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**PLANS PANEL (WEST)**

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**Meeting to be held in Civic Hall, Leeds on  
Thursday, 2nd December, 2010  
at 1.30 pm**

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**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><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></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><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></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><b>RESOLVED</b> – 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><b>LATE ITEMS</b></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><b>DECLARATIONS OF INTEREST</b></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><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence</p>	
6			<p><b>MINUTES</b></p> <p>To approve the minutes of the last meeting held on 4<sup>th</sup> November 2010 as a correct record</p> <p>(Copy attached)</p>	1 - 10
7	Headingley; Hyde Park and Woodhouse;		<p><b>APPLICATIONS 08/04214/OT; 08/04216/FU; 08/04220/LI' 08/04219/FU &amp; 08/4217/CA - RESIDENTIAL DEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY LS6</b></p> <p>To consider the report of the Chief Planning Officer setting out proposed reasons to refuse the applications</p> <p>(Report attached)</p>	11 - 58

Item No	Ward	Item Not Open		Page No
8	Armley;		<p><b>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, LS12</b></p> <p>To consider the report of the Chief Planning Officer setting out a proposed reason to refuse the application</p> <p>(Report attached)</p>	59 - 66
9	Adel and Wharfedale;		<p><b>APPLICATION 10/04625/FU - RECLADDING OF FRONT ELEVATION WITH NATURAL STONE AT 3 MEADOW GARTH, BRAMHOPE LS16</b></p> <p>To consider the report of the Chief Planning Officer setting out proposals to re-clad the front elevation of a domestic dwelling</p> <p>(Report attached)</p>	67 - 70
10	Adel and Wharfedale; Guiseley and Rawdon; Horsforth; Otley and Yeadon;		<p><b>APPLICATION 09/04512/FU - USE OF LAND AS A SECURE OFF-SITE CAR PARK, SENTINEL CAR PARK, WARREN HOUSE LANE, YEADON LS19</b></p> <p>To consider the report of the Chief Planning Officer setting out proposed reasons to refuse the application which will form the basis of the Council's case at the appeal against non-determination</p> <p>(Report attached)</p>	71 - 86
11	Guiseley and Rawdon;		<p><b>APPLICATION 10/03424/LA - DEMOLITION OF EXISTING SCHOOL AND ERECT REPLACEMENT SINGLE STOREY SCHOOL WITH SOFT PLAY AREAS, CAR PARKING AND LANDSCAPING AT ST PETERS &amp; ST PAULS SCHOOL, NEW ROAD, YEADON LS19</b></p> <p>To consider the report of the Chief Planning Officer on proposals to redevelop St Peter's and St Paul's School, Yeadon</p> <p>(Report attached)</p>	87 - 96

Item No	Ward	Item Not Open		Page No
12	Weetwood;		<p><b>APPLICATION 10/03806/FU - CHANGE OF USE OF VACANT RETAIL UNIT (CLASS A1) TO RESTAURANT (CLASS A3) TO FACILITATE AN EXTENSION TO THE ADJOINING ITALIAN RESTAURANT AT 111 OTLEY ROAD LS6</b></p> <p>To consider the report of the Chief Planning Officer setting out proposed reasons to refuse the application for the change of use of a retail unit to a restaurant. The Panel previously considered this matter on 7<sup>th</sup> October 2010.</p> <p>(Report attached)</p>	97 - 108
13	Weetwood;		<p><b>APPLICATION 10/04346/FU - LAYING OUT OF ACCESS ROAD AND ERECTION OF 19 HOUSES AT THE FORMER COOKRIDGE HOSPITAL SITE, SILK MILL WAY, COOKRIDGE LS16</b></p> <p>To consider the report of the Chief Planning Officer on proposals to create 19 dwellings on the site of the former Cookridge Hospital</p> <p>(Report attached)</p>	109 - 118
14	Otley and Yeadon;		<p><b>POSITION STATEMENT ON APPLICATION 09/04287/RM AT GARNETTS PAPER MILLS, MILL LANE, OTLEY LS21 AND APPLICATION 10/03695/FU AT GALLOWS HILL, POOL ROAD, OTLEY LS21</b></p> <p>To consider the report of the Chief Planning Officer setting out the current position with regards to the reserved matters application 09/04287/RM for residential/office development and associated works at Garnetts Paper Mill and application 10/03695/FU for laying out of access road on land at Gallows Hill, adjacent to cemetery, Pool Road. Both sites are within Otley</p> <p>(Report attached)</p>	119 - 132
15			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Thursday 6<sup>th</sup> January 2011 at 1.30 pm</p>	

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## PLANS PANEL (WEST)

THURSDAY, 4TH NOVEMBER, 2010

**PRESENT:** Councillor N Taggart in the Chair

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

**61 Chairs Opening Remarks**

The Chair welcomed all present to the meeting and invited officers and Members to introduce themselves.

**62 Apologies for Absence**

Apologies for absence were received from Councillor Castle. The Panel welcomed Councillor Fox as her substitute

**63 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 66 refers):

- Councillor Akhtar declared a personal interest as a member of North West Inner Area Committee
- 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 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. He also declared a personal interest as a Governor of Springbank Primary School which he felt could be regarded as a school which could benefit from the use of the former LGHS pitches
- Councillor Taggart declared personal and prejudicial interests as he had undertaken work for the applicant's agents, albeit not in Leeds. He stated he would withdraw from the meeting during consideration of the item
- Councillor Hardy stated he had made enquiries of The Grammar School at Leeds regarding possible use of the schools' Alwoodley based playing pitches by Headingley based primary schools. He had requested the School respond directly to LCC Planning Services, and to date, he was not aware that a response had been received. It was noted that this did not constitute a declaration of interest for the purposes of the Members Register of Interests
- Councillor Coulson reported that although he was a member of WYITA he had not attended any WYITA meetings where the applications had been discussed and did not have an interest in the matter

Councillor Chastney – Application 10/04111/FU 180 Otley Road – declared a personal interest as he recognised the applicant in the meeting room as being someone who was known to him (minute 71 refers)

Councillor Fox – Application 10/03772/FU Cookridge Lane – declared a personal interest as the applicant had written to him regarding an earlier proposal for development on the same site, although it was noted that no contact had been made regarding the proposals to be considered today (minute 70 refers)

Councillor J Harper Application 10/0324/FU Lyric House – stated that although the report on the application highlighted her support for the comments made by Councillor Lowe, her ward colleague who objected to the scheme, she did not have an interest to declare as she intended to consider the report and the information provided by the planning officer before she made a decision. (minute 68 refers)

#### **64 Minutes**

The Panel noted a request to amend minute 48 (declarations of interest) to clarify that Councillor Hardy had made a representation to The Grammar School at Leeds and had asked the School to respond directly to LCC Planning Services rather than himself as suggested in the minute

**RESOLVED** – That, subject to a appropriate amendment as detailed above, the minutes of the meeting held 7<sup>th</sup> October 2010 be agreed as a correct record.

Councillor Taggart, having earlier declared a personal and prejudicial interest in the following agenda item withdrew from the meeting and took no part in the decision making process

#### **65 Election of the Chair**

Nominations were sought from the Panel for the position of Chair of the meeting for the following item. Councillor Harper was proposed by Councillor Akhtar and this motion was seconded by Councillor Hardy and supported by the Panel

**RESOLVED** – Councillor J Harper took the Chair

#### **66 Applications 08/04214/OT, 08/04216/FU, 08/04220/LI, 08/04219/FU & 08/04217/CA - Residential Development, Leeds Girls High School, Headingley LS6**

Further to minute 51 of the meeting held 7<sup>th</sup> October 2010 when the applications were withdrawn from the agenda due to new issues being raised in applications made by a member of the public to the High Court which sought to prevent a decision being taken, the Chief Planning Officer submitted a report setting out the planning applications and responding to the matters sought to be raised before the High Court. Subsequently the Court had received notice that the injunction and judicial review had been summarily dismissed



Plans and photographs of the site were displayed at the meeting. Officers reported receipt of letters of representation from:

- Mr G Mulholland MP and Mr H Benn MP
- Individual letters of objection from Councillors Monaghan; Hamilton; Atha and Illingworth. Officers provided a précis of their contents
- LCC Health Scrutiny Board
- A further joint letter of representation from local ward Councillors M Hamilton and Monaghan
- Further letters from local amenity groups and individuals

Officers highlighted the key issues relating to the scheme to consider as:

### Playing Pitches

- Referred to relevant planning policy N6
- Noted the new pitch provision located at The Grammar School At Leeds (GSAL) was open to public use and of superior quality to that at the former Leeds Girls High School (LGHS) site. The LGHS pitches had never been available for public use
- The LGHS pitches had been assessed by LCC Parks & Countryside as unsuitable for various activities. Furthermore LCC did not have resources available for their upkeep
- The Lawn Tennis Association had not responded to a request to comment on residents' claims that provision of tennis courts in the locality did not meet LTA recommended standards
- Members should note the proximity and availability of pitches at Woodhouse Moor for community use
- Sport England had withdrawn their objection to the application
- Reported the opinion of Leading Counsel that Policy N6 could not form the basis of a refusal as the two criteria within Policy N6 had clearly been met
- Referred to relevant policy PPG17
- Noted the comment by objectors regarding consultation and responded that paragraph 10 of PPG17 did not give local communities power to veto a development.
- Leading Counsel advised that although that part of PPG17 carried weight, it was not a defensible basis for refusing planning permission

### Ford House Gardens

- Reported the circumstances of the withdrawal of the offer of use of Ford House Gardens (FHG) for the community
- At the time FHG was offered as part of the section 106 package, the Panel could lawfully consider that offer as forming part of the application; however the rules governing how legal agreements were taken into consideration in planning applications changed in April 2010; the offer had also formed part of the claim in the High Court challenge referred to above.
- The land needed to satisfy tests of necessity to make the development acceptable in planning terms; to be directly related to the development and fairly; and to be reasonably related in scale and kind. LCC could

not state those tests were met as the relationship between FHG and the development was not suitably robust.

- Leading Counsel's advice sought by both LCC and the applicant concluded that the offer of FHG should be withdrawn from the scheme and the withdrawal was not in itself a reason to refuse the scheme

#### Main School Building

- A slide showing the scale of proposed demolition was displayed
- The façade would be retained and there had been discussions over retaining the link and Library extension as well. These could provide 3 townhouses and 6 apartments however 2 houses to the rear of the development would need to be deleted in order to facilitate the rear access road,
- Officers were mindful of community concerns over the introduction of flats into the area in general and had concluded that the objective of promoting sustainable communities was better served by the application as proposed

#### 4 Storey Block

- New drawings had been submitted and were displayed to show the basement car parking arrangement
- Officers commented on the quality of the architects drawings but felt any outstanding issues could be dealt with at the Reserved Matters stage

#### Affordable Housing

- The contribution would be used to purchase Houses in Multiple Occupation in the area in order to return these to family residences. The fallback position would be to provide affordable housing on site.

The Panel heard representation from Mr P Baker, Mr B McKinnon and Mrs S Buckle in objection to the development proposals. Their representations included the following issues:

- Concern over the demolition proposals for the Main School Building
- The view that the library could accommodate town houses, not flats
- The new drawings showed the true heights of the flat block proposals. Such a tall building should not be erected so close to trees which provided character to the area
- The proposals were contrary of Policy N6 as the pitch provision was not within LS6 area
- The proposals were not widely supported locally contrary to part 10 of PPG17
- Concern that comments from the LCC Conservation and Design Officers regarding heights; design; retention of the school building and overdevelopment had not been highlighted
- Highlighted the fact that the University had been required to provide replacement pitches within the same locality as part of their applications to redevelop existing pitches for student housing

The Panel then heard from Mr P Torrible on behalf of the applicant who addressed the withdrawal of FHG and the issues raised at previous Panel meetings including the GSAL playing fields being open for use by the public and primary schools; trees and the design and massing of the flat block being consistent with the 4 storey buildings across the road. He also commented of the proposals for the Main School Building, highways matters and concluded by stating that the applicant, as a charity, was not in a position to “gift” the use of FHG to the community, nor was it able to provide FHG as a benefit in conjunction with these applications

Members noted the applicants’ interpretation of Policy N6 (i) in terms of re-provision of function. Mr Torrible stated N6 (i) had been met as the LGHS pitches which had been exclusively used by the LGHS pupils, had been re-provided for at GSAL and to a better quality with public access. The Panel further discussed:

Highways - the high volume of traffic already on the local highway network. Members recalled LGHS traffic had caused problems for residents, especially at the school peak times which they compared to peak times for the proposed residential development. The Highways Officer provided a response based on the detailed Traffic Assessment which compared peak traffic flows and concluded the peak flows would be lower than national guidelines suggested amounted to a negative impact. Overall the proposal would not negatively impact on the existing highways network

Ford House Gardens – Discussed the change in the law in April 2010 which prescribed what could and could not be offered in association with a development through a 106 Agreement.

Interpretation of the relevant policies - The Area Planning Manager explained the FHG offer was still being considered in August 2010 in the light of the changes to the law, but advice from Counsel had been received since then. Members considered whether advice from another Counsel would give a different interpretation of the same policies. In response, the Chief Planning Officer read out the advice which stated the application of Policy N6 on this site had been overtaken by events. The Area Planning Manager reiterated that N6 required only one of the 2 tests to be met. Members did acknowledge that N6(i) had been met. The Area Planning Manager confirmed that N6 (ii) had also been carefully considered and in his view had been satisfied.

(Councillor Matthews declared a personal interest at this point as a Governor of Springbank Primary School which lay within the Headingley area and could be regarded as one of the Primary Schools which could make use of the LGHS playing pitches)

The Panel expressed regret over the withdrawal of FHG and further discussed:

- The loss of open space in what they regarded as a congested area
- The slide showing the new build adjacent to the existing tall trees. They felt the slide now showed the true heights of the development and the likely impact on the trees and the character of the street scene.
- Whether the Main School building could be retained and satisfactorily re-modelled

- Perceived over-intensity of the scheme
- The appearance of the Victoria Road frontage
- The interpretation of the policies
- The interpretation of the meaning of locality
- The role of the local authority in being responsible for the future health of the local community through provision of usable and local open space to promote activity
- The weight of local opposition to the development
- The terms of the S106 agreement and the triggers at which point commuted sums would be paid

The Chief Planning Officer in summing up reminded the Panel that no evidence that the loss of the LGHS pitches was linked to the health of any given community group had been presented. Noting that Members were not supportive of the development in its current form he reminded Members of the post benefits provided through the proposed development and requested Members consider those elements of the scheme they could support.

The Panel however commented that although the highways and policy issues had been comprehensively addressed in the report and presentations they still remained concerned over the extent and intensity, design and heights of the development and the elements of demolition.

Members noted the officer recommendation to defer and delegate approval of the applications to the Chief Planning Officer but were not minded to do so and

**RESOLVED** – That determination of the applications be deferred and officers be requested to present a further report to the next meeting setting out proposed reasons to refuse the applications based on the Panels concerns outlined above.

The Panel adjourned for a short while and Councillor J Harper vacated the Chair at this point. Councillor Hardy also withdrew from the meeting. Councillor Taggart resumed his seat as Chair on recommencement of the meeting

**67 Application 10/02643/FU - Two Storey Rear Side Extension and Detached Garage to rear at 1 Spen Gardens, West Park LS16**

Further to minute 42 of the Panel meeting held on 9<sup>th</sup> September 2010 when Panel deferred determination of the application the Chief Planning Officer submitted a further report setting out the applicants' response to the matters raised by Members.

(Councillor Hardy resumed his seat in the meeting)

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

**68 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**

Plans and photographs of the site were displayed at the meeting. Members had visited the site prior to the meeting. Members noted the site lay within the Armley ward, and not Kirkstall ward as indicated on the agenda.

Officers outlined the recent planning history of the premises and the key issues for consideration as being the impact of the longer use on highways and local residents. As such additional conditions were requested to permit a one year temporary permission and to ensure the area to the front of the premises was not used for car parking or as a drop-off/pick up-point

The Panel considered the representations made by Mrs M Ndzinga on behalf of local residents who expressed concern over the length of the proposed opening hours and reported the applicant had previously not complied with the existing hours of use. Mr Ndebele on behalf of the applicant addressed the Panel in response.

Members considered the following matters:

- The reported non-compliance with the existing hours of use and associated incidents of noise nuisance
- Whether it was possible to monitor the hours of use at the premises, although it was noted individual monitoring could not be provided
- The merits of granting a temporary permission for a period less than 12 months,
- Impact of the use on highways and the different problems presented at different times of the day depending on the number of attendees

The Panel noted the officer recommendation to approve the application however were not minded to do so and

**RESOLVED** – That the application be refused and officers be requested to present a further report to the next Panel meeting setting out proposed reasons to refuse the application based on the Panels' comments

(Councillors Akhtar and Hardy withdrew from the meeting at this point)

**69 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**

Site plans and slides showing street scene elevations were displayed at the meeting. Members had previously visited the site.

(Councillor Akhtar resumed his seat in the meeting)

Officers highlighted the main issues for consideration as being the principle of the development having regard to recent changes to PPS3; overlooking and car parking.

Members discussed the presence of footings laid for outbuildings yet to be completed in the garden and noted the measures within the conditions to ensure their removal. Members however requested the removal of the footings prior to completion of the development of the two new dwellings

(Councillor J Harper withdrew from the meeting at this point)

**RESOLVED –**

- a) That Application 10/03618/FU be granted subject to the specified conditions contained within the report
- b) That Application 10/03620/FU be granted subject to the specified conditions contained within the report
- c) That Condition No 12 on both permissions be amended to read "Removal of existing footings and restoration of garden area prior to completion of development"

**70 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**

Slides showing architects drawings, aerial photographs, photographs of the street scene were displayed at the meeting. Members had previously visited the site.

Officers reported the planning history of the site including the comments of the Planning Inspector on a previously appealed scheme (Application 09/02673/FU). Slides showing the earlier scheme were displayed for reference.

Officers reported receipt of 3 further letters of representation; however these did not raise any new issues and requested a further condition be included to ensure retention of the copper beech hedge for the dwelling house. The Panel noted that the shop unit had at one time been a post office and a rare Edward VIII post box remained within the site boundary. Members requested one further condition to ensure the retention of this feature

**RESOLVED –** That the application be granted subject to the specified conditions contained within the report and any others deemed necessary by the Chief Planning Officer plus the two additional conditions relating to:

- a) Retention of the copper beech hedge for the dwelling house
- b) Retention of the Edward VIII post box

(Councillors Coulson and Matthews withdrew from the meeting at this point)

**71 Application 10/04111/FU - Widening of existing access to serve electricity sub-station, existing dwelling and proposed dwelling at 180 Otley Road, Headingley LS16**

Plans and photographs of the site were displayed at the meeting. Officers highlighted the key issues for consideration as being highway/pedestrian and cycle safety and whether there had been any material changes in planning law since the grant of the application for the new dwelling now on the site. The

report set out the planning history of the site and included copies of two appeal decisions from 2007 and 2009 respectively

The Panel heard representation from Mrs Walklin, the applicant, who explained current difficulties of access to the new vacant dwelling on the site and maintained that the direct access point from the A660 was used.

The Panel carefully considered the following:

- The comments of the Inspectors in their respective appeal decisions
- Highway safety issues relating to the volume of traffic on the A660 and the likely impact of increased usage of this access point
- The comments of the highways officer
- The impact of the reported removal of the applicants' rights of access to their land via the access road from the Village Hotel on the new dwelling

**RESOLVED** – That the application be refused 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.

## **72 Date and Time of Next Meeting**

**RESOLVED** – To note the date and time of the next meeting as Thursday 2<sup>nd</sup> December 2010

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Originator: Tony Clegg  
Tel: 2478020

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 2 December 2010

Subject: RESIDENTIAL REDEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY

APPLICANT	DATE VALID	TARGET DATE
The Morley House Trust	11.07.2008	10.10.2008

#### Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Y

Ward Members consulted

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:** Following a resolution to refuse the proposed development at the previous meeting, the Panel is invited to consider the suggested grounds on which the Council would have refused planning permission for the following applications: -

Planning applications 08/04214/OT, for residential development of the site and 08/04216/FU for conversion of existing school buildings to residential use.

Conservation Area Consent application 08/04217/CA for demolition and part demolition of existing buildings.

The Panel is recommended to indicate that it would grant planning permission for application 08/04219/FU for the conversion of Rose Court to 12 flats subject to a S106 agreement to deal with provision of and contribution to greenspace and subject to the conditions set out below and any additional conditions considered to be necessary by the Chief Planning Officer.

The Panel is recommended to indicate that it would grant Listed Building Consent for application 08/04220/LI for alterations and conversion of Rose Court to residential use subject to the conditions set out below.

