDL to the sub station is low. To intensify the use of this access by making it available to serve the new bungalow as well as offering an alternative access to the existing dwelling house would result in an increase in turning right across the A660 into the site and when exiting the site to head towards Lawnswood roundabout. Although the existing dwelling at 180 Otley Road is understood to have a right to use this access because it is obstructed by the substation in reality it is not usable. The appeal Inspectors also noted that that the access appeared not to be in use other than by YEDL. As such it is considered that this increase in intensity of use directly onto A660 would cause potential conflict between vehicles, pedestrians and cyclists. The proposal is considered to be in conflict with UDP policies GP5 and T2 in this regard.

Change in planning circumstances since previous refusals and dismissed appeals

- 10.2 The site has been the subject of previous planning applications and appeals that have been refused and subsequently dismissed, based on the access to the site being taken directly from the A660. The applicant has an existing means of access which is located off the Village Hotel access road and this is considered more than adequate to serve the existing dwellings. The applicant was granted planning approval for the dwelling in the garden of 180, Otley Road only on the basis that the access would be via the existing access point from the Village Hotel access road. Initially this proposed dwelling was refused partially on the grounds that the access would be directly from Otley Road, the applicant overcome this reason for refusal by using the access from the Village Hotel. As indicated above, subsequent attempts to have the resulting condition removed by the applicant have failed at appeal.

- 10.3 The applicant has referred to the recent appeal decision to allow an extension and conversion of 222 Otley Road to 3 flats with a widened access and 4 parking spaces as having a bearing on this proposal. However, the access to 222 Otley Road is the only existing means of access to that site and given that the property is

already a substantial sized dwelling it was considered that the proposed development (and the improvements to that access width) would not result in a material increase in use of that access. Furthermore, the Inspector, in dismissing the recent appeal relating to this development at 180 Otley Road referred to the application at 222 Otley Road in his Report and concluded that the impact of access from 180 Otley Road onto the A660 directly was likely to harm highway safety and the merits of the cases of the two applications was not similar. The two appeal decisions at this property are appended to this report. Accordingly it is considered there is no material change in planning circumstances since the appeal decisions at this site to allow this application.

11.0 **Conclusion**

11.1 In conclusion it is considered that the proposal would result in demonstrable harm to highway and pedestrian and cyclist safety by reason of intensifying the use of the access. The proposal is considered to be contrary to policies GP5 and T2 of the adopted UDP and as there are considered to be no material changes in planning circumstances since the appeals for a similar proposals were dismissed to warrant a change in recommendation. Accordingly the application is recommended for refusal for the reasons set out above.

Background Papers:

Application file and appeal decisions



Appeal Decision

Site visit made on 24 November 2009

by **Martin Whitehead** LLB BSc(Hons)
CEng MICE

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Bristol BS1 6PN

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Decision date:
7 December 2009

Appeal Ref: APP/N4720/A/09/2110939 180 Otley Road, Leeds LS16 5LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Barry Howgate and Ms Janey Walklin against the decision of Leeds City Council.
- The application Ref P/09/00830/FU, dated 23 February 2009, was approved on 22 April 2009 and planning permission was granted subject to conditions.
- The development permitted is change of use from a teenage annexe/studio to 5 bedroom detached house including first floor and new roof lights.
- The conditions in dispute are-
No 14 which states that: *'The development hereby permitted shall not commence until full details of boundary treatments to completely segregate the electrical sub-station from the remainder of the site have been submitted to and approved in writing by the local planning authority. This boundary treatment shall be installed and/or planted before first occupation of the dwelling and shall then be retained for the lifetime of the development.'*
No 17 which states that: *'Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking and re-enacting that Order with or without modification), planning permission shall be obtained before any extensions to the dwelling, outbuildings, roof alterations or dormers are erected within the curtilage of the site.'*
- The reasons given for the conditions are-
No 14: *'In the interests of highway safety and to ensure the existing access from the A660 serves only the electricity sub-station which is located on the site.'*
No 17: *'As the local planning authority wish to keep control over the erection of these buildings.'*

Decision

1. I dismiss the appeal.

Main issues

2. Whether Condition 14 is reasonable and necessary to protect highway safety on the A660 Otley Road; and whether Condition 17 is reasonable and necessary to protect the character and setting of listed buildings, trees that are subject to Tree Preservation Orders and the living conditions of neighbouring residents.

Reasons

Condition 14

3. The purpose of the condition is to prevent the use of the existing access from the A660 Otley Road to an electricity sub-station to gain vehicular access to the permitted dwelling. Otley Road is a Primary Distributor road and, as such,

carries a large volume of traffic. It also has a cycle and bus lane along it across the access. The Highway Authority has noted that records show that 4 personal injury accidents due to right turn conflicts have been reported near to the access in the last 5 years. It refers to expert guidance that advises against permitting additional individual accesses to properties from Primary Distributors.

4. The access can currently be used for 180 Otley Road, but the principal access to that dwelling is via a roadway that serves the Village Hotel, which is more convenient as it is closer to the dwelling. Therefore, although I observed at the site visit that an area adjacent to the sub-station has been gravelled, it is likely that the access is rarely used, either to gain access to the existing dwelling or to the sub-station. The access would be more convenient for the permitted dwelling than via the roadway to the Village Hotel. Therefore, without the condition, it would be likely to be more widely used. As such, there would be a resulting significant increase in right turn manoeuvres from Otley Road into the access, which the evidence indicates would harm highway safety.
5. At the site visit I observed that the access is relatively narrow and is gated at the back of the footway, leaving very little off road space for vehicles to wait in whilst the gates are opened. Also, the sub-station building partially obstructs entry so that vehicles have to turn sharply around it. These factors make the access less safe to use than the alternative via the Village Hotel roadway. Therefore, increased use of it should not be encouraged on highway safety grounds.
6. In support of the appeal, the appellant has referred to other existing and proposed accesses from Otley Road, including proposals for the intensification of use of the access to No 222. However, based on the limited information that I have been given, they are significantly different from the appeal access, either in relation to their likely use or their dimensions and relative orientation. Therefore, they are not directly comparable, and I have determined this appeal on its own individual planning merits in the light of prevailing policies and guidance.
7. I find that Condition 14 is both reasonable and necessary to protect highway safety on the A660 Otley Road. It is also necessary to ensure that the development would comply with Leeds Unitary Development Plan (Review 2006) (UDP) Policy T2 with respect to the need to ensure that new development does not add to problems of safety on the highway network.

Condition 17

8. The listed lodge at 180 Otley Road is a relatively small stone building in an isolated location near to the entrance to the roadway serving the Village Hotel and other more recent development. It is clearly visible from the adjacent Otley Road, above a stone built boundary wall. The buildings at the nearby Water Treatment Works are at a lower level, set back from the road, and therefore are less prominent in the street scene. Also, the Village Hotel is a sufficient distance away from the road and the lodge to ensure that it has a limited impact on its setting or character.
9. Although the permitted dwelling is about 80m from the listed lodge, its curtilage is significantly nearer and it is clearly visible from the adjacent Otley

Road. Its design, which has stone walls and a pitched roof, has taken account of the need to respect the character and setting of nearby listed buildings. As such, I do not consider it unreasonable to require alterations, extensions and outbuildings to also be designed to ensure that they preserve the setting of the listed buildings, in accordance with national guidance given in paragraph 2.16 of Planning Policy Guidance: *Planning and the Historic Environment* (PPG15). On this basis, it is necessary for the local planning authority to be able to control the design and appearance of alterations and extensions to the dwelling and new outbuildings.

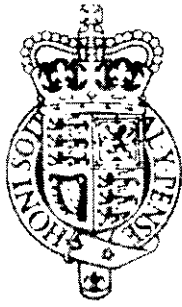
10. Another reason that justifies the necessity of a condition to control outbuildings and extensions is the relatively large number of trees on the site that are the subject of a Tree Preservation Order (TPO). In order to ensure that these trees are adequately protected during the construction of any structures within the curtilage of the dwelling, the local planning authority should be able to first have the opportunity to determine the impact on any roots and canopies. I am not satisfied that the TPO would offer sufficient protection to the trees on its own.
11. I accept that the permitted dwelling would be a sufficient distance away from other dwellings and gardens to ensure that any extensions or alterations that could be carried out under permitted development rights would not have an unacceptable harmful effect on the neighbours' living conditions. However, the harm that could be caused to the character and setting of the nearby listed building and the health of TPO'd trees provides sufficient justification for the removal of permitted development rights for extensions, roof alterations and dormers to the dwelling, and outbuildings within its curtilage.
12. I find that Condition 17 is both reasonable and necessary to protect the character and setting of listed buildings and trees that are subject to Tree Preservation Orders. It is also necessary to ensure that the development would comply with UDP Policy BD5, which requires new buildings to be designed with consideration to their surroundings; UDP Policy GP5 which seeks, amongst other things, to ensure that new development resolves detailed planning considerations, including design; and PPG15.