Suggested reason for refusal (Outline application for new build development 08/04214/OT)

1. The proposed development, due to its scale, layout, density and impact on the character of the site including its open areas, would be harmful to the setting of the listed buildings and the character and appearance of the Headingley Conservation Area. In addition, the submitted plans fail to adequately demonstrate that the development, and in particular the 4/5 storey flats block to the south-west corner of the site and the potential for impact on trees in the vicinity of that block, would preserve or enhance the character of the Conservation Area. The proposal would therefore be contrary to policies N12, N13, N19 and LD1 of the Unitary Development Plan Review 2006, the Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set out in PPS1, PPS3 and PPS5

**Suggested reason for refusal (Change of use and extension including part demolition of school building and stable block to 32 flats and 4 terrace houses in Stable Block 08/04216/FU)**

1. The proposed demolition of that part of the main school building to the east of the retained section of building would result in the loss of part of a building which makes a positive contribution to the character and appearance of the Headingley Conservation Area and consequent harm to the character of the Conservation Area. In addition, there is no acceptable scheme for the redevelopment of the site and the submitted plans fail to adequately demonstrate that the proposed replacement development would justify the extent of demolition and would therefore adversely affect the character and appearance of the Conservation Area. The proposal would therefore be contrary to policies N12, N13, N19 of the Unitary Development Plan Review 2006, the Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set in PPS1, PPS3 and PPS5

**Suggested reason for refusal (Conservation Area Consent for the demolition of rear and side extensions to main school building 08/04217/CA)**

1. The proposed demolition would result in the unacceptable loss of parts of the building which contribute positively to the character of the Headingley Conservation Area. In addition, there is no approved scheme for redevelopment of the site against which to assess the proposed demolition. The proposed demolition would therefore be contrary to policies N18a and N18b of the Unitary Development Plan Review 2006, the Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set out in PPS5

**Recommended conditions (Change of use involving alterations of Rose Court to form 12 flats 0808/04219/FU)**

1. Commencement of development in 3 years.
2. Development to accord with plans listed in schedule
3. Samples of all external walling and roofing and window materials to be approved.
4. 1:20 detailed plans of alterations to be submitted for approval.
5. Proposed external surfacing materials to be approved.
6. Trees and shrubs to be protected during course of development and retained.
7. Landscaping scheme to be submitted and approved
8. Landscaping to be carried out.
9. Car parking area to be laid out prior to first use
10. Details of access from Victoria Road shall be submitted and approved and implemented prior to first occupation of the development. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.
11. 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.
12. A scheme for the restoration and management of the boundary wall shall be submitted and approved and implemented prior to first occupation of the development.

13. Details of provision for disabled access to the building shall be submitted for approval and implemented prior to first occupation of the building.

**Recommended conditions: (Listed Building application for alterations of Rose Court to form 12 flats 08/04220/LI)**

1. Commencement of development in 3 years.
2. Development to accord with plans listed in schedule.
3. Samples of all external walling and roofing, window and door materials.
4. 1:20 detailed plans of alterations to be submitted for approval.
5. External surfacing materials to be approved
6. Architectural features shall be recorded and a method statement and programme of restoration works to the building shall be submitted, approved and implemented.

**1.0 INTRODUCTION AND UPDATE**

1.1 Members will recall that these applications were considered by the Plans Panel at the meeting of 4 November 2010. Members resolved to refuse the applications and instructed the Chief Planning Officer to refer the application back to the next meeting with proposed reasons for refusal. The Panel is advised that since that time appeals against non-determination of all these applications have been received which means that the Council is no longer able to make a decision on the applications. This report therefore sets out officers' recommendation for the grounds on which the Council would have refused permission had it been in a position to do so and these reasons would then form the basis for the Council's position at appeal.

**2.0 PROPOSALS:**

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

08/04214/OT – Outline application for residential development.

08/04216/FU – Change of use and extension including part demolition of school building to 32 flats and conversion of stable block to 4 houses.

08/04217/CA – Conservation area application for part demolition of main school building

08/04219/FU – Change of use including alterations of Rose Court school building to form 12 flats.

08/04220/LI – Listed building application for alterations to listed building to form 12 flats.

The table below outlines the current numbers of dwellings proposed across the Leeds Girls High School site:

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)	51 townhouses within

build)	the Outline application
North West Lodge (conversion)	2 dwellings within the existing lodge building proposed
<b>Total number of units</b>	<b>117</b>

### 3.0 PANEL RESOLUTION OF 4 NOVEMBER 2010

3.1 The Panel expressed regret over the withdrawal of Ford House Gardens and further discussed:

- The loss of open space in what they regarded as a congested area
- A slide illustrated the new build adjacent to the existing tall trees. The Panel considered that the slide now showed the true heights of the development and the likely impact on the trees and the character of the street scene.
- Whether the Main School building could be retained and satisfactorily re-modeled
- The high density of the scheme
- The appearance of the Victoria Road frontage
- The interpretation of the policies and in particular N6 Playing Pitches
- The interpretation of the meaning of locality
- The role of the local authority in being responsible for the future health of the local community through provision of usable and local open space to promote activity
- The weight of local opposition to the development
- The terms of the S106 agreement and the triggers at which point commuted sums would be paid

The Panel noted the on-balance officer recommendation to defer and delegate approval of the applications to the Chief Planning Officer but was not minded to do so and resolved that determination of the application be deferred and officers be requested to present a further report to the next meeting setting out proposed reasons to refuse the applications based on the Panels concerns outlined above. Members also requested further consideration be given to the interpretation of Policy N6

### 4.0 APPRAISAL:

4.1 This report seeks to carefully consider the concerns raised by the Panel and to express these as reasons for refusal as set out above. The recommendation to the Panel also identifies those aspects of the development, in particular the restoration of the listed Rose Court building, which members felt able to support.

#### Design, density, scale, layout and open space, the character of Headingley Conservation Area and the setting of the listed buildings (Reason 1)

4.2 The scheme proposes a development of predominantly three storey houses which will occupy substantial areas of the site which are currently open. These buildings will have an impact in particular on views of the site from Victoria Road across to the listed Rose Court building and the main school building. It can be argued that the impact of this, taken in conjunction with the substantial areas of car parking and access roads, serves to intrude into and detract from the setting of the listed buildings and the setting of those buildings which make a positive contribution to the character of the

Conservation Area, and the Conservation Area generally. The development would thus not satisfy Council UDPR design and Conservation Area policies does not provide the “landscape setting” envisioned by the Headingley and Hyde Park Neighbourhood Design Statement. It can be further argued that the siting and scale of the proposed 4/5 storey flats block to the south-west corner of the site is, due to its scale and siting, would be incongruous, intrusive and overbearing in the street scene.

#### Extent of demolition of building in a Conservation Area

- 4.3 From the discussions at Panel it is clear that members have significant concerns about the extent of demolition of parts of the main school building and in particular the library wing. Parts of the building can be argued to have merit and be worthy of retention. There is, in addition, limited information regarding the design of the buildings which would replace the demolished area. The suggested reason for refusal set out above reflects these issues and concerns.

#### Rose Court proposal

- 4.4 The discussions at Panel have not raised any objections specific to the conversion of this listed building to residential use. Moreover, members were able to support the retention and conversion of Rose Court which is beneficial to the long term preservation of the building and the recommendation above therefore again proposes approval and recommends suitable planning conditions.

#### Loss of playing pitch issue

- 4.5 This issue was considered in detail in the report to Plans Panel in November (appended to this report) and has been the focus of much discussion at Panel. Members will recall hearing leading counsel’s opinion that Policy N6 (Playing Pitches) of the UDPR does not provide a robust and defensible basis on which to refuse planning permission notwithstanding the considerable concerns of the community on this matter. The written opinion of leading counsel has been sent to Members and community groups. The advice is very clear and does not leave sufficient doubt to justify seeking a different legal opinion. It is the view of officers that an attempt to refuse the application on N6 grounds would fail at appeal and would further be likely to lead to an award of costs being made against the Council on grounds of unreasonable behaviour.

#### Further representation from Leeds Girls High School Action Group

- 4.6 Since the Panel considered this application at the November meeting and resolved to refuse planning permission, further representations have been submitted from LGHSAG setting out their own proposed reasons for refusal. Much of what is set out in that representation is reflected in the recommended reasons set out above. The exceptions are:
- *Loss of playing pitches* – this issue has already been addressed in detail.
  - *Additional traffic causing highway safety problems.* This issue has been addressed in detail in the previous report and discussed at Panel meetings. As previously reported, officers would not be able to present a satisfactory case at appeal based on such a reason for refusal.
  - *Insufficient amenity space for residents.* Officers do not consider that this objection could be sustained private and general on-site amenity space is adequately provided for and officers do not consider that such a refusal could be defended at appeal.
  - *The proposals for the conversion of Rose Court to flats would harm the character of the listed building by virtue of the subdivision of internal rooms.* As previously reported,

officers have negotiated significant changes to the listed building application for alterations to Rose Court. These include the removal of a proposed first floor extension and internal amendments to preserve features of interest. The principal ground floor rooms are designed as single-space living areas to preserve the integrity of the original plan form. Further recommended conditions would secure the restoration of historic features. The scheme would provide a beneficial new use to secure the future of this historic building and officers' view is that the proposals should be supported. It should be noted that the amendments to the Rose Court scheme resulted in the original objection from English Heritage being withdrawn, and, significantly, that the statutory specialist consultee, The Victorian Society, concluded that "the internal alterations to provide eight apartments are acceptable".

## **5.0 CONCLUSION**

5.1 The Panel is asked to have careful regard to the recommendations set out above and to arrive at a resolution on the proposed reasons for refusal set out above.

Background papers:  
Application Files



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date:** 4<sup>th</sup> 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><b>Electoral Wards Affected:</b></p> <p><b>Headingley &amp; Hyde Park and Woodhouse</b></p> <p><input type="checkbox"/> Y Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></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**

14. Commencement of development in 3yrs.
15. Plans listed in schedule
16. Samples of all external walling and roofing and window materials.
17. 1:20 detailed plans
18. External surfacing materials to be submitted
19. landscaping (hard and soft landscaping) scheme to be submitted and approved
20. landscaping implementation programme
21. car parking area to be laid out prior to first use
22. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.
23. 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**

7. Listed Building Consent for 3ys
8. Plans in schedule to be approved
9. Recording of proposed demolition and recording of key features prior to any demolition works being undertaken.
10. Samples of all external walling and roofing, window and door materials.
11. 1:20 detailed plans
12. 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 1<sup>st</sup> 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 7<sup>th</sup> 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 13<sup>th</sup> 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.

<b>Application</b>	<b>Estimated number of objections</b>
Main School (08/04214/OT)	1313 objections
School Building Conversion (08/04216/FU)	1000 objections
Rose Court Conversion (08/04219/FU)	1000 objections
Rose Court Listed	1000 objections

Building(08/04220/LI)	
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 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 28<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 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](mailto:enterprises@gsal.org.uk). Further information is available from the School's website, [www.gsal.org.uk](http://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 21<sup>st</sup> 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 12<sup>th</sup> 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 28<sup>th</sup> 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

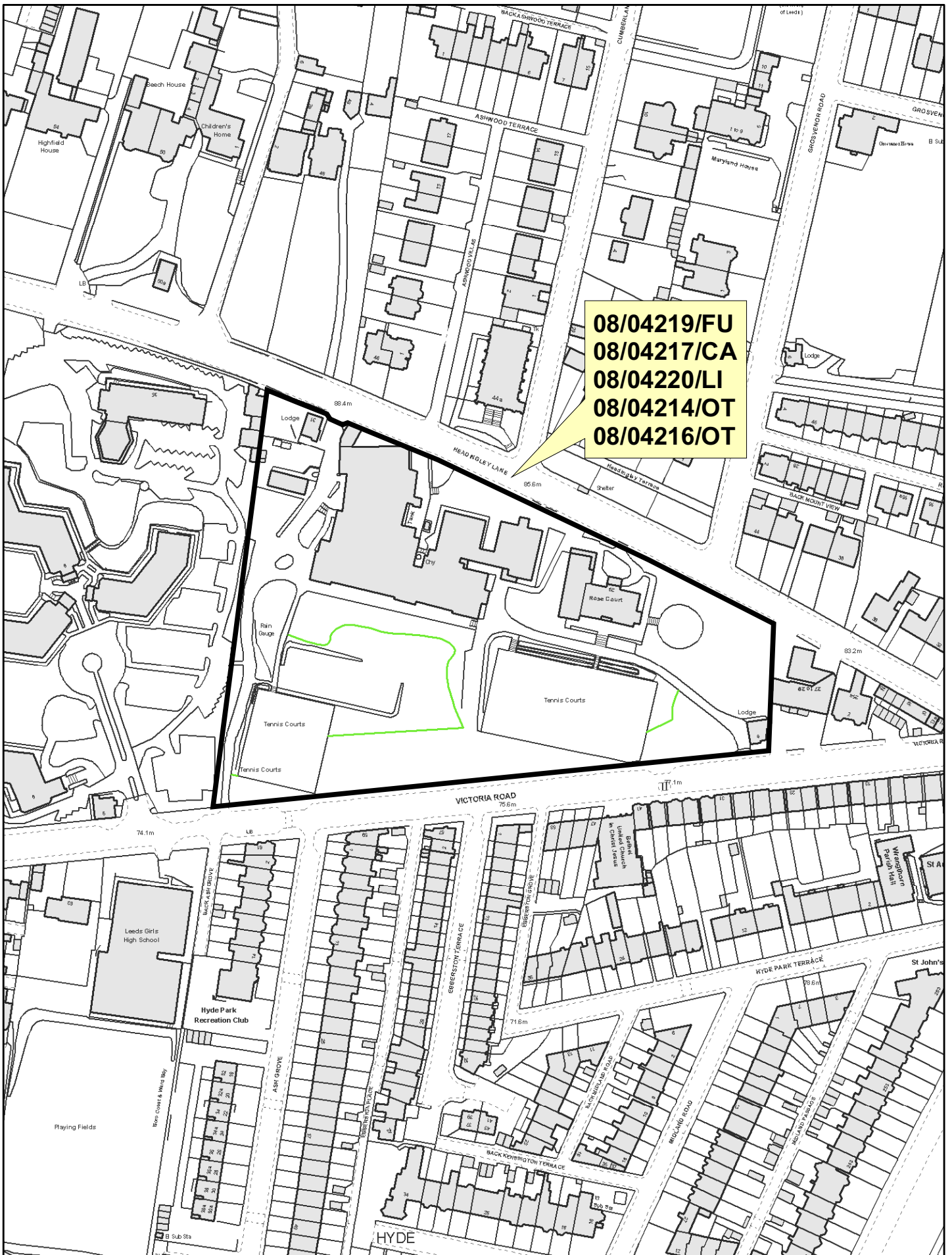
October 2010 Plans Panel West Report

**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
<b>Facilities Lost to LGHS Development</b>	LGHS	6 Tennis/Netball 1 Grass Hockey	0.94	No	No
<b>Existing Facilities Retained</b>	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
<b>Existing Facilities Upgraded Post Merger</b>	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
<b>New Facilities Post Merger</b>	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**

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



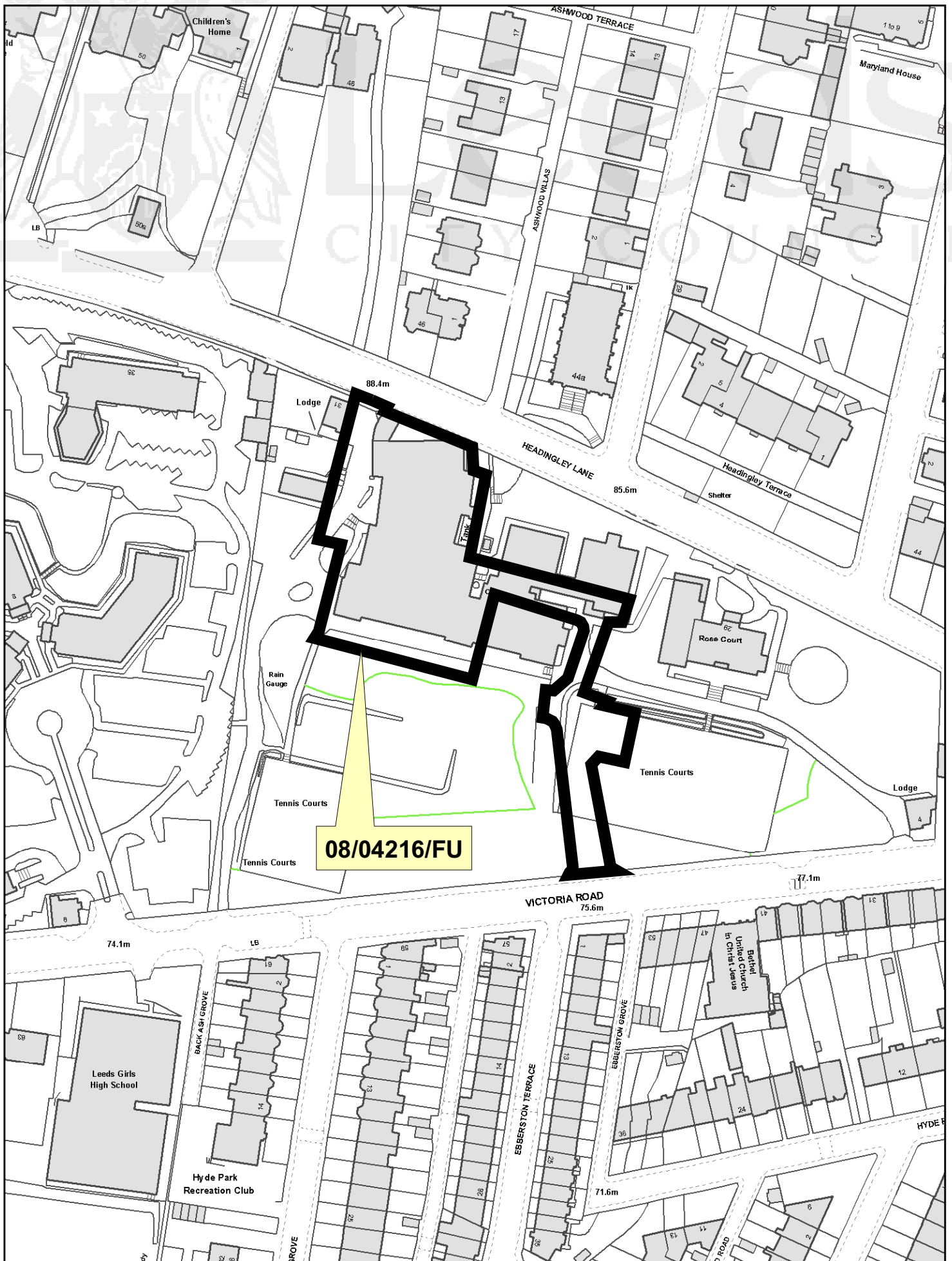
# WEST PLANS PANEL



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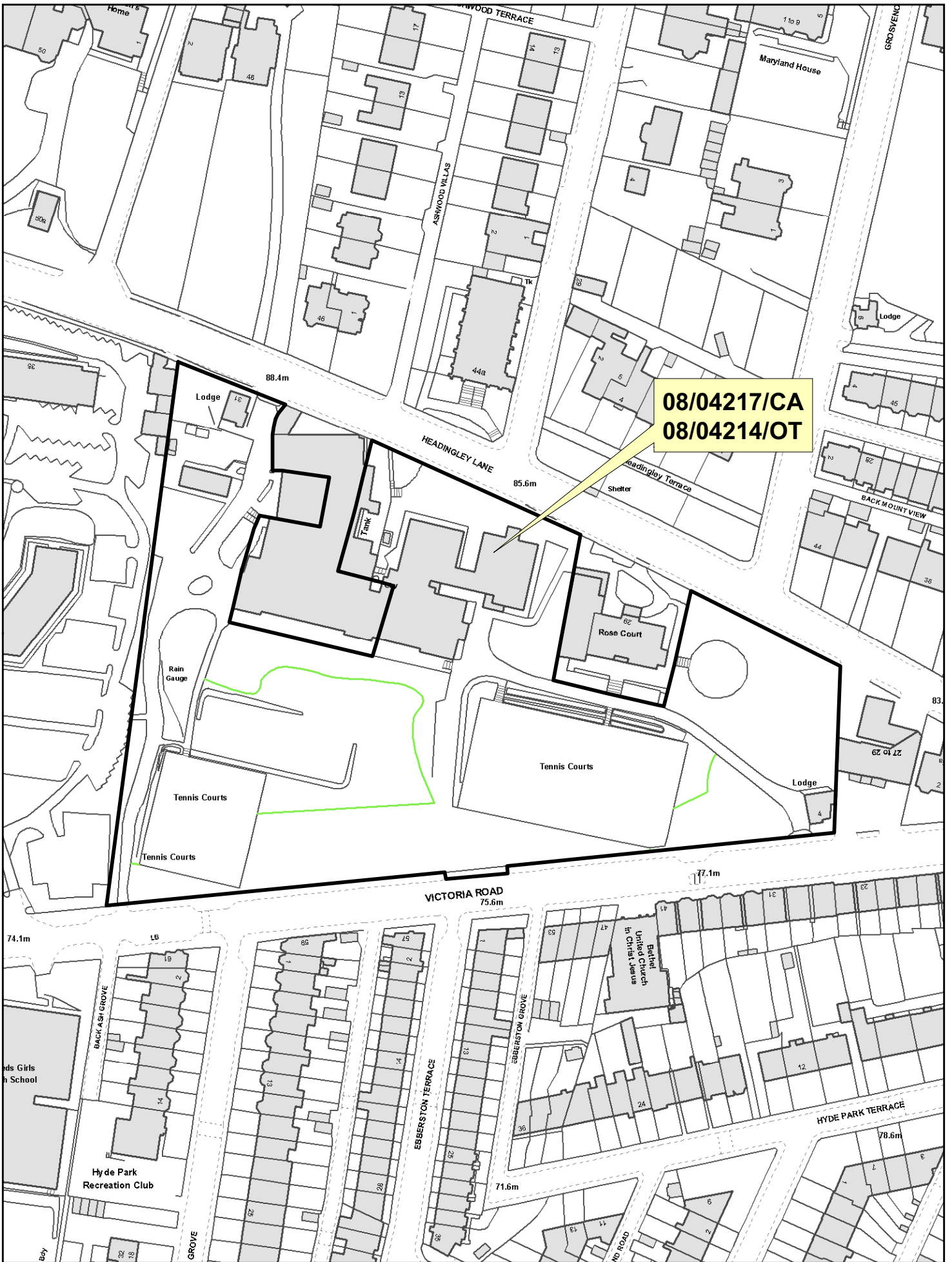
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# WEST PLANS PANEL

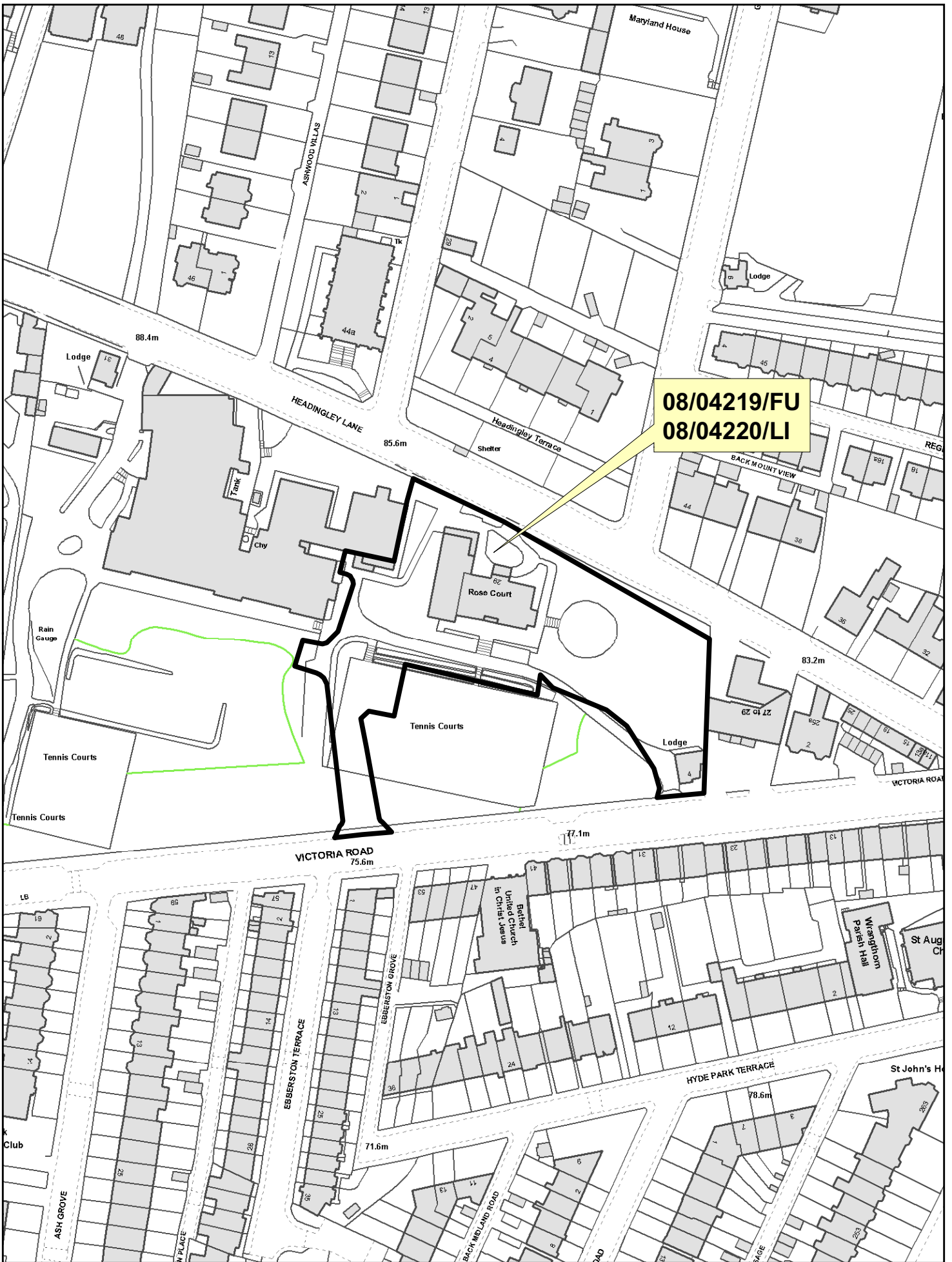
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08/04217/CA  
08/04214/OT

# WEST PLANS PANEL





08/04219/FU  
08/04220/LI

# WEST PLANS PANEL







Originator: Carol  
Cunningham  
Tel: 0113 247 8017

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 2<sup>nd</sup> December 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

Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: Following a resolution to refuse the proposed development at the previous meeting, the Panel is invited to consider the suggested reason for refusal:**

The Local Planning Authority considers that the increase in opening hours in relation to the use as a place of worship is unacceptable due to the detrimental impact on the residential amenity for nearby residential properties, by reason of noise and disturbance from the use of the premises and associated comings and goings and associated vehicle movements (particularly during late evening hours). The proposal is therefore considered contrary to policies GP5 of the Unitary Development Plan Review (2006) and guidance contained in Planning Policy Statement 1 - Delivering Sustainable Development (2005).

## **1.0 SUMMARY**

- 1.1 Members will recall that this application was considered by Plans Panel at the meeting on 4<sup>th</sup> November 2010. Members were concerned regarding the potential for noise disturbance from the comings and goings associated with the use of the premises especially in the evening and the impact of this noise on the residents who live across the road from the site. Members, therefore, resolved to refuse the

application and instructed the Chief Planning Officer to refer the application back to the next meeting with the proposed reason for refusal. For information the original report is attached.

## **2.0 RECOMMENDATION**

- 2.1** Members are requested to endorse the suggested reason for refusal and refuse the application.



**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 4<sup>th</sup> 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 18<sup>th</sup> 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 31<sup>st</sup> December to 9am 1<sup>st</sup> January and 9am on the 6<sup>th</sup> August to 9am 7<sup>th</sup> 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 18<sup>th</sup> 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 (6<sup>th</sup>) through to 1700 on the 7<sup>th</sup>. 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.

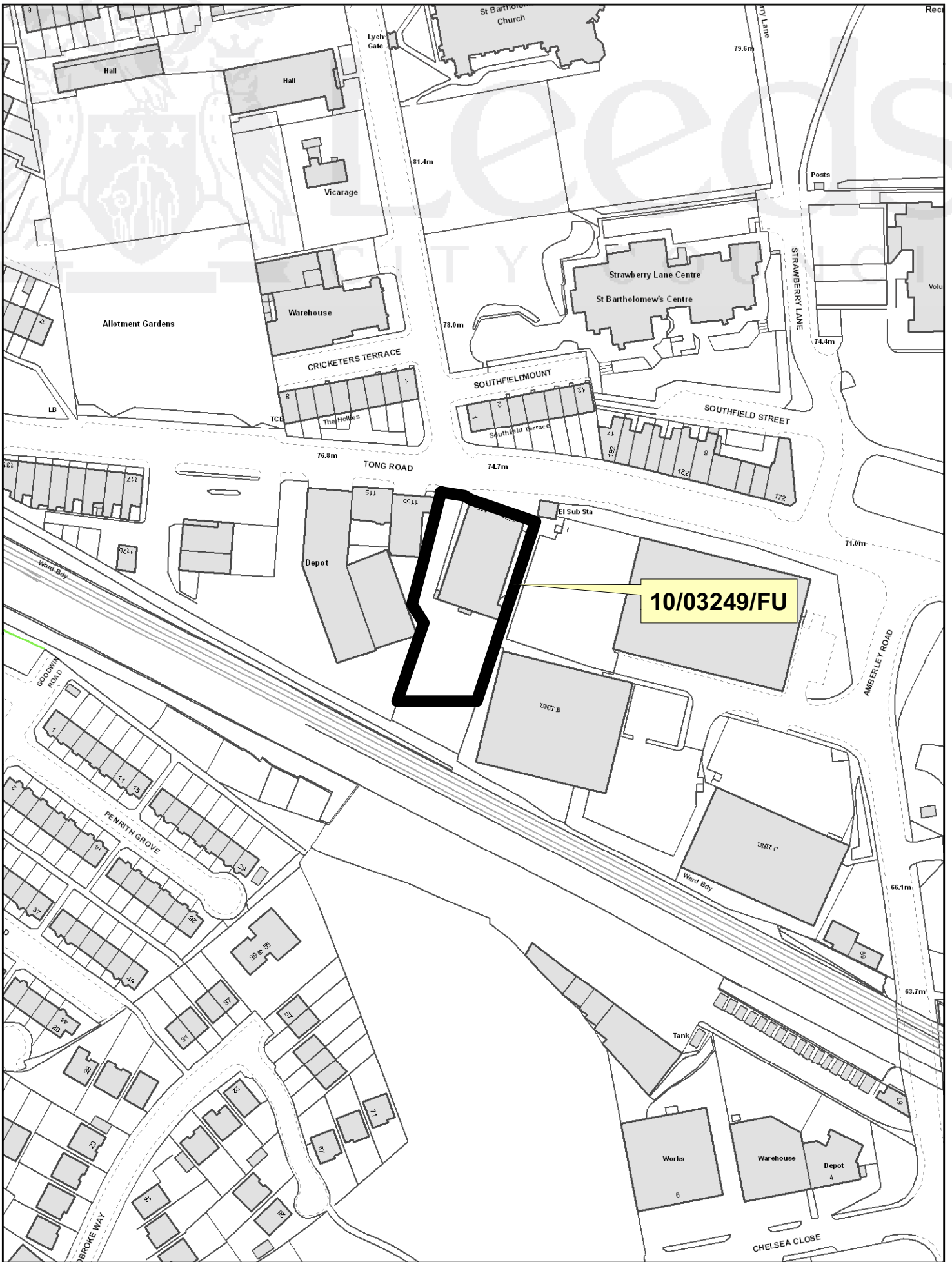
Overall it is considered that the one year permission for the suggested hours will be a reasonable period to determine if the disturbance will or will not have a detrimental impact on residential amenity in terms of noise and disturbance and can be supported

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: G Jones

Tel:0113 2478000

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 2nd December, 2010

**Subject: APPLICATION 10/04625/FU – Recladding of front elevation with natural stone at 3 Meadow Garth, Bramhope, Leeds, LS16 9DY.**

**APPLICANT**  
Mrs P Davey

**DATE VALID**  
05.11.2011

**TARGET DATE**  
31.12.2010

**Electoral Wards Affected:**  
Adel & Wharfedale

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**GRANT PLANNING PERMISSION subject to the following conditions:**

1. Development permitted shall begin before the expiration of three years from the date of this permission.
2. Development to be carried out in accordance with the approved plans.
3. Sample panel of the stonework to be approved by the Local Planning Authority prior to commencement of development.

**Reasons for Approval:** The application proposal is not considered to cause harm to the character or visual amenities of the area and, due to the nature of the proposal, it will not impact on the amenity of neighbouring dwellings.

### **1.0 INTRODUCTION:**

1.1 The application is reported to Plans Panel for determination as the dwelling is the home address of an elected member of Leeds City Council.

### **2.0 PROPOSAL:**

2.1 The applicant seeks permission to re-clad the existing brick and uPVC panelled front elevation of the property. Stone cladding is proposed to cover the existing brickwork and the remaining the uPVC cladding panels will also be removed.

### **3.0 SITE AND SURROUNDINGS:**

3.1 The application site consists of a large end link-attached property situated at the turning head of cul-de-sac located on the south-western edge of Bramhope Village. The majority of the properties in the immediate vicinity of the site are faced with stone despite their relatively modern design and later 20<sup>th</sup> Century era of construction.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 09/03747/FU – Pitched roof to form canopy over entrance and ground floor window to front and re-cladding of first floor area to front in brick (approved).  
Minor Modification – Refused.

### **5.0 PUBLIC/LOCAL RESPONSE:**

5.1 No letters of representation had been received at the time of the writing of this report, however in order to keep the application within the 8 week deadline for determination it is being presented to panel relatively early in the application process and as such the notification period is yet to expire. Any comments received post the writing of this report and within the notification period, which expires 1 day before the scheduled panel meeting, will be relayed to Plans Panel at the time of the meeting.

### **6.0 CONSULTATIONS RESPONSES:**

6.1 None.

### **7.0 PLANNING POLICIES:**

7.1 Local – Leeds Unitary Development Plan (Review 2006) Policies:  
GP5: Gives advice in relation to new development stating that all new development should not have a detrimental impact on amenity.  
BD6: Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.

### **8.0 MAIN ISSUES**

- Townscape / Design and Character.
- Other Issues

### **9.0 APPRAISAL**

#### **Townscape / Design and Character.**

9.1 The proposed re-cladding of the property with stonework and removal of the existing uPVC cladding will significantly alter the character and appearance of the property within the streetscene. The street consists of 13 properties, 9 of which are faced in stone. In this instance the proposed alterations are considered to improve the visual appearance of the dwelling by firstly replacing an overtly modern material which is

not in-keeping with the character of the majority of the street or the village as a whole, with stonework which reflects the prevailing character. Secondly the brickwork which is a feature of this and the other two linked properties is also in the minority in terms of the prevailing stonework which characterises much of the street. Although cladding this property with stonework will jar somewhat with the link attached property it will be far more harmonious with the prevailing character of the other properties in the street and this greater positive impact is considered to outweigh the minor negative impact. It is therefore considered that whilst the proposal does not match the detailing and materials of the original building the proposal does respect the prevailing character of the street and will represent a significant enhancement to character and appearance of the streetscene.

- 9.2 Due to the nature of the proposed development it is considered that there are no significant issues other than the effect of the proposal on the character and appearance of the streetscene.

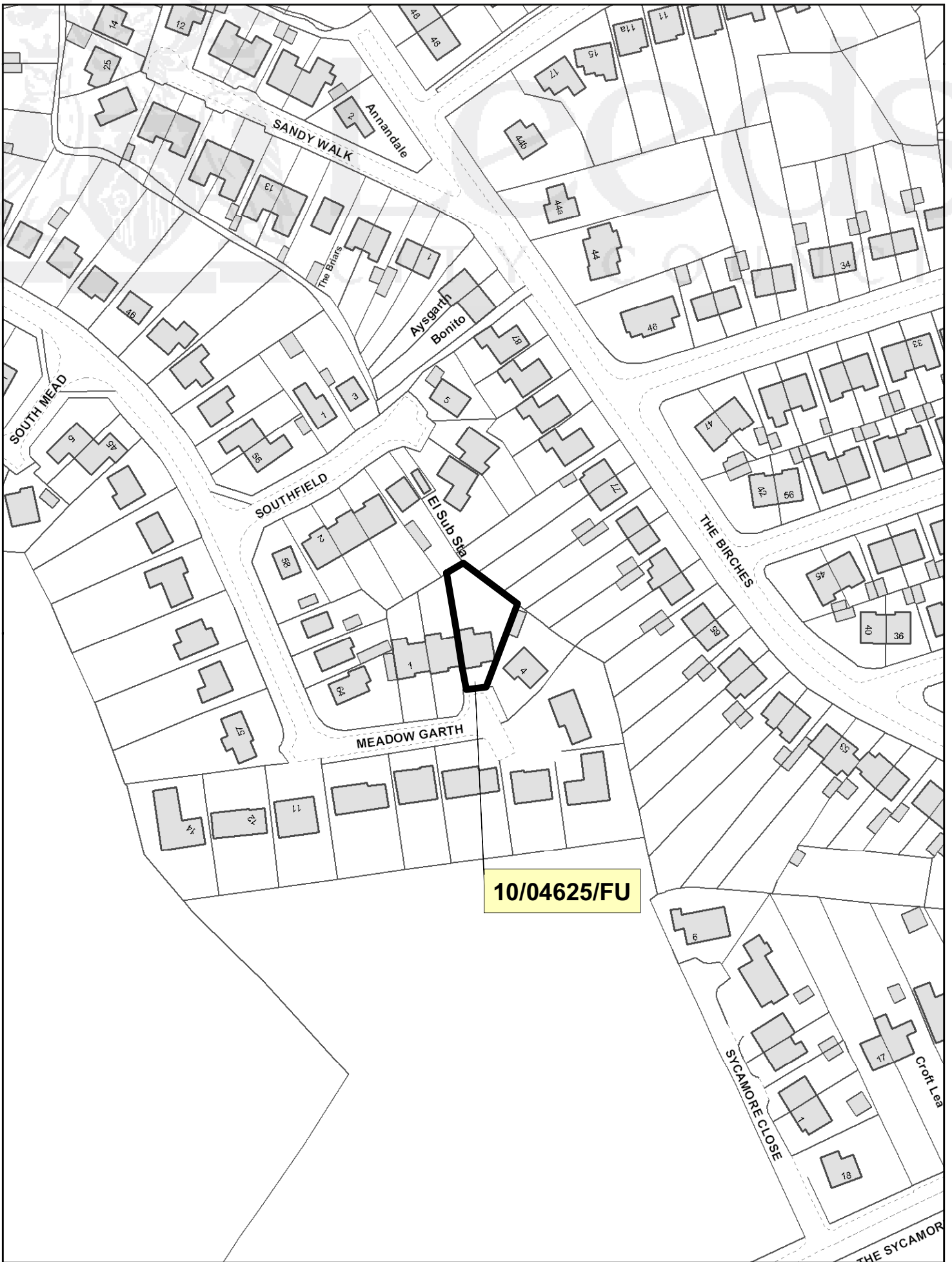
## **10.0 CONCLUSION**

- 10.1 Consideration has been given to the development plan and all other material planning considerations and it is recommended that planning permission be granted for this proposed development.

## **11.0 Background Papers:**

Application and history files.

Certificate A signed by the applicant declaring that all land is owned by applicant.



# WEST PLANS PANEL



Originator: Tim Poupard

Tel: 0113 2475647

**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

**Date: 2 DECEMBER 2010**

**Subject: APPLICATION 09/04512/FU – USE OF LAND AS A SECURE OFF-SITE AIRPORT CAR PARK AT SENTINEL CAR PARK, WARREN HOUSE LANE, YEADON, LEEDS.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Austin Hayes (UK) Ltd	19 November 2009	Not applicable

<p><b>Electoral Wards Affected:</b></p> <p>Otley and Yeadon          Guiseley and Rawdon          Adel &amp; Wharfedale          Horsforth</p> <p><input type="checkbox"/> Yes Ward Members consulted          (referred to in report)</p>	<p><b>Specific Implications For:</b></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:**  
**If Members had been able to determine the application then they would have refused permission for the following reasons which will form the basis of the Councils case at the appeal against non determination:**

1. It is considered that the proposed development would undermine the Council objectives of providing sustainable surface access for the benefit of all airport users and the wider community by providing parking outside the remit of a plan-led approach for future parking requirements at Leeds Bradford Airport. It is therefore contrary to Policies SA2, T24A, T30 and T30A of the Leeds Unitary Development Plan (Review 2006) and to the aims of the Leeds Bradford International Airport Adopted Airport Surface Access Strategy (2006) and Masterplan (2005 - 2016) and Government Guidance in PPS1 and PPG13.
2. The proposed development as submitted would result in the loss of part of a key employment site, as designated in Policy E8 of the Leeds Unitary Development Plan (Review 2006), to a non-employment use that would under-utilise an important site in a strategic location. The applicant has failed to show that there are sufficient alternative sites available of equivalent or better quality in the locality. Therefore it is considered that the loss of the proposal site would cause harm to the Council's interest in maintaining opportunities for local employment uses in the locality of west and north-west Leeds,

contrary to Policy E7 and E8 of the Leeds Unitary Development Plan (Review 2006) and guidance contained in Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009).

## 1. INTRODUCTION:

- 1.1. At Plans Panel West on Thursday, 9th September, 2010, Members considered a report of the Chief Planning Officer on a retrospective application which sought to regularise the use of land at Sentinel Car Park, Warren House Lane, Yeadon as a secure off-site airport car park. A copy of the Panel Report is attached.
- 1.2. The application was recommended for refusal but Members resolved to defer the application to allow time for officers to discuss the Panels comments and suggested approach with the applicants and present a further report back in due course. Members voiced their sympathy with the applicant given the length of time the site has operated as a car park but did clearly indicate that they were not minded to support the application for a permanent permission. At the same meeting in September Members did resolve to refuse another off- site airport car park at Unit 1A Leeds Bradford Airport Industrial Estate (" Avro "application).