Overall Conclusion

13. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR



Appeal Decision

Site visit made on 12 February 2007

by **Ruth V MacKenzie** BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 22 February 2007

Appeal Ref: APP/N4720/A/06/2030435

Land adjacent to 180 Otley Road, West Park, Leeds LS16 5LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Howgate against the decision of Leeds City Council.
 - The application (Ref No P/06/02134/OT, dated 3 April 2006) was refused by notice dated 14 September 2006.
 - The development proposed is a single residential building plot.
-

Decision

1. I dismiss the appeal.

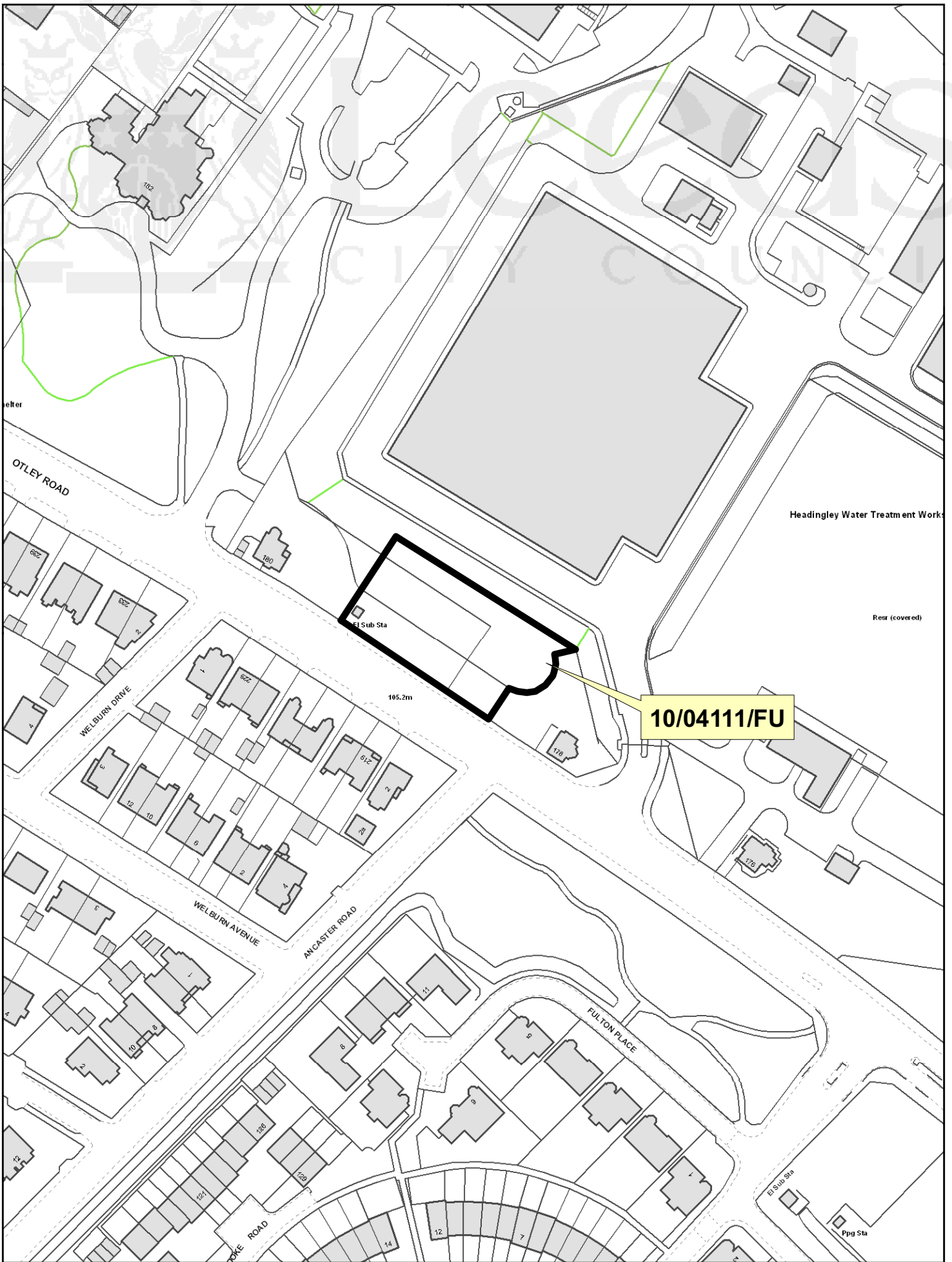
Inspector's Reasons

2. The planning application has been made in outline. Access is the only matter that has not been reserved for later determination. The site forms part of No 180's garden which runs parallel to Otley Road, about 5km from Leeds city centre. An existing access into the site would be closed off. A new access, built to the Highway Authority's requirements, would be created about 12m away. I have treated the plan which shows the siting of a proposed dwelling as being purely illustrative.
 3. Otley Road (the A660) is a Primary Distributor road that carries about 26,000 vehicles in and out of Leeds on most days. It is also part of the primary route network for buses. The existing access into the site is used by utility companies to gain access to a sub-station in the appellant's garden. The appellant can use this access too, but the principal access to his property is off a roadway which serves The Village Hotel. I consider it reasonable to suppose that the sub-station access is rarely used, either by the utility company or by the appellant. The neglected condition of its gateway supports this view. In contrast, I consider that the proposed access into the appeal site would be used several times a day by the future occupants of the proposed dwelling and their visitors.
 4. Drivers and cyclists wanting to turn right out of the proposed access, away from Leeds City Centre, would have to wait for a gap in the flow of traffic in the nearside bus/cycle lane and the adjoining inbound lane. Having found a gap, they might have to wait in the middle of the road for a safe opportunity to join the outbound traffic. Drivers and cyclists travelling in an outbound direction and wanting to turn right into the site might have to wait in the middle of the road whilst waiting for a safe opportunity to cross the 2 lanes of inbound traffic.