## 2. UPDATE:

2.1. Since the meeting in September the following things have happened;

- An appeal has been submitted against the refusal of the Avro application at LBAIE .
- An appeal has also now been submitted against the non determination of the Sentinel application
- Two Certificate of Lawful Use applications were submitted in early November by Austin Hayes for long stay airport car parking (10/05028 for the eastern part of the Sentinel site included on application 09/04512/FU and 10/05049 for 4 areas of land within Coney Park Industrial Estate) claiming 10 years continuous use and are now under consideration. Taken together these sites would have a capacity of about 700 spaces.
- The airport have formally consulted the Council as Local Planning Authority of its intentions to lay out an area of land within the operational land boundary for additional car parking ( the Bentley Compound) as permitted development which could accommodate 600 spaces. The airport intend to let the contract for this area early in 2011 and ensure it is implemented well in time for the summer season of 2011. Additionally the airport have indicated formally other measures which can be put in place within existing car parks ( by introducing block parking) which could accommodate a further 840 spaces in total if required to meet the need of the airport in the short term. Taken together these measures would deliver 1440 additional spaces.

2.2. Officers did meet with representatives of Austin Hayes / Sentinel following the September Panel and discussed the views of Members as well as the concerns of officers regarding the provision of parking to serve the airport and the need for a co-ordinated planned strategy moving forward. The actions of Sentinel and Austin Hayes since that meeting have been to submit the two Certificate of Lawful Use applications and to appeal against non-determination on the present planning application.

2.3. The Planning Inspectorate have now confirmed that the Avro and Sentinel appeals will be joined together in a single Public Inquiry which is likely to take place in March 2011.

2.4. It is now important that Members come to a view on the application at appeal which will form the basis of the Council's case at the Inquiry.

### **3. KEY CONSIDERATIONS:**

3.1. Members are reminded that the application at appeal on the Sentinel site was for a total of about 2200 spaces and was applied for on the basis of seeking a permanent permission. The Certificate of Lawful Use application submitted for part of this site relates to the eastern part only and can accommodate about 350 spaces. This application is being looked at carefully by planning and legal officers and a decision will be made in due course. However it is clear from all the available evidence that the main part of the site to the west has not been used for 10 years and cannot claim any existing use rights.

3.2. The key issues are set out in the previous report attached and relate to employment land use, transport policy and Leeds Bradford International Airport surface access strategy. It is officer's view that a permanent permission for such a large car park in this location cannot be justified, is contrary to Development Plan policies and national guidance and should be resisted along with the proposal at Avro. Members should also be aware that the consideration of the two Certificate of Lawful Use applications will be determined in the next month and that the airport now has firm plans to provide additional parking within its operational boundary to cater for airport users in the next summer season. Members are advised that should Sentinel wish to pursue a temporary option for part of their site then they would have to submit a separate application which would have to be judged according to the situation at the time and bearing in mind any spaces which were subject to an approved Certificate of Lawful use and the level of parking available or committed at the airport.

3.3. Members were of the view back in September that a permanent permission could not be supported and are asked to confirm that position today in the light of the update and the forthcoming Public Inquiry.

#### **Background Papers:**

Application file 09/04512/FU

Appeal file APP/N4720/A/10/2139567/NWF

Application file 09/05365/FU

Appeal file APP/N4720/A/10/2138849/NWF

Certificate of Ownerships.



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 9 SEPTEMBER 2010**

**Subject: APPLICATION 09/04512/FU – USE OF LAND AS A SECURE OFF-SITE AIRPORT CAR PARK AT SENTINEL CAR PARK, WARREN HOUSE LANE, YEADON, LEEDS**

**APPLICANT**

Austin Hayes (UK) Ltd

**DATE VALID**

19 November 2009

**TARGET DATE**

18 February 2010

**Electoral Wards Affected:**

Otley and Yeadon  
Guiseley and Rawdon  
Adel & Wharfedale  
Horsforth

Yes Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**REFUSE for the following reasons:**

1 It is considered that the proposed development would undermine the Council objectives of providing sustainable surface access for the benefit of all airport users and the wider community by providing parking outside the remit of a plan-led approach for future parking requirements at Leeds Bradford Airport. It is therefore contrary to Policies T24 and T30 of the Leeds Unitary Development Plan (Review 2006) and to the aims of the Leeds Bradford International Airport Adopted Airport Surface Access Strategy (2006) and Masterplan (2005 - 2016).

2 The proposed development as submitted would result in the loss of part of a key employment site, as designated in Policy E8 of the Leeds Unitary Development Plan (Review 2006), to a non-employment use that would under-utilise an important site in a strategic location. The applicant has failed to show that there are sufficient alternative sites available of equivalent or better quality in the locality. Therefore it is considered that the loss of the proposal site would cause harm to the Council's interest in maintaining opportunities for local employment uses in the locality of west and north-west Leeds, contrary to Policy E7 and E8 of the Leeds Unitary Development Plan (Review 2006) and guidance contained in Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009).



## **1. INTRODUCTION:**

**1.1.** The Chief Planning Officer considers that this application together with another application for off-site airport car parking, should be referred to the Plans Panel for determination because of their significance and impact on the local area.

## **2. PROPOSAL:**

**2.1.** The site is already in use by Sentinel Car Park for secure airport car parking and this application seeks planning permission to authorize this existing use.

**2.2.** The applicant states that Sentinel Car Park has been operating from the site since 1999 and that the business has gradually expanded over the past 10 years and now has a capacity for approximately 2200 vehicles. The applicant also states that Sentinel Car Park has had a license from Leeds Bradford International Airport (LBIA) to drop-off and collect airport passengers on the airport forecourt since 1996. Sentinel Car Park are identified on LBIA's website as an off-airport car park provider.

**2.3.** Buildings at the site comprise four 'portakabins', two of which are used for customer reception and the others for administration and staff facilities. There is a tarmac area for customers to deliver and collect their vehicles whilst the long-term car storage areas are loosely surfaced. The applicant states that Sentinel Car Park employs 11 full-time staff, however staff levels in total vary between 24 and 51 staff, depending upon the season.

**2.4.** Sentinel Car Park seems to operate in the same way as other airport related long stay car parks throughout the country. Although, car parking is generally pre-booked, the main difference between Sentinel and LBIA's own long-stay secure parking is that customers drive up to the reception area where they check their car in. The car is then driven away by Sentinel staff to the car storage area. Customers are transferred to LBIA in one of the six mini-buses operated by Sentinel. The journey takes approximately 2 minutes. On return, Sentinel collects customers from LBIA by mini-bus which is waiting at the airport when their flight lands. The car has already been taken out of the car storage area by Sentinel staff and it is waiting for collection by the customer in the pick-up area on arrival of the mini-bus. The airport offers long-stay self-park provision on the airport site with a pick up/drop off service.

**2.5.** Cars at Sentinel are stored primarily in a 'block parking' arrangement. The cars are parked very close together in an arrangement which allows the vehicle to be removed in sequence dependent upon the customers return time. This arrangement allows a high density of cars to be parked on a relatively smaller area compared to a standard car parking layout. The airport long stay car park is currently laid out in a traditional format of parking bays and aisles.

## **3. SITE AND SURROUNDINGS:**

**3.1.** The Site comprises 4 hectares of industrial land at Coney Park Harrogate Road and Warren House Lane, Yeadon. Coney Park is allocated for employment development in the UDPR and has on it a variety of industrial and warehouse uses and a caravan storage business as well as the Sentinel airport car parking operation.

**3.2.** Access to the Site is from Warren House Lane to the west of the Harrogate Road/Whitehouse Lane/Warren House Lane roundabout. The passenger entrance to

the airport at Whitehouse Lane lies 1 Km to the south east of the entrance to the Sentinel site.

- 3.3. The Site is well screened all year round on both the Warren House Lane and Harrogate Road frontages and the car park is not generally visible in views from outside the Site.

#### 4. RELEVANT PLANNING HISTORY:

- 4.1. 06/05103/OT – Outline planning permission to erect industrial, warehouses, offices and hotel (on the wider allocated site which includes the current Sentinel application site) granted on 17 November 2006. This is a renewal of an earlier permission granted under application 29/77/95 and gives until 17 November 2014 for reserved matters details to be submitted and 2 years from them for the development to commence.

29/275/04/RM – Permission for 10 industrial units granted on 4 October 2005

29/206/99/FU - Planning permission for temporary storage depot with offices and storage containers granted on 23 November 1999 (this permission includes the current vehicular access to the Sentinel site from Warren House Lane.)

#### 5. HISTORY OF NEGOTIATIONS:

- 5.1. A briefing for members representing the wards of Horsforth, Otley and Yeadon, Adel and Wharfedale and Guiseley and Rawdon was held in the Civic Hall on 19 January 2010 to update members on both of the current off-site airport car parking applications.

- 5.2. Discussions have been ongoing for some time between Council officers and the applicant. These have mainly been around the total parking available on-site at the airport and the need or otherwise for parking provision off-site to meet the needs of airport travelers – particularly during the peak summer holiday months.

#### 6. PUBLIC/LOCAL RESPONSE:

- 6.1. The application has been advertised in accordance with General Development Procedure Order, in this case incorporating the following elements:

- On site by the means of site notices (making reference to a major development)
- The application has also been made available for public inspection at Yeadon and Otley Libraries;

The publicity period for this application expired on the 31 December 2009

#### **Objections have been received from:**

Leeds Bradford International Airport: The airport has submitted detailed objections to the Sentinel application. The essence of these objections is that the airport can satisfactorily accommodate the need for car parking within its own operational site, not in the short term but through the introduction of blocked car parking or alternative arrangements such as decked car parking. In addition:

- The application is contrary to the transport, airport and employment policies of the Leeds Unitary Plan (UDP).

- Future car parking requirements will be assessed through a review of the ASAS and Airport Masterplan. This is the appropriate mechanism for determining demand and if required the location of any additional new car parks;
- The development of off site car parking will undermine LBIA's transport strategy and the approach agreed to manage surface access through the Terminal Extension planning permission. The application will encourage not discourage car use

Aireborough Civic Society: This application ignores the congestion that is caused by passengers driving to the airport. This is already a major problem. Parking spaces need to be limited and controlled by the local authority in order to encourage greater use of public transport and more car parking discourages this. Bus services to the airport are being extended to operate for longer hours from April 2010. The existing 757 service to Leeds and 747 to Bradford operate every 30 mins and provide a good service. Onward passengers can transfer in Leeds, Bradford or Harrogate. The services are good - more publicity is needed. 30 minutes services are as good as at most airports and perfectly adequate. As with all journeys to airports, including Manchester, East Midlands etc it is normal to use more than one form of public transport.

It is not true to say that services are poor and therefore more car journeys are needed.

Learmonth Property Investment Company (applicants on the Avro site) Considers that there is sufficient car parking demand to justify the proposals at both the Sentinel and Avro sites although a number of detailed criticisms of the Sentinel submission are made including that the facility at Sentinel has operated for some years without planning permission and is therefore unauthorised and that provision is outdoors and therefore less secure.

## **7. CONSULTATIONS RESPONSES:**

Highway Authority: Photographic and other evidence suggests that airport long stay car parking has existed in some form at the Sentinel site since 1999. In 2005 it is accepted that the Sentinel site provided an average of 1700 car parking spaces in response to peak summer demand. More recently it is assessed that the site has provided around 2200 spaces. The retention of 1700 spaces at the site is therefore supported on the basis that its removal would leave a significant shortfall of customer car parking at the airport in the short to medium term. Conditions are required to control the number or spaces and to implement green travel measures for staff.

Currently there are no known safety issues associated with the use of the Sentinel car park, on the basis that customers are able to be dropped off outside the airport terminal by agreement with the airport.

Bramhope and Carlton Parish Council: No objections.

Metro: Acknowledges the need for airport car parking but seeks to encourage other means of travel apart from car parking to be provided in line with the airport master plan and there should be a S106 contribution to public transport improvements.

Mains Drainage: No objections subject to approval of details of surface water drainage.

Environment Agency: The scheme proposes that areas of tarmac will be drained via an oil interceptor prior to discharge to the watercourse. The remaining ground has been covered with a layered free-draining material which allows for filtration of any runoff. Provided these measures are maintained there are no objections.

Environmental Health: There is no record of complaints during the time the car park has operated.

Leeds and Bradford International Airport – No physical safeguarding issues. Any lighting needs to avoid glare which could impede pilot's vision.

## 8. PLANNING POLICIES:

8.1. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise. 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). Locally Leeds City Council has begun work on its Local Development Framework ("LDF") and 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.

### Relevant Unitary Development Plan Policies

#### *Strategic Policies*

SA4 and SA6: aim to promote and strengthen the economic base of Leeds and promote tourist visits to the city respectively.

#### *Environmental Policies*

N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.

LD1: Landscaping provision on new developments.

GP5: seeks to ensure all detailed planning considerations are resolved as part of the application process including the protection of amenity and highway safety.

#### *Transport Policies*

T2: Development should be capable of being served by the highway network and not add to or create problems of safety.

T2b: Major planning applications to be accompanied by a Transport Assessment.

T2c – Planning applications which are significant generators of travel demand must be accompanied by a Travel Plan.

T2d: Promotes public transport accessibility to developments.

T6: Access and provision for disabled people and other people with mobility problems.

T9: An effective public transport service will be encouraged and supported where practical to give access to facilities.

T15: Encourages measures to give priority to bus movements and improve vehicle accessibility.

T24a: Planning permission will not be granted for new long-stay car parking outside the curtilage of existing or proposed employment Premises

T30: Provision will be made for the continued growth of the airport subject to improvements to transport infrastructure.

T30a: Relates to uses considered acceptable at the airport within the Airport Operational Land Boundary including staff, visitor and passenger car parks.

#### *Employment Policies*

E4 (1) - Under this policy the site is allocated for employment purposes as part of a 20.9 HA employment site at Harrogate Road/Warren House Lane.

E7 – States that applications outside the B uses classes (non-employment uses) will not be permitted on land identified for employment purposes or current employment sites unless criteria can be met including that the site is not reserved for specific employment purposes under policies E8 and E18, that there is sufficient alternative employment land locally and district-wide and that environmental or traffic problems would not result.

E8 (1) – This policy identifies 12.9 HA of the above employment site as a Key Employment Site which should be preserved for the full range of employment uses.

E18 (1) – 8 HA of the allocated employment land is identified as a Key Business Park reserved for B1 uses (mainly offices).

E19 – States that Prestige Office Development will be promoted on the Key Business Park sites.

#### **National Planning Policies:**

Planning Policy Statement 1: Delivering Sustainable Development (“PPS1”) sets out the Government’s national policies on different aspects of land use planning in England.

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009) sets out the Government’s objectives for economic development.

Planning Policy Guidance 13: Transport (“PPG13”).

#### **Supplementary Planning Guidance:**

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

Public Transport Improvements and Developer Contributions SPD (July 2008) sets out the circumstances and basis for obtaining financial contributions for improvements to public transport infrastructure from developments that generate a significant level of trips

Travel Plans SPD (May 2007) sets out the Council’s approach to travel planning.

#### **Strategic Council Objectives**

The ‘Vision for Leeds’ seeks to develop Leeds' role as the regional capital, contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous. Continued growth of the airport with overseas trade (and associated public transport infrastructure) is a vital part of attaining these ambitions.

#### **Airport Masterplan 2005-2016:**

Under the previous owners, a masterplan for LBIA was published in 2006 by the airport, following two periods of consultation. It sets out proposals for how the growth set out in the White Paper can be delivered and managed and identifies

proposals for surface access and environment controls. The masterplan forecasts growth to 5.1million passengers per annum throughput by 2016 and 8.2 million passengers per annum throughput by 2030. These forecasts are slightly ahead of the figures forecast in 2003 through the Air Transport White Paper. Fundamentally, however, both the Air Transport White Paper and the airport's masterplan support the growth of the airport.

## **9. MAIN ISSUES:**

1. Employment policy
2. Transport policy and the need for airport car parking
3. Highway Safety
4. Other material considerations

## **10. APPRAISAL:**

### **Employment Policy Principles:**

- 10.1. The essence of Council policy as set out in the UDPR is that allocated and existing employment sites should normally be reserved for employment purposes. Is airport car parking "employment development" as defined in the UDP Review 2006? On legal advice with regard to relevant case law, officers' view is that the proposed use is 'sui generis' and not an "employment use" at least in terms of UDP definitions which defines such uses as those falling within the 'B' Use Classes – offices, industrial buildings etc.
- 10.2. As a matter of strict interpretation of UDP policy E7(i), therefore, the proposal should be refused as it is located within a Key Site as defined under UDP Policy E8. This policy seeks to preserve the availability of E8 sites for the full range of employment uses. The supporting text for the policy cites two broad reasons for designating Key Sites:
  - 10.3. Firstly, to help secure local employment opportunities as close as possible to the main residential areas where the workforce lives. In the western part of the main urban area, provision is relatively limited, and additional sites have been ruled out for environmental reasons. In the urban regeneration area and eastern part of the main urban area, scope for new provision within the urban area itself proves very difficult to identify, both because potential sites do not exist and because the introduction of B1(c)/B2/B8 uses within the immediate residential environment may not be desirable. The UDP therefore identifies key employment sites in locations adjacent to both the western and eastern parts of the Leeds main urban area.
  - 10.4. Secondly, in certain strategic locations, particularly in the motorway corridors, it is important to ensure that there is an adequate choice and range of sites available to provide good quality, highly accessible sites, often in Greenfield locations - and to prevent the development of these sites by other uses.
- 10.5. Both the above reasons are relevant to Coney Park as it is in the western part of the District and it has a strategic location in the immediate vicinity of LBIA. As this test is failed, there is normally no need to address the remaining 3 tests for exceptions to policy E7 (to allow non-employment development on employment allocated sites) as all the criteria need to be met.

- 10.6. Sentinel have applied for off-site airport parking at other locations in the immediate locality, with application 29/165/96/FU, approved 11/8/1997 for 2 years, and 29/212/99/RE, approved 18/11/1999 for 3 years (sites at Cemetery Road Yeadon). Temporary consents were granted “*In the longer term interests of the provision of industrial land and in accordance with development plan policies which seek to direct such uses to land within the Airport Operational Land Boundary.*”
- 10.7. In the case of these applications the proposed use was clearly not considered to be an industrial or storage use, but vehicle parking and the temporary consents were justified by reference to longer term interests in maintaining the provision of industrial land. This is consistent with the view that officers are presenting in the case of the current planning applications.
- 10.8. The Government issued revised guidance on economic development in form of PPS4, issued on 29th December 2009, and this is material to this application.
- 10.9. First, from PPS4 para 4 it is clear that the proposed use (airport-related car parking) should be classed as "economic development", as it provides employment opportunities and produces or generates an economic output or product in the form of a business providing a marketable service for airport users. This leads directly to the issue of the relationship between "employment uses" as defined in the UDP and "economic development" as defined in PPS4. In very general terms PPS4 gives greater weight to the need to permit economic development and therefore carries some weight in the case of the current application.
- 10.10. Policy EC11 of PPS4 refers to applications for economic development (other than main town centre uses) which are not in accordance with an up-to-date Development Plan. In the current case this policy provides a means of resolving the apparent conflict between the UDP and PPS4.
- 10.11. It can be argued that the UDP is reasonably up-to-date, given that the policy in question (E7) was subject to scrutiny in the UDP Review in 2005 and was supported by the Inquiry Inspector in that review.
- 10.12. Under these circumstances, EC11 introduces further tests with the aim of attaching the appropriate weight to existing Development Plan policy and the provisions of PPS4 where they are in conflict:
- 10.13. LPA's should *Weigh market and other economic information alongside environmental and social information.*"  
The applicant provides very little evidence of demand for land for employment uses at the application site or supply of such in the locality. All that is provided is a general comment that there has been no demand for employment uses on the site and that there is vacant space available at LBAIE (the former AVRO factory). Officers consider that this evidence is inadequate (both for EC11 and E7 purposes). Their statement refers to only one expression of interest in over ten years. However it is understood that the developer in that case had serious interest, brought about by the sale of their existing site in west Leeds for housing, but they were unable to agree commercial terms. It emerged in this case that there was a very limited choice of sites for commercial purposes in west Leeds in 2005/2006.
- 10.14. Little information has been provided about the methods or intensity of marketing adopted by the owners. It seems likely that the site has not been made "market ready" and given this it is difficult to attach great weight to the assertion that

there has been no demand. This is itself perhaps a reflection also of the ongoing success of the Sentinel car parking operation.

- 10.15. LPA's *should take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies.*  
It weighs in the proposal's favour under EC11 that Sentinel's operations generate jobs. Although the job density is very low compared with the potential indicated in ODPM's Guidance on Employment Land Reviews from Dec 2004 (in round terms 4.5 ha of land under B8 use has potential for c18,000 sqm which could generate 200+ jobs), Sentinel's jobs (11 full-time jobs and up to 51 jobs in total) are already delivered on site.
- 10.16. It could be argued that the longer term potential for a higher job density is being denied by allowing the low density use. However, this becomes a trade-off between jobs now and jobs in the future as yet undelivered and it is clearly sensible to give weight to "jobs now". Again, it could be that a temporary consent is appropriate so that the true potential of the site can be assessed in what we hope will be more favourable economic circumstances. Among the wider benefits of the scheme, weight should be attached to the provision of a choice of competitive parking facilities which should lead to benefits for the consumer.
- 10.17. LPA's *should consider whether those proposals help to meet the wider objectives of the development plan* Most obviously, this is the contribution of Sentinel's facility to the provision of a car parking strategy for the airport, which will be covered elsewhere in this report.
- 10.18. To conclude on the issue of loss of land to employment usage, whilst the current proposal does provide jobs on site now, there remains the question of whether this use under-utilises an important site in a strategic location. The site retains the characteristics of a Key Site set out in the UDP. Given this, there is a case for considering a temporary consent. This would acknowledge the economic contribution of the site in the short term while leaving the LPA with the option of assessing the site's potential as a Key Employment site in more favourable economic circumstances.

### **Transport Policy and the need for airport car parking**

- 10.19. The Council's district wide long stay car parking policy (Policy T24a of the UDPR) states that planning permission will not be granted for New long-stay car parking outside the curtilage of existing or proposed employment premises except in certain circumstances *where lack of parking within employment premises would cause serious traffic, safety or environmental problems in the surrounding area. In this case proposals must be supported by a traffic assessment, including appraisal of other means of accessibility to the site, including public transport. Where planning permission is granted the extent of parking allowed will not exceed that which would otherwise be permissible under the car parking guidelines, related to the scale of the employment use.*
- 10.20. In the context of the 2009 permission for the airport terminal extension, the Council did accept that there were 1700 off-site long stay car parking spaces provided at the Sentinel parking site.



10.21. In its submission objecting to the application, Leeds Bradford International Airport submits that it is proposing to complete a further 1000 car parking spaces at the airport this year (this is now complete) and that this will be sufficient (4482 spaces) to meet current demand (2.5 million passengers per annum (mppa)) and demand up to 3.8mppa. Should it be necessary to provide more car parking, this can be accommodated within the airport site through measures such as block parking arrangements and the construction of decked car parking areas. The airport further submits that the provision of car parking off-site is contrary to Council UDPR policy and serves to undermine the co-coordinated and sustainable delivery of an airport surface access strategy.

10.22. The applicant counters that the Airport's figure of 4482 spaces is misleading as it includes both short and long stay car parking provision and that this figure conflicts with the airport's own evidence showing 3853 long stay car parking spaces. A survey carried out on 31 July showed that there were 1706 airport-related cars parked off-site at that time and only 235 vacant spaces at the airport. The applicant further submits that the Airport's objections are based at least in part on commercial considerations as the Airport is itself the principal provider of airport car parking which is a significant source of revenue.

10.23. Council officers cannot agree with the airport's conclusion that there is currently sufficient car parking for LBIA without the existing Sentinel use or that the airport has sufficient parking for its needs during the next peak summer period in 2011. From observations this summer it appears that even with the last phase of the 2005 car parking permission open that the current demand for long stay car parking could not be accommodated within the airport's long stay car park and that at present there is a need for around 1700 off-airport car parking spaces. It is recognised that currently there is a strong seasonal demand for car parking space which is concentrated in the July to September period. It is also recognised that the airport is seeking to make better and more efficient use of its car parking by smoothing out the peaks and getting a better spread of flights throughout the year. The airport is committed to the production of another Surface Access Strategy in 2011 and is in the process of installing a number of counters around the airport which will give further data on traffic levels throughout the year.

10.24. Whilst it may be possible to accommodate more spaces within the airport site, planning permission would be required to amend the approved layout and operation of the existing long stay car parks to allow a meet and greet service to work to enable block parking to occur. Whilst block parking has the potential to make better use of the existing space it does restrict the options open at the airport for any customers who are not prepared to surrender their car keys. In addition any decking of existing car parks would clearly be a longer term solution. This would also need planning permission and a period of construction.

10.25. Officers therefore remain of the opinion that 1700 spaces of the Sentinel car parking area is required in the short to medium term until a more robust assessment of car parking demand can be made by the airport and planned for through the surface access strategy and airport masterplan process. This needs to be completed and an action plan agreed before any existing airport car parking is lost.

## **Highway Safety**

10.26. Currently there are no known safety issues associated with the use of the Sentinel car park, on the basis that customers are able to be dropped off outside the airport by agreement with the airport. The airport has however indicated that it is considering revoking Sentinel's licence to access the airport site. This could lead to passengers being dropped off on street which could have significant safety implications as there is currently no safe provision to do this on White House Lane.

**Other material considerations:**

10.27. The site is not in the Green Belt and is reasonably well screened from surrounding viewpoints. Drainage and landscaping matters can be adequately dealt with by planning conditions.

10.28. In the event of a temporary or permanent planning permission, a number of matters would need to be addressed through a legal agreement under S.106 of the Planning Act. These would include provision for a staff Travel Plan and Monitoring fee; a Public Transport Infrastructure contribution and provision for monitoring stations and agreements over pricing structure.

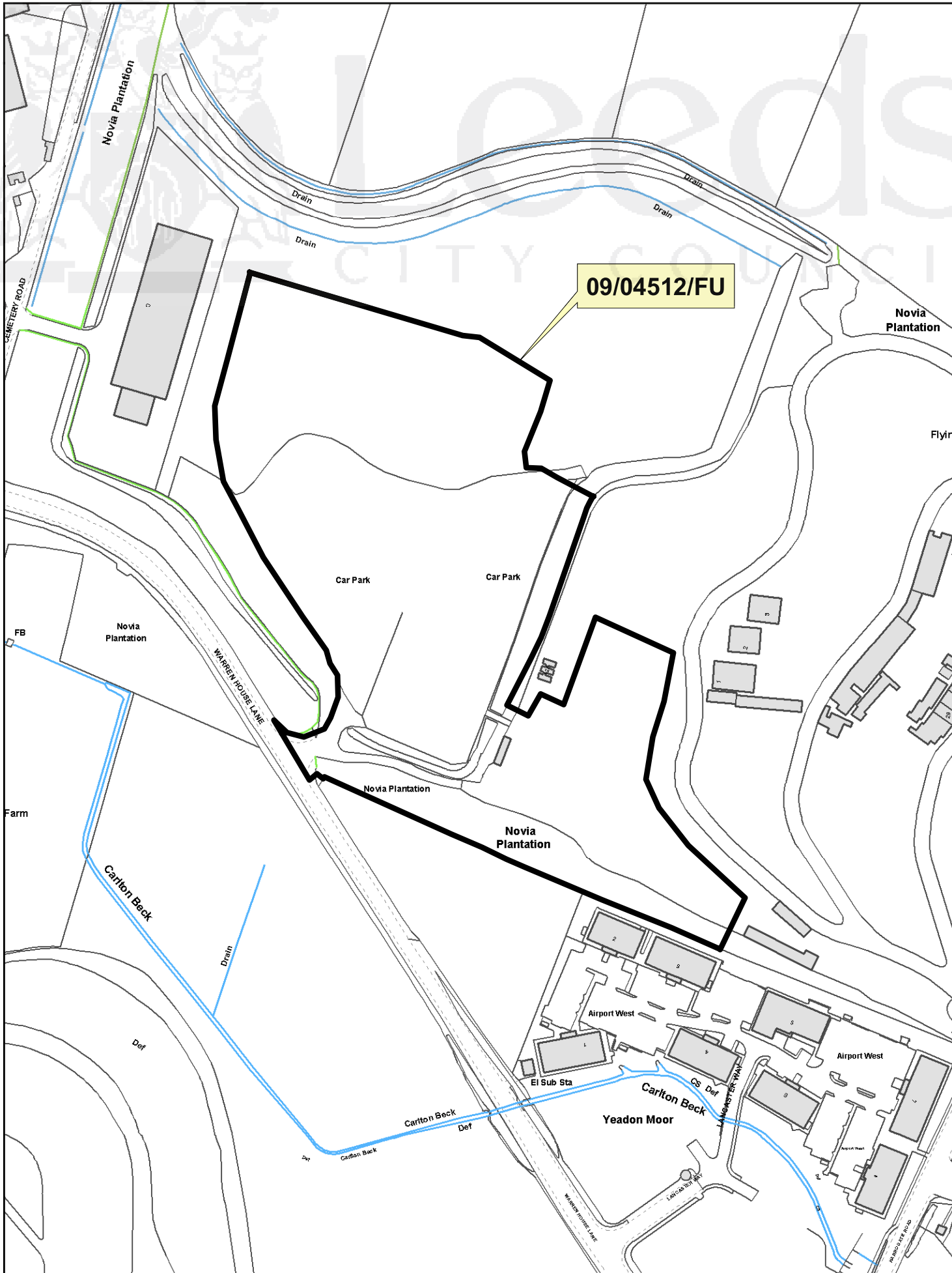
## **11. CONCLUSION**

11.1. It is concluded that the evidence demonstrates a current need for permission for off-site airport car parking provision in the region of 1700 spaces. There remain concerns however that a permanent permission for car parking on the Coney park site could both lead to a harmful future loss of valuable employment land to the district with implications for the economy, and to an unsustainable and uncoordinated approach to long stay parking outside of an agreed Airport Surface Access Strategy. This leads to a conclusion that a temporary permission, for example for two years, could provide a temporary solution which would safeguard the longer term future of the land. This would allow for current and short term parking needs to be met whilst allowing time for a proper strategy to be developed, through the revised Surface Access Strategy due in 2011, and for the long-term employment usage of the land to be safeguard or indeed abandoned if this was considered appropriate.

11.2. The applicant however is seeking a permanent permission and moreover is seeking permission for 2200 spaces, which in the Council's view is in excess of current requirements for around 1700 off-airport long stay spaces. Refusal is therefore recommended to this application. There is a possibility that some of the Sentinel car parking may be lawful by virtue of being in place for more than 10 years, although this would need to be established through an application for a Certificate of Lawful Use. A revised proposal for the balance of the spaces to deal with the shortfall of 1700 spaces for a two year temporary period is likely to be viewed more favourably.

### **Background Papers:**

Application case file



# WEST PLANS PANEL

○  
Scale 1/2500

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Originator: Tim Poupard

Tel: 0113 2475647

**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

Date: 2<sup>nd</sup> December 2010

**Subject: APPLICATION 10/03424/LA – DEMOLITION OF EXISTING SCHOOL AND ERECT REPLACEMENT SINGLE STOREY SCHOOL WITH SOFT PLAY AREAS, CAR PARKING AND LANDSCAPING AT ST PETERS AND ST PAUL’S SCHOOL, NEW ROAD, YEADON, LEEDS, LS19 7HW.**

**APPLICANT**  
Education Leeds

**DATE VALID**  
23 July 2010

**TARGET DATE**  
22 October 2010

**Electoral Wards Affected:**

Guiseley & Rawdon

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

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

1. Time limit (3 years).
2. Plans to be approved.
3. Samples of walling and roofing materials to be submitted.
4. The footpath to the rear of the site which links SS Peter and Paul School with Yeadon Westfield Infants School and Yeadon Westfield Junior School must be in place and operational on completion of the full development i.e. when the existing school has been demolished and all related works including laying out of pitches etc have been completed. The footpath must be retained and maintained for the lifetime of the development.
5. The development shall not be occupied or brought into use until that part of the site shown to be used by vehicles, on the approved plans, has been laid out, drained, surfaced and sealed, as approved, and that area shall not thereafter be used for any other purpose other than the vehicle related use approved.
6. Disabled parking provision to be approved
7. Cycle parking to be approved
8. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to detail both on site and off site traffic

management measures including provision for staff and visitor and construction traffic and parking during the construction phase and including a timetable for implementation. This shall include any necessary carriageway markings (TROs), traffic speed reducing features, signage and pedestrian guard railing.

9. Measures to prevent mud on the highway and to suppress dust required.
10. Green Travel Plan required.
11. Landscaping scheme to be submitted and implemented.
12. Bat Survey.
13. Existing trees/vegetation to be preserved.
14. Trees and other vegetation to be protected during construction.
15. Trees lost to be replaced.
16. Details of fencing and walls to be provided.
17. No development shall take place until details of a sound insulation scheme designed to protect the amenities of the occupants of nearby residents from noise emitted from the application premises has been submitted and approved in writing by the planning authority. The use hereby approved shall not commence until the works have been completed, and such noise insulation scheme as may be approved shall be retained thereafter.
18. The hours of delivery to and from the premises including refuse collection shall be restricted to 7:30 hours to 18:30 hours Monday to Saturday with no deliveries or collections on Sundays and Bank Holidays.
19. No works of demolition and construction nor deliveries into the site shall be undertaken before 0730 hours or after 1830 hours on any weekday or before 0800 hours or after 1330 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.
20. Provision of grease trap (for kitchen)
21. Lighting scheme to be approved.
22. The hours of use of the sports pitches shall be restricted to 8:00 hours and 20:00 hours.
23. Land Contamination to be dealt with.
24. Details of surface water drainage to be approved
25. 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, N12, N13, T2, T5, T6, T7aT24, BD5

PPS1: Delivering Sustainable Development;  
PPG17: Planning for Open Space, Sport and Recreation.

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

## 1.0 INTRODUCTION:

1.1 This application is brought to the Plans Panel because it relates to a substantial and significant redevelopment proposal of significant community interest to the Yeadon area of the city in addition to the immediate area surrounding the site.

1.2 The proposal forms part of the Education Leeds Primary Capital Programme, with a specific focus in this context on improving the teaching and learning environment of the school and increasing the diversity of use of the school for pupils and the wider community.

## **2.0 PROPOSAL:**

2.1 The new school will be single storey with pitched roofs of varying heights and will be constructed on part of the existing car park. The existing school will remain fully operational during construction and will be demolished upon completion of the new school. The new building will provide spaces for the existing single form entry (210 pupils). The footprint of the existing school will be used to provide new hard and soft play areas.

2.2 Overall, the proposal will result in the demolition of 1362 square metres of gross internal floorspace, whilst the new school will provide 1340 square metres, a net decrease of 22 square metres.

2.3 The new school will be constructed with a steel frame and will be finished with a buff brickwork, render and proprietary cladding panels, high performance timber double or triple glazed windows, high performance timber external doors and a metal standing seam roof.

2.4 Externally, in addition to the provision of a new hard and soft play area on the footprint of the demolished second building, parts of the existing footprint and hard play areas will be used for extended car parking and servicing.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The proposed development site is the existing St Peter & Paul Primary School, on Crofters Lea, Yeadon, Leeds. It is in a predominantly residential area and dwellings adjoin the western edges of the site. The site is shared by two other schools with Yeadon Westfield Junior School to the east and Yeadon Westfield Infant School to the south. There are no physical boundaries between the schools. The north boundary faces onto Crofters Lea, alongside which is a landscaped Right of Way along the line of the disused railway.

3.2 Access to the site includes a main vehicular entrance from Crofters Lea which also includes a bus lay-by and turning circle. The vehicle entrance provides access to a car park for 54 vehicles, also on the north boundary is a service vehicle entrance. Pedestrian access is also provided to the front of the school from Crofters Lea.

3.3 The site includes one main building and land associated with the existing school. The site has a general north-south orientation and slopes upwards from north to south with a height difference of approximately 5 metres. The school building is at the centre of the site, with hardstanding areas for car parking and service to the north and hard play areas and grassed areas to the south. Overall the existing buildings include a gross internal floorspace of 1362 square metres.

3.4 The existing school building is single storey, with varying heights, constructed with brick and timber cladding, timber windows, flat and shallow pitch roofs.

#### **4.0 RELEVANT PLANNING HISTORY:**

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

- Planning permission was approved in July 2009 for a Timber constructed pavilion and detached bicycle shelter to the school, under reference 09/01775/FU; and
- Planning permission was granted in December 2000 for a single storey rear extension to the school, under reference 28/187/00/FU.

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

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The Council's Statement of Community Involvement, which forms part of its emerging Local Development Framework, sets out recommendations for applicants to undertake pre-application discussions with the Council and community consultation before submitting applications. The objective of this lead-in process is to minimise delays during the formal application process.

5.2 Initial discussions were held with the Planning Department and the Highways Department to provide an overview of the proposed scheme.

5.3 Public consultation was also organised by Education Leeds, who invited School Governors and Staff to a presentation and Q&A session early in the design process. Local residents were also invited by letter to attend a drop-in session at the school on 6 July 2010. This has given the local community the opportunity to learn more about the proposals and make comments on the plans prior to this formal submission.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been duly advertised on site by the means of a site notices and notice was also published in the local press. The application has also been made available for public inspection at Yeadon Library.

6.2 2 letters of objection have been received from local residents and their objections can be summarised as follows: -

- A bat survey must be conditioned;
- Loss of a view;
- Affect on property prices;
- Location of the bins store; and
- Replacement boundary fences.

#### **7.0 CONSULTATIONS RESPONSES:**

##### **Statutory Consultees:**

##### **SPORT ENGLAND:**

7.1 No objections to the proposals.



**HIGHWAYS:**

7.2 No objections, subject to the imposition of conditions.

**MAINS DRAINAGE:**

7.3 No objections, subject to the imposition of conditions.

**YORKSHIRE WATER:**

7.4 No objections, subject to the imposition of conditions.

**ENVIRONMENT AGENCY:**

7.5 No objections, subject to the imposition of conditions.

**Non-Statutory Consultees:**

**CONTAMINATED LAND TEAM:**

7.6 No objections, subject to the imposition of conditions.

**WEST YORKSHIRE POLICE:**

7.7 Support the scheme.

**TRANSPORT POLICY (TRAVEL WISE):**

7.8 No objections, subject to the imposition of conditions.

**NGT/PUBLIC TRANSPORT:**

7.9 No objections, subject to the imposition of conditions.

**METRO:**

7.10 No objections, subject to the imposition of conditions.

**ACCESS OFFICER:**

7.11 No objections, subject to the imposition of conditions.

**NEIGHBOURHOODS AND HOUSING:**

7.12 No objections, subject to the imposition of 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 considerations indicate otherwise.

**Regional Planning Policies:**

8.2 On the 6 July 2010, the Secretary of State for Communities announced the revocation of the Regional Strategies which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision to revoke the Regional Spatial Strategies was unlawful, the coalition government has confirmed that it will be introducing the Localism Bill to Parliament, which will remove Regional Strategies through the parliamentary process.

**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 requires development proposals to resolve detailed planning considerations including access and drainage and to avoid loss of amenity and maximise highway safety;
- N12 refers to development proposals to respect the priorities for urban design;
- N13 refers to the design of all new buildings should be of high quality and have regard to character/appearance of their surroundings;
- T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking;
- T5 refers to safe and secure access for pedestrians and cyclists to new development;
- T6 refers to satisfactory access to new development for disabled people and people with mobility problems;
- T7A refers to secure cycle parking required in new developments;
- T24 refers to car parking provision guidelines; and
- BD5 states that all new buildings should be designed with consideration to their own amenity and that of their surroundings.

#### **National Planning Policy:**

8.5 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;
- PPG17: Planning for Open Space, Sport and Recreation.

#### **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 and impact on protected playing pitches;
- Highway, access, parking issues, green travel and public transport implications;
- Design issue and visual amenity Considerations;
- Impacts on residential amenity;
- Tree, Landscape, Boundary Treatments, Ecology and Biodiversity Issues;
- Flooding and drainage issues; and
- Other Material Considerations.

## **10.0 APPRAISAL:**

### **Principle of development and impact on protected playing pitches:**

- 10.1 The site has on it an existing primary school and no current UDPR proposals provide any basis for which this use should not continue.
- 10.2 The proposal is for the redevelopment of the school on the footprint of the existing school buildings and car park. The existing playing field and pitch to the east of the site will be unaffected and the area of 2275 square metres will remain in sporting use. The existing school will remain operational during the construction and temporary classrooms will not be required. Sport England is satisfied the proposal is acceptable. The application proposals will not result in the reduction in the supply of conveniently located, quality playing fields for sport to satisfy current and likely future demand.

### **Highway, access, parking issues, green travel and public transport implications:**

- 10.3 There are currently two vehicular access points for the school, both from Crofters Lea. These will both be retained following the redevelopment although the internal car park layout will be different. Pedestrian access from Crofters Lea will also be retained. The existing 54 space car park will be extended from 54 to 57 spaces. Four of these will be designated as disabled spaces. The car park will also be used as an overspill facility for the adjacent schools and the Church. There will be no increase in pupil numbers or teaching staff following the redevelopment and therefore, it is unlikely that any new trips will be generated. As a result the impact on the surrounding highway network is considered to be immaterial. The site is well located to benefit from the traffic free cycle route and footway to the north of the site. Furthermore, the site is located within 400m of several bus stops which ensures that walking, cycling and bus travel are realistic modes of travel for staff and pupils. Various off site highway improvements works are proposed and can be secured through conditions.
- 10.4 The school is actively in contact with the Council's TravelWise Section to produce a school travel plan. Following discussions, amendments have been made to the School's Travel Plan and it is considered that the application proposals include sufficient measures to encourage and promote access by sustainable modes of travel. These measures can be secured and monitored through the imposition of a suggested condition in accordance with the Council's adopted SPD on Travel Plans.
- 10.5 The proposal is therefore considered to be acceptable and there are no traffic and transportation reasons why planning approval should not be granted.

### **Design issue and visual amenity Considerations:**

- 10.6 The proposed new school building is to be built on the site of the existing school car park to the front of the existing school. The new building would retain some car parking to the Crofters Lea frontage and the remainder would be displaced to the side and rear of the new building. The new building would create a more positive urban frontage onto Crofters Lea and careful attention has been paid to the design in terms of its scale and massing and outlook to achieve an attractive building which also seeks to minimise any potential amenity impacts, in terms of daylight and privacy on adjacent residential properties.