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5. The middle of the road is marked with chevrons but, unlike the entrance to The Village Hotel, it is not marked with a separate lane and refuge for right turning traffic. In my view, it would be a vulnerable position in which to wait, particularly for cyclists. There is a 30mph speed limit along this stretch of Otley Road, and safety cameras have recently been installed. I understand that accidents have reduced as a result, but nevertheless I see no justification for a development that would result in additional right-turning movements across this busy stretch of main road on a regular and frequent basis.
6. I anticipate that some short-term visitors to the proposed dwelling, such as delivery drivers, would choose to park in the bus/cycle lane outside the site instead of pulling into the new access. Bus drivers and cyclists using the bus/cycle lane would then have to pull into the outer lane of traffic in order to overtake the parked vehicle, thereby disrupting the flow of traffic and putting themselves and other road users at risk.
7. The appellant argues that the proposed access would merely be a replacement for an existing access, and is acceptable for that reason. But, in my view, it would be used so much more frequently than the existing sub-station access that it cannot be assessed on that basis. There is a well-established general presumption against individual dwellings having frontage accesses onto Primary Distributors, and yet this is what the appellant is proposing. Furthermore, policies T2 and GP5 of the adopted Leeds Unitary Development Plan seek to maximise highway safety and, in my view, the proposed access flies in the face of the objectives of these policies.
8. The appellant has drawn my attention to other accesses along Otley Road which are now used more intensively because of recent planning permissions granted by the Council. It is difficult to draw meaningful comparisons between these accesses and the one that is currently proposed. Each one is different, and each one should be considered on its own merits; as I have done in this case.
9. I have reached the view that the proposed residential building plot is unacceptable on highway safety grounds. It would result in additional turning manoeuvres on a Primary Distributor, and this would jeopardise the safety of highway users.
10. There is disagreement about whether the site is greenfield or previously-developed land. From outward appearances, it appeared to be garden land within the curtilage of No 180, but there may be other factors of which I am unaware that should be taken into account. I am therefore unable to reach a firm view. I do not consider this to be critical to my decision because there is nothing that could outweigh the considerations that have led me to conclude that the appeal should be dismissed on highway safety grounds.

Ruth V MacKenzie

INSPECTOR



WEST PLANS PANEL

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