**SECURED BY DESIGN:**

- 10.7 The development which is the subject of this proposal falls in an area which suffers crime in line with the national average for England and Wales. West Yorkshire Police have stated that they have been involved with this proposal from the concept stage are content with the way the proposal is developing in relation to security. They have also confirmed that they will be able to certificate the school building to "Secured by Design".

**ACCESS FOR ALL:**

- 10.8 It is considered that the application proposals are well planned in terms of access. The scheme proposes acceptable levels of disabled persons parking spaces and their locations as close as possible to the principal entrance. Additional work has been undertaken to the layout to ensure that all pedestrian routes, entrance doors, bollards and other potential obstacles within this site are amended to ensure a safe and secure environment in accordance with UDP Policy A4.

**Impacts on residential amenity;**

- 10.9 The development would be entirely contained within the existing school complex where there is adequate scope to accommodate the new builds. It is considered that given the achievable separation distance between the proposed special needs facility and the nearest dwellings, coupled with the presence of fencing and vegetation to the common boundary the location of the proposed building will not overlook or over-dominate nearby residential properties.

**Tree, Landscape, Boundary Treatments, Ecology and Biodiversity Issues:**

- 10.10 The proposed development involves the removal of some small trees on the western boundary to accommodate the proposed car park. An arboricultural report was submitted with the application. It is considered that the loss of the trees will not have a detrimental impact on the overall quality of landscaping on the site.
- 10.11 The building is to stand on an existing hard surfaced car park there are no trees or shrubs affected. A landscape scheme has been provided and it is considered that these details improve the landscape quality around the proposed building, in compliance with Policy LD1.
- 10.12 The proposed development will result in the general retention of existing boundary features. A 2.4m high security gate will be provided between the west gable of the proposed school and the existing west boundary. The existing dwarf wall will be removed and security fence to the east boundary will be altered to join with the new school and will include a new personnel gate. It is considered that the boundary treatment strikes an appropriate balance in terms of accessibility, security and visual appearance. As such, details have been submitted with this application, which are considered to meet the requirements of Policy N25.

**ECOLOGY AND BIODIVERSITY ISSUES:**

- 10.13 It is considered that there is a reasonable likelihood of bats being present and affected by the development. This is due to the existing school buildings having features which could be used by roosting bats. In addition, the trees along the western boundary of the site provide some bat feeding habitat and the disused railway corridor to the north provides excellent feeding habitat and a commuting route for bats.

- 10.14 An ecology report was therefore submitted with the application proposals. Following discussions with the Council's Ecologist, it is considered that the presence or otherwise of protected species and the extent that they may be affected by development can be established and controlled through the imposition of conditions to provide biodiversity enhancements and additional bat surveys, in accordance with UDP policy N51 and guidance contained within PPS9.

#### **Flood risk and drainage issues**

- 10.15 The site is identified by the Environment Agency as being located in a Flood Zone I, and is thus not vulnerable to flooding and The Environment Agency and The Council's Land Drainage Section have confirmed that they have no objection in principle to the proposed development subject to conditions.
- 10.16 In terms of foul sewerage, Yorkshire Water have raised a current objection as the plans shows land drainage to be connected and/or discharged to public sewer. This matter can however be resolved and is addressed through a recommended planning condition.

#### **Other Material Considerations:**

##### **LAND CONTAMINATION:**

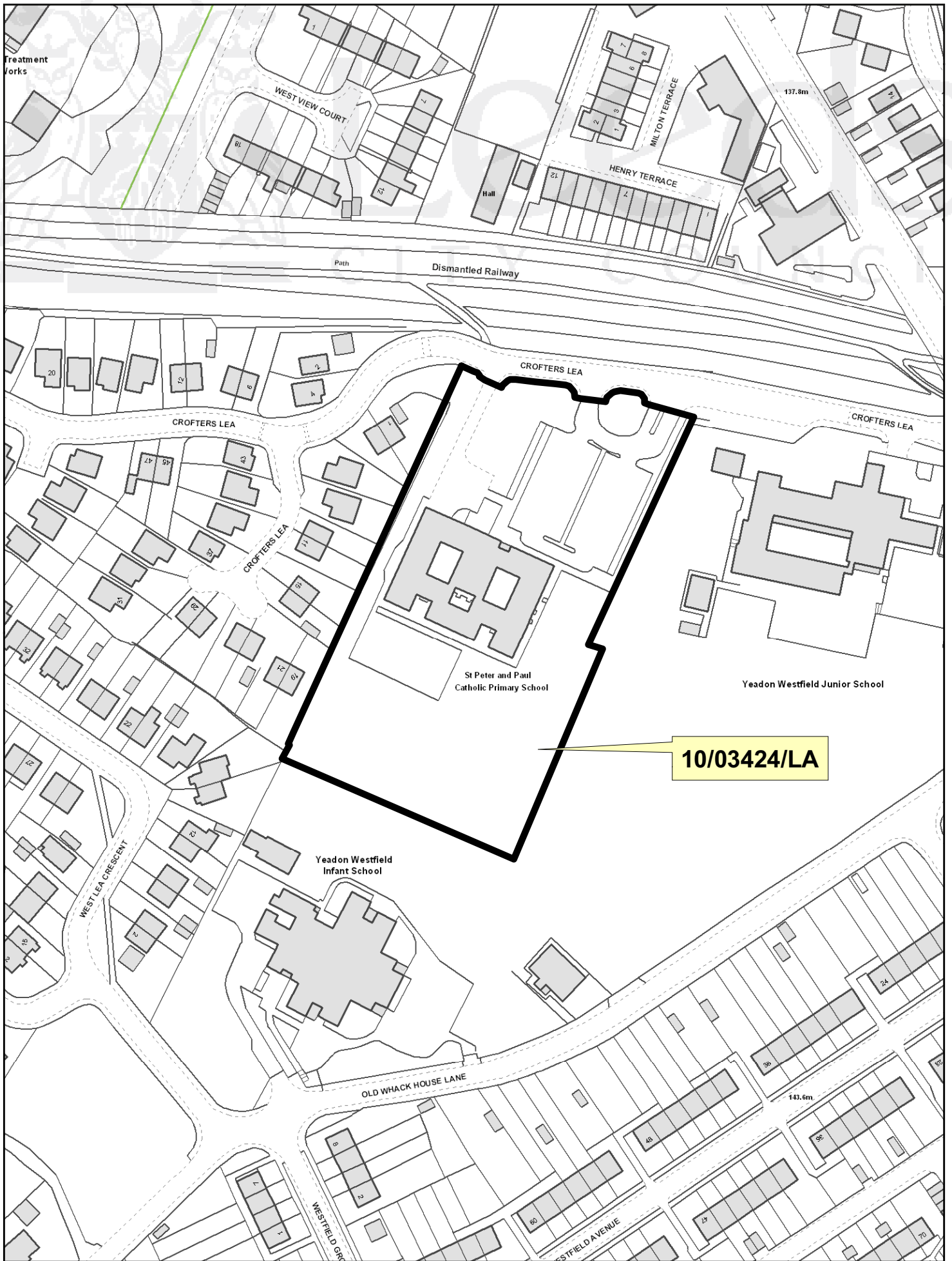
- 10.17 Turning to land contamination matters, the application site was undeveloped until 1970s when the school was built and there is no reason to believe the site would be contaminated. It is considered reasonable to impose a planning condition to require the developer to report any unexpected contamination encountered during construction works.

#### **11.0 CONCLUSION:**

- 11.1 The proposed development is considered to facilitate the provision of improved education accommodation and there is adequate space around the site to provide appropriately designed buildings and ensure the amenities of nearby residents are not unduly affected. The provision of new sports and education facilities is considered beneficial and the proposal will realise improvements to the accessibility of the site. The proposed development seeks to make adequate provision for the mitigation and protection against highway impacts and drainage which shall be secured by planning condition.
- 11.2 Therefore, the proposed development is considered to be acceptable and is accordingly recommended for approval.

#### **Background Papers:**

Application and history files.  
Certificate of Ownership.



# WEST PLANS PANEL





Originator: Terry Moran  
Tel: 0113 39 52110

**Report of the Chief Planning Officer**

***PLANS PANEL WEST***

Date: 2<sup>nd</sup> December 2010

**Subject: APPLICATION NUMBER 10/03806/FU –  
CHANGE OF USE OF VACANT RETAIL UNIT (CLASS A1) TO RESTAURANT (CLASS A3) TO FACILITATE AN EXTENSION TO THE ADJOINING ITALIAN RESTAURANT AT 111 OTLEY ROAD, LEEDS 6.**

<b>APPLICANT</b>	<b>DATE VALID</b>	<b>TARGET DATE</b>
Salvo's Restaurant – J Dammone	18 August 2010	13 October 2010

**Electoral Wards Affected:**

Weetwood

Y Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**To defer and delegate refusal to the Chief Planning Officer for the reasons specified.**

1. The Local Planning Authority considers that the proposed use of the premises would further contribute to the proliferation and dominance of non-retail uses within this shopping parade and the wider Headingley Town Centre. This is considered to result in a significant impact, both individually and cumulatively, on the retail vitality and viability of this parade of shops and the wider defined district centre. The scheme is therefore considered contrary to Policies GP5, S2 and SF8 of the Leeds Unitary Development Plan (UDP) Review (2006) and also contrary to national planning guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 4.
2. There is insufficient off-street parking associated with the proposed use, which is likely to lead to an increase in on-street parking. This would be to the detriment of highway safety contrary to Policies T2 and T24 of the Leeds Unitary Development Plan (UDP) Review (2006).

If, however, Members are minded to approve this application, the Panel is recommended to defer the application to the Chief Planning Officer for approval subject to the following conditions and subject to the signing of a legal agreement under Section 106 of the Planning Act to cover travel planning including the payment of a travel plan monitoring fee of £2500.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development to be carried out in accordance with the approved plans
3. Proposed car parking spaces to be laid out and retained.
4. Prior to the first use of the premises, a booking system shall be introduced which allows the booking of tables for 8 or more people at any one time, in accordance with the submitted Travel Plan, and shall thereafter be maintained.
5. The maximum number of restaurant covers shall not exceed 88 persons.
6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) the use shall be limited to Class A3 restaurant or Class A1 retail. There shall be no change of use of the premises to Class A2 as defined in the Town & Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that order with or without modification) without the express planning permission of the Local Planning Authority.
7. Landscaping to be maintained in accordance with an approved management plan
8. Hard and soft landscaping works shall be carried out in accordance with the approved details.

## **1.0 INTRODUCTION:**

- 1.1 This application was considered at the Panel meeting of 7<sup>th</sup> October 2010 and the report to that meeting is attached. The Panel resolved not to accept the officer recommendation to refuse the application at that time and deferred the application for further consideration of travel plan issues, car parking, and additional environmental improvements.
- 1.2 The view of Officers remains that the proposal should be refused planning permission for the reasons discussed at the October Panel meeting. It is considered that the proposed alterations to the scheme fail to overcome those issues relating to Shopping Frontages policy and Highway Safety.
- 1.3 Notwithstanding this view however, it is considered that the submitted Travel Plan details and other documents now comply with the requirements set out by Members at the October Panel.

## **2.0 BACKGROUND:**

- 2.1 Members discussed this matter and concluded that the proposed loss of a retail unit would be acceptable and that the enlarged restaurant would be beneficial to the shopping parade.
- 2.2 Members were also advised at the October Panel that the proposal would be likely to increase the demand for car parking, thereby exacerbating the existing situation which the Highways Officer reported as being unsatisfactory due to insufficient off-street parking in the locality. Members concluded that the submission of a Travel Plan and the provision of additional staff parking should be sufficient to address these concerns.



2.3 Members also requested additional environmental improvements as part of the scheme.

### **3.0 RESPONSE FROM THE APPLICANT:**

3.1 The applicant has now submitted additional information following the October Panel meeting. This information includes a Travel Plan, details of additional staff parking spaces to the rear of the site, new cycle parking, additional shower and changing facilities and also new landscaping and tree planting adjacent to the site.

3.2 The submitted Travel Plan incorporates measures to reduce the need to travel by car. These include the promotion of a variety of services such as “Your Next Bus” and journey planner websites, with other measures to promote cycling and walking including the promotion of websites such as “walkit.com” to illustrate safe and easy walking routes and new cycle racks to provide safe means of cycle storage for both staff and customers. The overall aim of these proposals is to reduce the number of car journeys to the site. It is proposed that these measures will be overseen by a newly appointed Travel Plan co-ordinator, funded by the restaurant, with the aim of reducing car journeys. The Travel Plan measures will be controlled by means of a Section 106 legal agreement. The applicant has also agreed to pay a fee for the continued monitoring of the proposals

3.3 In response, Officers initially considered that the proposed Travel Plan was inadequate, and requested more robust measures. Specifically, the Travelwise Team were concerned that Travel Plan had no fallback provision and, in the event that the proposed measures in fact failed to reduce car journeys to and from the site, that the current issues of inadequate parking provision would thereby be exacerbated. Following further discussions and a further revised document, however, the Travelwise Team is now satisfied with the content of the Travel Plan.

3.4 Additionally, new staff parking is to be laid out at the rear of the site. This involves the conversion of two substandard garages to form car-ports and the removal of a waste skip to provide an additional space. The applicant has indicated that this is likely to increase the availability of customer parking at the front of the site. This area will be laid out and surfaced, with additional lighting provided so as to increase levels of security for parked vehicles in that area.

3.5 The Highways Authority has commented that the proposed increase in parking provision is inadequate, and will not result in any significant improvement to the existing parking problems. It is considered that the enlargement of the existing restaurant will result in further demand for parking, with the increase in covers resulting in significantly more journeys to the restaurant than at present. Such measures as are proposed are therefore considered inadequate and do not overcome the objections from the Highways Authority.

3.6 The submitted landscaping details include a mixture of planters and also more permanent landscaping measures including trees and shrubs. A condition will be added to ensure that these works are carried out to the satisfaction of the local planning authority, if Members are minded to approve the application.

3.7 The applicant would also be willing to plant trees in the grassed verge to the front of the premises but this is land controlled by the Highway Authority and separate approval would be required for this.

3.8 The applicant is also willing to accept a restrictive condition to prevent the change of use of the unit to A2 (Financial Services). Officers do not consider that such a condition is sufficient, however, to address the loss of a retail unit as this would still be contrary to Shopping Frontages policies. These policies are aimed not just at preventing additional A2 uses, but at retaining and maintaining retail units for the benefit of the local community as a whole.

#### **4.0 CONCLUSION:**

4.1 The applicant has now submitted documentation which broadly reflects the recommendations of Members at the October Panel, but for which further clarification may be required. Members are requested to note the standing objection raised by the Highways Officer with regard to Highway Safety and also the objection by Officers with relation to Shopping Frontage policies prior to reaching a decision on the scheme as presented.

#### **Background Papers:**

Panel report, October 7<sup>th</sup> 2010;  
Application and history files.



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 7<sup>th</sup> October 2010**

**Subject: APPLICATION NUMBER 10/03806/FU –  
CHANGE OF USE OF VACANT RETAIL UNIT (CLASS A1) TO RESTAURANT (CLASS  
A3) TO FACILITATE AN EXTENSION TO THE ADJOINING ITALIAN RESTAURANT AT  
111 OTLEY ROAD, LEEDS 6.**

**APPLICANT**

Salvo's Restaurant –  
J Dammone

**DATE VALID**

18 August 2010

**TARGET DATE**

13 October 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:**

**To defer and delegate refusal to the Chief Planning Officer for the reasons specified.**

1. The Local Planning Authority considers that the proposed use of the premises would further contribute to the proliferation and dominance of non-retail uses within this shopping parade and the wider Headingley Town Centre. This is considered to result in a significant impact, both individually and cumulatively, on the retail vitality and viability of this parade of shops and the wider defined district centre. The scheme is therefore considered contrary to Policies GP5, S2 and SF8 of the Leeds Unitary Development Plan (UDP) Review (2006) and also contrary to national planning guidance contained within Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 4.
2. There is insufficient off-street parking associated with the proposed use, which is likely to lead to an increase in on-street parking. This would be to the detriment of highway safety contrary to Policies T2 and T24 of the Leeds Unitary Development Plan (UDP) Review (2006).

## **1.0 INTRODUCTION:**

- 1.1 This application is brought before Members at the request of Ward Councillor Sue Bentley due to the high level of local interest which the proposal has generated.

## **2.0 PROPOSAL:**

- 2.1 The proposal seeks to change the use of a vacant Travel Agency (which is a shop within Class A1) to become part of the adjoining restaurant (Class A3).
- 2.2 The proposal will result in an increase in covers of the existing restaurant to a total of 88 from 66 and incorporates an enlargement of the existing restaurant toilet facilities.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The unit is within a crescent of commercial units categorised as a secondary shopping frontage within the district centre of Headingley. The parade is at the northern edge of the (S2) defined district centre. There is an existing diversity of uses within the parade with food related outlets being particularly prominent. The adjoining unit to the northern side is currently occupied by Salvo's restaurant. There is a narrow access road to the front of the unit with limited vehicular access. At the rear of the unit is a hard-surfaced area used as parking for the commercial units. This area is separated from adjacent residential properties by mature trees.

## **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:-
- 26/61/01/FU, 2 St Anne's Road, Change of use of shop to café (approved).
  - 08/04299/FU: 2A St Anne's Road - Change of use of flat above shop to offices. (approved).
  - 07/00702/FU 6 St Annes Road - Change of use from vacant shop to an estate agents office (approved).
  - 09/04400/FU 10 St Anne's Road - Change of use of shop to Estate Agent. Refused and dismissed at Appeal, 28/06/2010.
  - 26/49/96/FU, 10 St Anne's Road, Change of use of shop to HFTA (refused)
  - 26/141/01/FU, 12 St Anne's Road, Change of use of hairdresser to HFTA (approved).
  - 06/04543/FU - 103 Otley Road, Change of use of shop to Financial Services (A2) (refused but allowed on Appeal).
  - 26/549/05/FU, 107 Otley Road, Change of use of shop to mixed A1/A3 use (approved).
  - 26/195/97/FU, 109 Otley Road, Change of use of hairdresser to dentist (approved).
  - 90/26/00107, 109 Otley Road, Change of use of shop to HFTA (takeaway) (refused).

- 26/61/94/FU, 113 Otley Road, Change of use of shop to restaurant (approved).

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to submission of this application, the agent contacted the Case Officer at which point the Case Officer appraised him of the recent history of the site, indicating that such a Change of Use would be unlikely to gain officer support given the recent dismissal on appeal at 10 St Anne's Road.
- 5.2 The agent indicated that he intended to submit an application on the basis that the proposal had strong local support and differed significantly from the aforementioned Appeal decision.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 This application was advertised via site notices and also with an advert in the Press. 55 letters of support have been received from local residents and other interested parties, all emphasising that the restaurant is considered an important asset to the Headingley area and that its enlargement should be encouraged.
- 6.2 Councillor Sue Bentley has also commented on this application, requesting that it should be brought to Panel in light of the level of local interest..

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory Consultees**

- 7.1 None – due to the minor nature of the application.

### **Non- Statutory Consultees**

- 7.2 **HIGHWAYS:**  
Objects as the proposal would result in additional on street car parking to the detriment of highway safety.
- 7.3 **CITY SERVICES**  
No objections as the proposal is unlikely to result in any impact on current refuse collection arrangements.

## **8.0 PLANNING POLICIES:**

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

### **Development Plan:**

- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.
- 8.3 The adopted Leeds UDP (Review 2006) Proposals Map identifies the site as a Secondary Shopping Frontage within Headingley District Centre. A number of policies in the adopted Leeds UDP Review (2006) are relevant, as follows:

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2: The vitality and viability of the following town centres (which includes Headingley) will should be maintained and enhanced. Non-retail development will not normally be permitted where it would reduce significantly the shopping function of a centre. Retail development will be encouraged unless it would undermine the vitality and viability of the centres or adversely affect the range of services and functions within the centres.
- Policy SF8: In secondary shop frontages changes of use of retail to non-retail will be determined on their merits.
- Policies T2 and T24 seek to maintain adequate levels of vehicle parking provision with no undue detriment to other highway users.

#### **National Guidance/Statements:**

8.4 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 relevant, including;

- PPS-1: Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- PPG-13 Transport: This PPG's objectives are to integrate planning and transport at the national, regional, strategic and local level, to promote more sustainable transport choices both for carrying people and for moving freight, to encourage the active management of the pattern of urban growth and improve accessibility on foot and cycle.
- PPS-4 Planning for Sustainable Economic Growth. This sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

#### **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:

- Impact of the proposal on the retail vitality of the parade and the wider district centre;
- Highway Safety;
- Community Involvement
- Representations;
- Summary and recommendation.

#### **10.0 APPRAISAL:**

10.1 The existing property is within a designated secondary frontage of the defined district centre of Headingley. The centre is defined within the proposals map which is an annexe to the Unitary Development Plan. Policy S2 gives general advice in relation to the retail character of such defined centres. In such designated areas the retail vitality and viability should be maintained or enhanced. Non-retail development will be resisted where it would reduce the main shopping function of such centres.

Policy SF8 is also of particular relevance as this gives guidance in respect of secondary shop frontages. Applications of this type i.e. Changes of use from A1 to any other Use will be determined on their merits with the aim of safeguarding the overall retailing character of the shopping centre whilst recognising that uses other than A1 should be made available as a secondary element. The general thrust of the relevant retail policies is to safeguard and prevent the intrusion and over proliferation of non-retail functions within designated district centres.

- 10.2 This parade is already well served by non-retail premises as is the rest of the district shopping centre. Particularly noticeable within the Headingley Town Centre is the prevalence of food related outlets and estate agencies. If planning permission were granted, it would result in only three of the fourteen units on this parade remaining in A1 use with a subsequent likelihood that foot-traffic would thereby decline even further as there would be a marked loss of passing interest or variety for shoppers. This is particularly significant as the proposal would result in a contiguous run of three non-retail units which would be separated by only one retail unit (a hairdresser) from the remainder of the Otley Road frontage which is already in non-retail use between Salvo's café and the Thai restaurant on the corner. This would have a further detrimental impact on retail viability and appearance and prove even less appealing to future tenants of the parade. This particular parade is currently well-served by non-retail outlets, which is considered to have resulted in the noticeable decline in the viability of the remaining A1 units.
- 10.3 Whilst acknowledging that the unit is currently vacant, it is considered that the vacant state of the application site shows that there has indeed been a marked decline in recent years and that any further loss of retail units would be severely injurious to the viability of this parade, contrary to the aspirations of both PPS-4 and PPS-1. Furthermore, the unit has only been empty for less than three months. As such, the use of marketing may be a means by which to ensure that the unit can still be successfully rented out, which means that an argument that the use of the unit for A1 is unviable is not sufficient to warrant its loss in Planning terms. In addition, as the unit has not been vacant for a substantial period of time, it is not considered that the non-viability of this unit has been demonstrated. Moreover, the isolated location of this parade is such that any additional loss of retail units would further serve to accentuate the effect of the erosion in retail function. Indeed, the viability of A1 uses in this location is the key consideration of this application. This parade of shops is fairly isolated from the rest of the centre and as such it is of even greater importance that for it to retain an individual retail function to serve the retail and daily needs of the large residential estate located to the rear of the shopping parade.
- 10.4 It is considered that there is already an excessive provision of non-retail functions in the locality. This is reinforced by the recent Appeal Decision on 26<sup>th</sup> June this year, which dismissed an application within this parade for Change of Use from retail to non-retail, stating that the loss of a retail unit "would compound the change in balance so that the parade would be even more predominantly non-retail in make up" adding that this would "reduce its attractiveness and footfall and make it harder in future to resist the further loss of retail outlets". It is considered appropriate to attach substantial weight to this appeal decision.
- 10.5 The Highways Authority has objected to the proposal on the grounds that the proposed change of use from A1 to A3 would lead to an increase in on street car parking which cannot be accommodated in the vicinity and would be detrimental to road safety. The Highways authority has conducted daytime and evening site visits to this parade and has observed no free parking space, obstructive footway parking and illegal parking on existing waiting restrictions on both occasions. It is

considered that any intensification of this situation would be detrimental to pedestrian safety and general highway safety.

- 10.6 Planning Policy Statement 1 stresses the need to ensure that development proposals are carried out with the support of the local community. The developer states that local consultations have been carried out both with community groups and individuals, indicating that there is strong local support within the Headingley community. It is important, when considering the involvement of communities, to try to see the wider picture. In this case, the Local Planning Authority considers that this parade in fact has a wider role to play in the community than to simply provide non-retail services, whether those be Financial and Professional, medical or restaurants. Historically, this parade has formed an important local centre for all elements of society, hence the importance of retaining a strong retail presence in this position. It is considered, therefore, that the needs of the wider community are best served by resisting any further loss of retail units and therefore resist any changes of use which would further harm the retail vitality of this parade.
- 10.7 26 letters of support have been received, referring to the important role which Salvo's plays in maintaining the character of Headingley and requesting that the proposal be supported. It is considered that the points raised in those representations have been addressed within the body of this report.

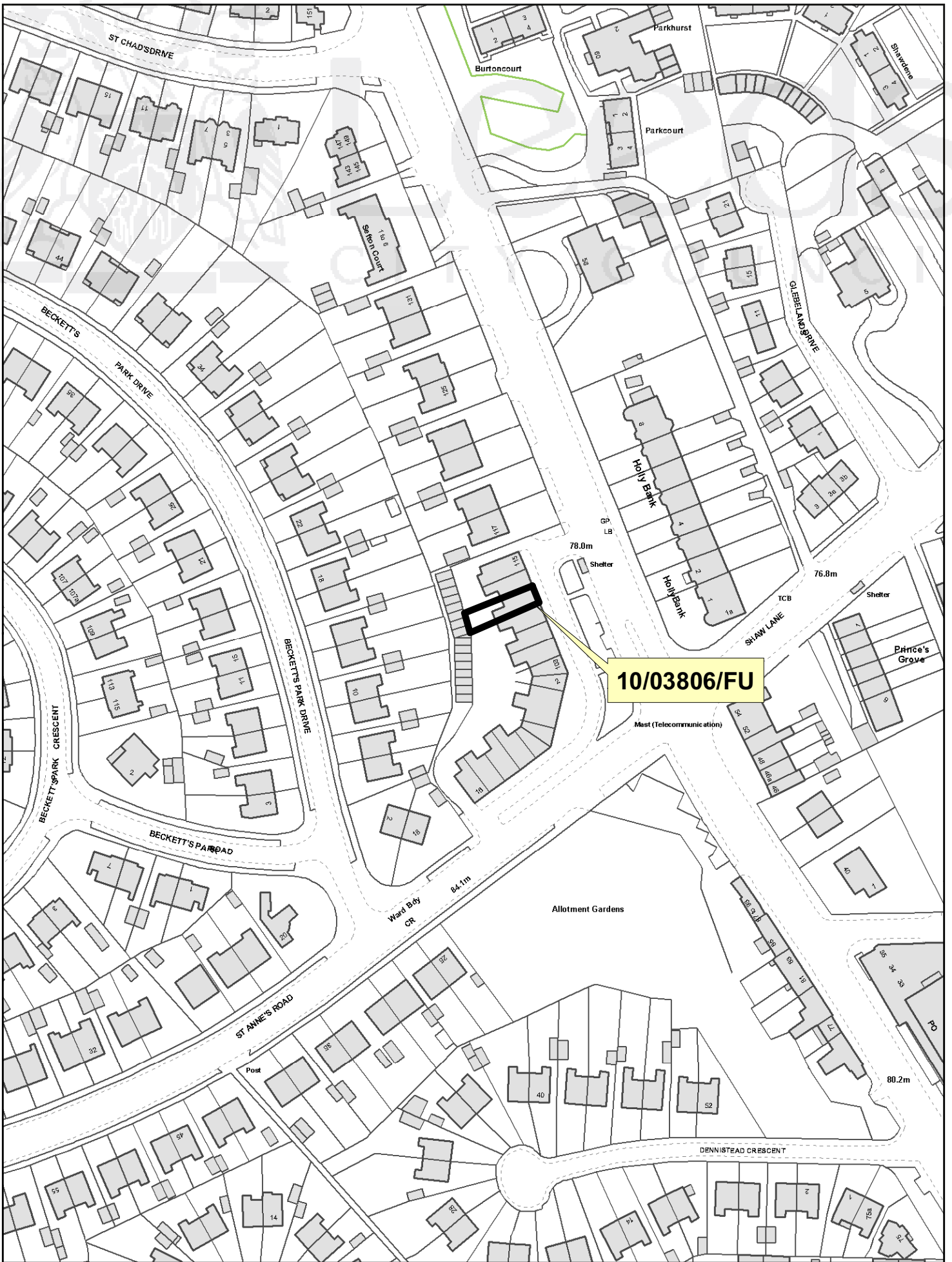
## **11.0 CONCLUSION:**

- 11.1 As discussed above, it is considered that the loss of one of the few remaining A1 units in this parade would prove unduly harmful to the continued retail vitality of this local parade with the likelihood that the parade would then only have 3 out of 14 units occupied in retail use, to the significant detriment of local amenity. It is considered that the retention of this unit in retail use is therefore important in attempts at revitalising the parade and of protecting the retail vitality of this secondary shopping frontage. It is not considered that the level of local support for the proposal is sufficient to override significant Policy concerns as although the existing restaurant is reported to have high level of local community involvement, with clear loyalty from both local and more distant patrons, it is considered that the retail vitality of the parade and its attractiveness to shoppers must take precedence so as to comply with the stated aims of PPS-1 which requires that Local Planning Authorities should ensure successful, safe and inclusive towns and cities for all members of the community. It is important to note that the relevant planning consideration is whether a restaurant use is appropriate to this particular unit in this location as the merits of any particular operator are of limited relevance as any planning permission would run with the premises rather than the current applicant. There is also an unacceptable parking provision associated with the proposal, with refusal being also recommended on Highways grounds. Refusal is therefore recommended, for the reasons set out at the head of this report.

## **Background Papers:**

Application and history files.





# WEST PLANS PANEL



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Originator:	Mathias Franklin
Tel:	0113 2477019

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 2 December 2010

**Subject: APPLICATION 10/04346/FU: Laying out of access road and erection of 19 houses at the former Cookridge Hospital site, Silk Mill Way, Cookridge**

APPLICANT	DATE VALID	TARGET DATE
Chartford Arthington Ltd	23.09.2010	23.12.2010

<p><b>Electoral Wards Affected:</b></p> <p>Weetwood</p> <p><input type="checkbox"/> Y Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></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:**

**GRANT PERMISSION** Subject to the following conditions (and any other deemed necessary by the Chief Planning Officer) and subject to the completion of a Section 106 agreement to cover contributions of £23,507.10 towards greenspace and 7affordable housing units. All contributions to be indexed linked. In addition the Section 106 needs to provide a mechanism for linking this phase of the redevelopment to the delivery of the wider site:

1. Standard 3 year permission;
2. Development to accord with approved plans;
3. Materials for doors, windows, walls and roofs;
4. Details of all surface materials;
5. Boundary Treatments;
6. Details of hard and soft landscaping;
7. Landscaping implementation;
8. Landscaping maintenance;
9. Prior to commencement of works on site, details of the proposed means of foul drainage and of interception, collection, treatment and discharge of surfacewater and groundwater, including flow balancing, shall be submitted to and approved in writing by the LPA
10. Prior to construction of the Phase 1 access road, incorporating the 'Right hand' surfacewater drainage outfall system, attenuation storage tank and flow control, it shall be demonstrated the final surfacewater outfall discharge peak rate of flow shall not

exceed the agreed 50 litres/sec for the 1in 100year storm return period (plus 20%allowance for Climate change);

11. Drainage Sequencing and Strategy Report shall be submitted and agreed prior to commencement of Phase 1 works that clarifies the phasing of the whole of the development;
12. A Soakaway Drainage Design Assessment shall be submitted for approval prior to commencement of works for Phase 1 on site;
13. On commencement of Phase 1 works on site, the roofwater and impermeable areas run off from the adjacent occupied HPA building and car park shall be diverted to a new trench soakaway within the adjacent land before the start of works to the lower level housing development;
14. Car parking to be laid out.
15. Cycle and bins stores;
16. All roofs to be constructed out of nature slate
17. 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 Regional Strategy and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, H4, N12, N13, N14, BD5, BD6, T24, T2.

SPG13:Neighbourhoods for Living

SPG4: Greenspace

SPG3: Affordable Housing

PPS1: Delivering Sustainable Development;

PPS3: Housing; and

PPS5: Planning for the Historic Environment

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 due to updating Members on the wider redevelopment proposals for the former Cookridge Hospital site.

## **2.0 PROPOSAL:**

- 2.1 The proposal is for the erection of 19 detached, semi detached and terraced dwellings located in the south west corner of the site. The houses are two storey, of brick and slate construction with a traditional design and appearance. The houses have a mixture of either hipped or gable end roofs, some properties have single or two storey bays. The houses are located in a cul de sac arrangement with a single entrance into the cul de sac off the internal estate road. The layout shows some properties fronting on to Silk Mill Way and some fronting the internal estate road. Car parking for each dwelling is provided within the cul de sac except for three properties which front the internal estate road where their driveways are proposed accessing onto the internal estate road.

### 3.0 SITE AND SURROUNDINGS:

- 3.1 Cookridge Hospital is situated in the suburb of Cookridge, which is located about 6.5km to the north-west of Leeds city centre. The surrounding area is also exclusively residential. Some housing dates from the 1930s but the majority is post-war, with some significant recent developments. Local shops, community facilities, etc are interspersed throughout the area.
- 3.2 The east sector of the site, between the main hospital and the wooded area to the east, contains three large buildings set within a landscape comprising of mature trees and formal gardens. The Ida and Arthington Wings form the main part of the hospital, the former being Listed grade II. Both have similar plan form but each has different elevational design. Each building is set within formal gardens to the front, and is set on a terraced level giving it prominence within the site. The Arthington Wing is on slightly higher ground level than the Ida and is turned slightly away from it such that there is little intervisibility between the two building frontages. The Arthington Wing is not part of these planning applications and will remain unaltered.
- 3.3 The Ida wing was built circa 1890 to a design by Chorley and Cannon. It has a central three storey block with a pitched roof in slate, and elevations in brick and stone at ground floor and render with mock timbering above. The lower flanking wings are of the same general design and once had open verandas, which are now closed up. The frontage of the building faces onto sloping lawns with formal planting beds and mature trees. The rear of the building is largely brick, and facing the rear service road are the entrances to the kitchens, delivery areas and plant installations. The building is currently part vacant, part used for storage.
- 3.4 The application site is located adjacent to Silk Mill Way. The site is a cleared part of the site.

### 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:-

10/02683/FU: 1 two bedroom, 1 three bedroom and 1 four bedroom with integral garage, terrace houses (plots 21-24). **This application is to be approved under delegated powers. The 3 units here will be referenced in the Section 106 agreement and contribute tot the total number of dwellings used to calculate the S106 contributions.**

10/02682/FU: Laying out of access road and sewers to residential development site. **Pending determination but to be approved under delegated powers.**

07/05064/RM: Reserved Matters pursuant to Outline Consent (Ref. 26/140/00/OT, 26/577/00/OT) for residential development and associated works – Decision Notice issued March 2009 on completion of the Section 106 agreement.

07/05001/FU: Change of use, including part demolition and conversion of hospital buildings and lodge to 77 dwellings; Decision Notice issued March 2009 on completion of the Section 106 agreement.

07/05113/FU: Variation of condition 19 (Greenspace) of Outline permission (26/140/04/FU) for residential development. Approved under delegated power November 2007.

26/140/04/FU: Variation of condition for approval of reserved matters in 3 yrs – Approved.

26/577/00/OT : Outline residential development - Approved and renewed in 2004.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 This application is phase 1 of the wider redevelopment of the former Cookridge Hospital site. The planning permissions issued above related to a redevelopment proposed by Taylor Wimpey. Taylor Wimpey did not complete the purchase of the site and the NHS sold the site recently to Chartford Homes. Chartford intend to redevelop the site using the broad layout approved under the Wimpey scheme. However, they wish to slightly vary the layout and replace the Wimpey homes with their own types of houses. The Wimpey scheme had mostly 3 storey housing with integral garages. Officers have advised Chartford that this design approach was not supported due to the concerns over scale and also over inactive ground floor frontages dominated by garages and cars. Chartford have taken this design concern on board and their houses and layout do not include any properties for 3 storeys' or with integral garages. In addition the development has also been revised to take account of the Street Design Guide.
- 5.2 As stated these 19 houses form the first phase of the wider site redevelopment. Chartford intend to submit another planning application and associated listed building consent application in December 2010 for the remainder of the site. Again the layout and the internal estate road will be broadly similar to what the Wimpey layout was (to be shown to Panel for comparison and information).
- 5.3 The applicant has submitted a draft S106 agreement with this current application as this application requires contributions towards greenspace and affordable housing. The applicant has accepted that since the Wimpey scheme was approved the planning policy requirements for such things as affordable housing have increased to 30% and the introduction of the Public Transport SPD and Travel Plan SPD will trigger contributions from this site. As this application forms phase 1 of the wider site redevelopment the draft S106 also has within it a linking mechanism to ensure that when the remainder and majority of the site comes forward and is built out that the number of houses built as part of this first phase will be added to the overall number of dwellings completed and therefore the policy requirements for the total number of properties built across the site will be reflected in the S106 agreement.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised on site by the means of site notices. There have been no representations received to the publicity of this planning application. The Weetwood Ward Members have conducted a drop in session to notify local residents about this proposal, the developer also attended this public meeting.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory Consultees:**

#### **MAINS DRAINAGE:**

- 7.1 Require conditions as outlined above.

### **Non-statutory Consultees:**

#### **HIGHWAYS:**

7.2 No objections are raised to the scheme, subject to the imposition of highway 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 considerations indicate otherwise.

### **Regional Planning Policies:**

8.2 On the 6 July 2010, the Secretary of State for Communities announced the revocation of the Regional Strategies which would leave the Leeds Unitary Development Plan (Review 2006) as the sole statutory Development Plan. Although the High Court has recently ruled that the Secretary of State's decision to revoke the Regional Spatial Strategies was unlawful, the coalition government has confirmed that it will be introducing the Localism Bill to Parliament, which will remove Regional Strategies through the parliamentary process

### **Local Planning Policies:**

8.2 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.

8.3 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: -

- GP5 – proposals should resolve detailed planning criteria;
- H4 – residential development of non identified sites
- H12-13 Affordable housing
- N12 – priorities for urban design;
- N2-4 Greenspace
- 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;
- T2: Highway safety considerations
- T24 Car Parking requirements

### **Supplementary Planning Guidance:**

8.4 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.

- SPG4: Greenspace.
- SPG3 Affordable Housing.

### **National Planning Policy:**

- 8.5** 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
  - PPS5: Planning for the Historic Environment

### **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:

- Principle of residential development;
- The appearance of the dwellings and the impact on the setting of the listed buildings;
- Highway, servicing and pedestrian safety;
- Residential amenity: and
- Section 106 Matters.

### **10.0 APPRAISAL:**

#### **Principle of residential development:**

- 10.1 The principle of the development was established under the previous Outline approval on the site in 2000 and renewed in 2004 and 2007. It is considered the site is previously developed land having accommodated many post war hospital buildings which have now largely been demolished. The listed buildings on site are to be retained and converted.

#### **The appearance of the dwellings and the impact on the setting of the listed buildings:**

- 10.2 The new build dwellings have been designed to reflect the characteristics of the area, namely that the post war housing in the area is mostly two storeys in height. The design and appearance is traditional. The setting of the listed building has been a key consideration. The use of natural slate roofs is important as the topography in this locality means that roofscapes will be very important. The layout of the site is broadly similar to the previous approved scheme. Houses fronting both Silk Mill Way and the internal estate road are important. It should be noted that the houses fronting the internal estate road will have natural timber framed windows and doors as well as natural slate roofs. The houses located within the cul de sac are not considered as visually prominent and therefore, the use of UPVC is considered



appropriate, however, the roofs of these dwellings will be natural slate. The proposal is acceptable in relation to trees and the proposed landscaping is also acceptable.

#### **Highway, servicing and pedestrian safety:**

- 10.3 Highway officers have no objections to the proposed layout of the estate road or the 19 houses in this cul de sac. The car parking for the houses is acceptable with most properties having at least 2 off-street spaces. In addition the cul de sac and estate road have been designed to reflect the guidance in the Council's Street Design Guide SPD.

#### **Residential amenity:**

- 10.4 The proposed layout of the dwellings is considered to afford future occupiers with a good level of amenity in terms of over looking, privacy, outlook and in relation to private garden areas and off street car parking. There are no serious concerns in relation to residential amenity for future occupiers or neighbouring residents in relation to this application.

#### **Section 106**

- 10.5 The bullet points below show how the Section 106 for this 19 dwelling application will be structured to ensure that this phase of development ties in with the wider site. In addition the developer has been informed that the bullet points below will be applicable to the next phase of redevelopment of this site.

- If affordable housing is not provided, an equivalent (i.e. 30%) affordable housing contribution is required. The phasing and security for this payment is to be agreed between the parties but is required to ensure the Council has an enforceable and defensible position. The developer has agreed to this 'bond' but the detail has yet to be finalised.
- Greenspace contribution of £23,507.10. On site greenspace 0.076ha will be delivered through the wider site redevelopment. Members may recall from the previous Wimpey scheme that the main area of greenspace will be located in front of the listed Hospital building.
- Public transport, education and other contributions are not triggered by this development but these dwellings are to be included in the overall count of homes for contributions by the site as a whole.
- Any future applications for the site will be treated in the same way (in terms of policy position and aggregation of homes for contributions purposes).
- The 3 show homes development will be included in the s.106.

#### **11.0 CONCLUSION:**

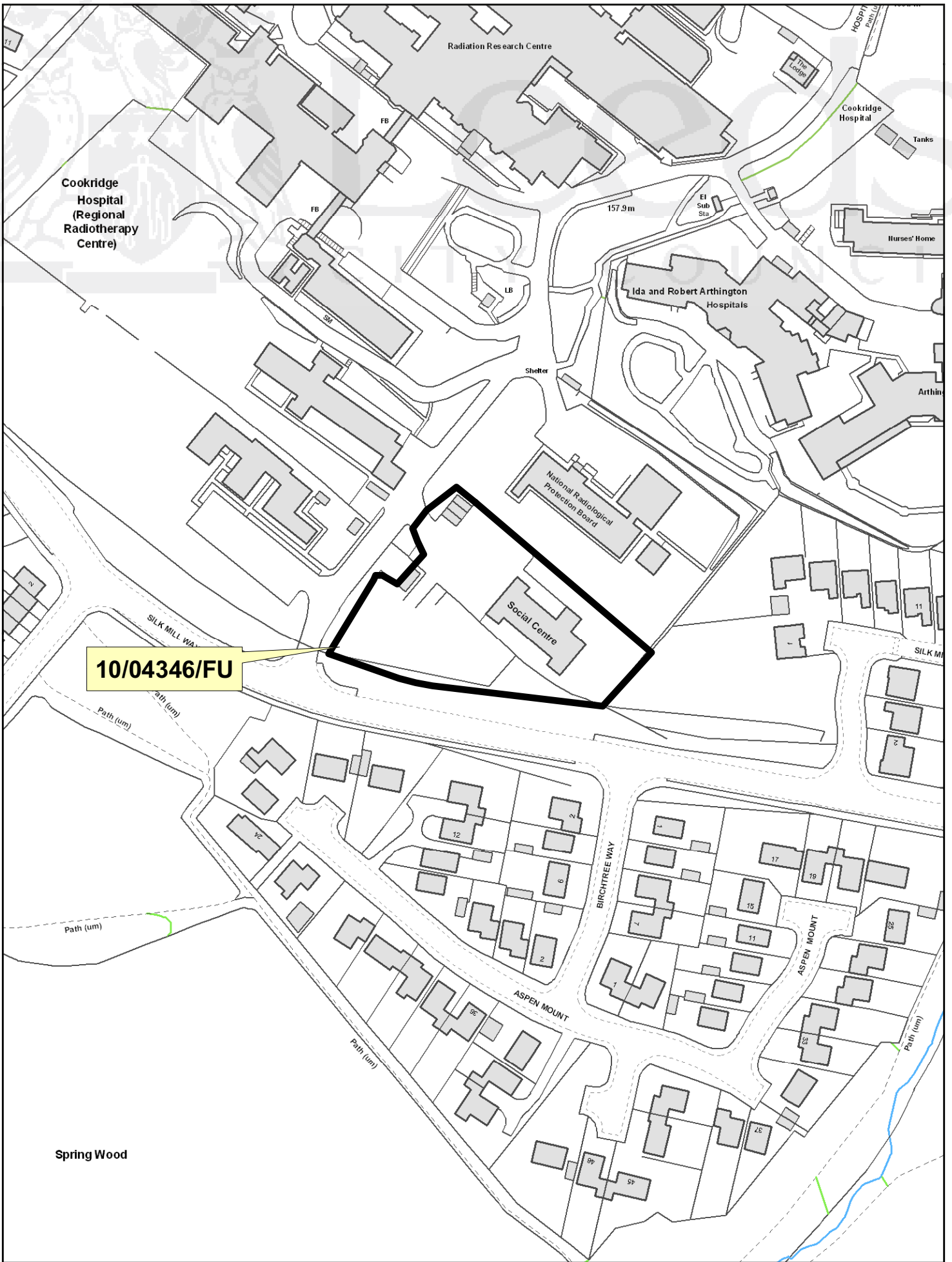
- 11.1 Overall this phase of the wider site development is considered acceptable in relation to the relevant policy considerations. The Section 106 is considered acceptable in relation to securing the current policy requirements and the also to protect the Council position regarding delivery of affordable housing and greenspace should the developer only build out these 19 houses. In this situation a commuted sum will be paid by the developer.

11.2 In relation to the design and appearance of this phase of the development. The houses are considered well designed and portioned and in relation to the consideration of the effect upon the setting of the listed buildings on site the house types are considered to preserve the setting of the listed buildings. The use of natural slate to all the roofs and the use of timber framed doors and windows to the properties on the estate road should complement the approach to the listed buildings. There are no serious concerns in relation to amenity considerations or highways matters.

**Background Papers:**

Application files

Historic application files



# WEST PLANS PANEL

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Originator:	Mathias Franklin
Tel:	0113 24 77019

**Draft Report of the Chief Planning Officer**

***PLANS PANEL WEST***

***POSITION STATEMENT***

**Date: 2<sup>nd</sup> DECEMBER 2010**

**Subject: APPLICATION NUMBER: 09/04287/RM - Reserved matters application for laying out of access roads and erection of 138 dwellings, 21 flats in 3 blocks, 41 retirement apartments, 2 storey office block and alterations and extensions to mill building to form 36 flats and 1 office unit and change of use of building to bar/ restaurant and 20 space public car park, greenspace and landscaping at Garnetts Paper Mill, Otley; and:**

**APPLICATION NUMBER 10/03695/FU - Laying out of access road at Land At Gallows Hill, adjacent to cemetery, Pool Road, Otley LS21.**

APPLICANT	DATE VALID	TARGET DATE
BDW Ltd	29.10.2009	PPA 18.03.2010

<p><b>Electoral Wards Affected:</b></p> <p><b>OTLEY AND YEADON</b></p>  <table style="width: 100%;"> <tr> <td style="border: 1px solid black; width: 40px; text-align: center; vertical-align: middle;">Y</td> <td style="padding-left: 10px;">Ward Members consulted (referred to in report)</td> </tr> </table>	Y	Ward Members consulted (referred to in report)	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
Y	Ward Members consulted (referred to in report)		

**RECOMMENDATION:**

**This application is brought to Plans Panel as a position statement to update Members on the progress of the application and also in order for Members to provide their views on the following matters:**

- 1. Design and layout and masterplanning**
- 2. Drainage and flooding**
- 3. Highways and sustainability**
- 4. S106 package**

**1.0 INTRODUCTION:**

1.1 This position statement is brought to Plans Panel to update Members on this Reserved Matters planning application. The application relates to the former Garnett's Paper Mill site in Otley adjacent to the River Wharfe. The proposal

represents a substantial redevelopment on the edge of Otley town centre. Due to the significance of the site and the complexity of the development, Members' views are sought on the matters outlined in the recommendation box above. The report contains a series of questions relating to each of the subject areas and these questions are contained within the appraisal section of this report.

- 1.2 This application follows on from an Outline planning permission issued first in 2007 ref: 29/267/05/OT (and renewed and conditions varied in 2008) for the redevelopment of the site for a mixed use development comprising, residential, offices, bar restaurant, hotel and nursing home and surgery with a public car park and associated landscaping and new access road to connect the site to Pool Road to the east of Otley town centre. The Outline approval granted planning permission for this mixed use scheme. All matters were reserved except for access which included using the existing Mill Lane access road onto Bridge Street and proposed to create a new access road to connect to Pool Road running east out of the site (near to Gallows Hill). The Outline planning permission did not include any indicative details of the proposed mix use scheme except for a masterplan which showed the areas of the site which where the various uses would be located. This masterplan will be presented at the Panel meeting on the 2<sup>nd</sup> December.
- 1.3 The Reserved Matters application has been submitted in accordance with the Outline planning permission. The notable changes from what was approved in Outline relate to the reduction in amount of office spaces proposed and the removal of the hotel and doctors surgery elements which the developer states have no market in Otley. The Reserved Matters proposal is still a mixed use scheme with the predominant use being residential.
- 1.4 The Reserved Matters application is twinned with an application for the creation of a new vehicular access at Gallows Hill out on to Pool Road. The application ref: 10/03695/FU has been submitted as the approved access onto Pool Road cannot be delivered by the applicant due to land ownership issues. This varies only slightly the point of access out onto Pool road which is now proposed to be slightly further to east. This application would be linked to the Reserved Matters application by Section 106 agreement for the delivery of this access road prior to the commencement of development.

## **2.0 PROPOSAL:**

- 2.1 The proposed masterplan shows the layout of the site. The commercial elements of the scheme are located next to the Mill Lane access road which is towards the western end of the site. In this area are proposed the new build offices, amphitheatre, public car park, and pub restaurant. Behind this will be located the start of the housing estate and the nursing home. The retained mill and extension located on the river front will be converted into apartments blending a mixture of contemporary and traditional designs unified by a constant palette of materials constructed mostly out of artificial slate and stone, though the buildings in and adjacent to the Conservation Area would be natural stone and slate. At present the developer is proposing the majority of the new build housing to be constructed out of artificial stone and slate but in key vistas and locations the materials could be constructed out of natural stone and slate. The houses would be mixture of 2, 2.5 and 3 storey accommodation. The houses would be of traditional design and appearance. The nursing home would be 3-4 storeys in height and would be located in front of a proposed public and vehicular square and would incorporate a tower feature. Car parking would be accommodated mostly within communal courtyard areas. The proposal includes a few flats over garages which are considered to

provide surveillance and ownership of territory to enhance security and separate out private and public spaces.

- 2.2 The public open space would be located to the south of the site, described on plan as the ecological park. This area of land would also accommodate the flood storage capacity for the site. The site would create pedestrian foot paths and cycle routes to link to both White bridge and Otley town centre. This is in line with the aspirations of creating an urban extension to make the site as connected to the town centre as possible.
- 2.3 The site would have two vehicular access points as per the Outline approval. The site however would not be a through access except for buses and emergency vehicles. A bus gate or similar device will be installed at a point on the internal spine road to control through access. This gate would be located close to the commercial element of the proposal near to the pub restaurant and offices. The housing element of the scheme would only be able to exit the site via the new eastern access connecting on to Pool Road. This eastern access would be constructed to ensure that the road was above the 1:100 year plus climate change level to ensure safe and dry means of access. The existing site access onto Mill Lane would not have its levels altered from the existing situation rather this road which is shown in flood maps of the Environment agency to flood would be allowed to flood and signage and appropriate flood warning procedures would advise people of this if the river is thought to be flooding. The bus gates would prevent through traffic in this situation also. Further discussion and agreement on the finer details of this are required with the applicant.
- 2.4 A table showing a comparison between the proposed floor space and numbers of the approved Outline applications and currently proposed Reserved Matters scheme is shown below. The detailed proposals are consistent with areas of development approved in the outline permission.

Reserved Matters proposal (numbers and floorspace)	Outline approval 08/02079/OT Uses were granted permission in turns of Hectares (ha)
139 Dwellings and 21 new build apartments	Residential (apartments and housing) 3.20 Ha
325 sqm of pub restaurant in converted mill building and 36 apartments	Commercial uses (office, hotel and restaurant) 0.77 ha
604sqm of new build office space	(as above)
41 bedroom nursing home	Nursery and Surgery 0.08 Ha
20 space public car park	As proposed
Greenspace, cycle route and footpaths	Open Space 5.0 Ha

## 2.0 SITE AND SURROUNDINGS:

- 3.1 The site is that of Garnetts paper manufacturers on the riverside at Otley. The site as a whole extends to an area of 6.1 hectares. The main buildings and active part of the complex are concentrated towards the western end of the site and along the riverside. Access to the site is taken from this end along Mill Lane ie: along the rivers edge from Bridge St. The more eastern parts are open areas of former landfill area and flood plain land. A small part of the site located at the western end of the

site is located within the Otley Conservation Area, namely half of the Mill buildings and the access road area between the site and Mill Lane. The site is surrounded by flood zone 2 but the main developable area is out of this zoning.

#### **4 RELEVANT PLANNING HISTORY:**

- 4.1 08/02079/OT - Amendments to conditions numbers 22, 24 and 31 to extend planning permission 29/267/05/OT and to amend conditions relating to highways, footpath, cycleway and off site improvements including flood storage (approved 4<sup>th</sup> July 2008)  
29/267/05 – O/a for access, residential, offices, pub, hotel, retirement complex and surgery. Approved 14 Nov 06  
29/2/95: Outline application to erect business, warehouse and industrial units and nursing home –approved July 1995.  
29/24/97: laying out access and hospital and residential development withdrawn March 1999.  
29/265/97/OT: Outline proposal for housing on land to east of Garnetts Mill. (Appeal against non-determination was dismissed).  
29/167/98 -25: Industrial and warehouse units and 3 storey nursing home approved 2002.  
29/166/99/OT: Proposed Wharfedale General Hospital (relocation) withdrawn.

#### **5 HISTORY OF NEGOTIATIONS:**

- 5.1 The developer engaged with Officers in a formal pre-application process and also undertook community consultation prior to submitting this application. Pre-application meetings with officers took place and a community exhibition was held by the developer. Ward Members were also briefed during the pre-application process. The developer also presented the scheme to Plans Panel West in September 2009.

#### **6 PUBLIC/LOCAL RESPONSE:**

- 6.1 This application was advertised via site notices and also with an advert in the Press. One letter has been received from Greg Mullholland and 8 letters of objection, 1 letter of support and 6 letters making general comments have also been received. Greg Mullholland is not objecting personally but is expressing the concerns of a constituent who has contacted him about the application.
- 6.2 The grounds for objection, in summary, are:
- Scale and height of the proposed houses and offices,
  - Impact on local roads, rat running and increased traffic and highway safety,
  - Impact of the access road on Gallows Hill nature reserve,
  - Concern over highway safety of the proposed eastern access,
  - Impact on trees and local landscape,
  - Design, appearance and layout objections,
  - The impact on the character of the area,
  - Impact on views across the river
  - Noise and disturbance,
  - Insufficient car parking for increased tourism,
  - Concerns over flood risk and drainage,
  - Concern over construction phase,



- Relocation of large over ground sewer,
- Proposed bus route will create more traffic,
- Loss of local chimney landmark,
- One letter of support has been received for the new access onto Pool Road
- Comments have been received from Otley Town Council which does not object to the proposal but makes comments about the proposed scale of buildings, the need for improvements to the White Bridge and the cemetery. It has concerns about car parking provision, would wish to be involved in the S106 discussions. and does not want direct access from Mill Lane.

## 7 CONSULTATIONS RESPONSES:

### Statutory Consultees

- 7.1 **Highways** – Broadly the layout is evolving along the correct lines, however further detailed information is needed in relation to some of the car parking spaces for the houses. Additional off street car parking is requested for some house types. Direct access to parking courts from houses is needed. More information is required in relation to pedestrian footways, cycle storage and bin stores. In addition visibility splays need to be provided. With regard to the application at Gallows Hill for a new access onto Pool road, this provides safe access to the new development, but action under the Highways Act will be necessary to close the existing track which emerges onto Pool Road at this point as it conflicts with the new access.
- 7.2 **Drainage** – Have no objections to the proposed layout in relation to flood risk matters. Drainage engineers have been engaged within the discussions and negotiations with the applicant. The drainage position is that this scheme should not result in flooding of the proposed houses and that the proposed flood storage areas located to the south of the site within the proposed ecological park is sufficient to meet the needs of PPS25. There is no serious concerns in relation to displaced flood waters affecting neighbouring residents or affecting flooding down stream. The eastern access road complies with the requirements of PPS25 and it is accepted in drainage terms that Mill Lane does not need to be raised and can remain within the flood zone. Overall the drainage considerations of the scheme have been resolved.
- 7.3 **Environment Agency** – have not formally withdrawn their objection to the planning application but have been party to discussions with the applicant and officers and broadly the layout has been evolving along the correct lines to overcome their objections. Further consultation with the EA is anticipated to remove their objection. Additional details in relation to flood sign warning systems, the fish pass and associated drainage matters are required.
- 7.4 **Natural England** – Have withdrawn their previous objection to the scheme as the discovery of an Otter Halt at the site required that the layout of the proposed housing estate needed to be revised in order to protect this habit. Natural England is satisfied with the approach set out in the mitigation strategy. The construction of a barrier wall and erection of dog proof fencing should ensure that there is no direct disturbance to otters during the construction and operation phases. Natural England also welcome the steps that will be taken to ensure that otters are prevented from entering the proposal site. The establishment of a planting screen and the use of directional lighting should ensure that there is no indirect disturbance from noise and light pollution during the operation of the site. Natural England welcomes the fact that an ecologist will oversee the construction of the wall and that regular monitoring

of the Otter Holt will be undertaken during the construction phase of the development.

### **Non- Statutory Consultees**

- 7.5 **Contaminated land Team** - No objections subject to conditions
- 7.6 **West Yorkshire Archaeological Service** – Objects to the demolition of the building due to the cinema being a rare example of art deco architect constructed during World War 1 but request a condition for archaeological fabric appraisal prior to the demolition of the building should the Council grant planning permission.
- 7.7 **Environmental Health** – Do not object.
- 7.8 **Education Leeds** – Require a contribution of £619,295 due to a shortfall of both places at both primary and secondary schools in the locality.
- 7.9 **Refuse Management Team**- The refuse collection arrangements on the above site look to be ok although closer attention will have to be paid to the size of the bin
- 7.10 **Yorkshire Water** – No objection but have requested the developer supply further information about the proposed drainage details for the site.

### **8 PLANNING POLICIES:**

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

#### **Development Plan:**

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

The application site is unallocated within the UDP.

The adopted Leeds UDP (Review 2006) Proposals Map identifies the site within a defined shopping and conservation area. There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

Policy H1A of the Unitary Development Plan states that account must be taken of the guidance contained in PPS3 – Housing June 2010.

GP5: seeks to ensure development proposals resolve detailed planning considerations.

BD5: seeks to ensure appropriate design

N2, N3, N4: seek to secure greenspace provision within new residential development. The type of greenspace required dependent on size and location of development.

N12: Seek to achieve appropriate urban design.

N13: Seeks to ensure that the design of the buildings is of a high quality and respects urban design.

N23: seeks to ensure quality in design of incidental open space, also aid nature conservation.

N25: Seek to ensure the design of boundary treatments is positive.  
 N26: Seeks with ensure a full landscape scheme for part of the proposal.  
 N38, N39: Washlands  
 N49, N50, N51: nature conservation  
 H11, H12: seek to secure affordable housing where appropriate.  
 LD1: Aims of landscape schemes.  
 T2 : Guidance relating to new development and the highway network.  
 T5: Safe and secure access for pedestrians/cyclists.  
 T6: Satisfactory access for disabled people and persons with mobility problems.  
 T24: Seeks to ensure that there is sufficient parking provision.  
 BC7 Development within Conservation Areas will be expected to be in traditional local materials.  
 BC8 Certain features of buildings may require to be salvaged.  
 N18, N18B, N19, N20, N21, N22: all advocate high quality design which, especially in Conservation Areas, respects its surroundings. N18 seeks to ensure that buildings which contribute to the character of a Conservation Area are retained. N18B requires that plans for replacement buildings are approved prior to consent for demolition of the existing is granted.  
 N25: Seek to ensure the design of boundary treatments is positive.  
 SF8: Development within secondary shopping frontages.  
 H4: Residential development

### **Relevant supplementary guidance:**

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

Neighbourhoods for Living  
 Street Design Guide  
 Travel Plan SPD  
 Greenspace relating to new housing development SPG  
 Otley CA SPG appraisal  
 Otley Riverside Strategy

### **Government Planning Policy Guidance/Statements:**

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

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2010)

PPS4: Planning for Sustainable Economic Growth (2009)

PPS5: Planning for the Historic Environment (2010)

PPS25: Development and Flood Risk (2010)

- Principle of the development
- Design and layout and masterplanning
- Highways and sustainability
- Drainage and flooding
- S106 package

## 10 APPRAISAL:

### Principle of the development

- 10.1 The principle of the development was established when the Outline planning permission was granted for a mixed use redevelopment of the site. The proposal is still considered to be compliant with PPS3 Housing in relation to the preference for using previously developed land first. The site is in a sustainable location. The mixture and disposition of uses is considered well thought out. The re-use and conversion of the positive buildings on site along with sympathetic new build developments are considered to preserve the character and appearance of this part of the Otley Conservation Area.

### Design and layout and masterplanning

- 10.2 The masterplan that was shown to the Panel by the developer in September 2009 prior to the submission of the Reserved Matters application has been revised through the course of negotiations and discussions with Officers. Broadly the layout remains similar and the architecture is similar to what was shown. Officers are happy with the progress of the design layout in relation to streets, courtyards, public open spaces, pedestrian linkages into the site and through the site. The proposed new build elements adopt a traditional design on the whole except for the mill extension building for apartments located on the riverside and the new build office. The use of stone and slate materials predominantly is considered reflective of local character. Members will recall from the pre-application presentation that the style and layout of properties, broadly was welcomed however, much more detail was needed to be shown. The house types are traditional in appearance and are considered reflective of local character. The riverside walk is an attractive feature and properties will front onto this walkway. The main estate road has properties fronting on to with courtyards created set behind this. The estate will not have properties with integral garages as such courtyards have been considered a suitable way forward to accommodate car parking. The use of a limited number of flats over garages is considered appropriate for surveillance and security and also creates a homezone effect. The nursing home building is a large building located in the south western part of the site. This building has been reduced in height through negotiations and fronts onto a public space proposed as part of the layout of the site. Behind the nursing home would be the open space and flood storage area. The scale of this building is not objected to given the openness and space around the building which officers feel allows a building of this 4 storey scale to work comfortably without being overbearing or dominant or out of local context.
- 10.3 The commercial elements have a mixture of styles and appearance though traditional materials on the whole unify the different design of this part of the scheme. The grouping of the commercial elements at the western end of the site closest to the town centre and the existing access off Mill Lane is considered appropriate to create a 'destination' which was an aspiration of the Outline approval. Whilst the hotel and doctors surgery elements of the Outline have not been brought forward the scheme is still considered likely to attract visitors to the pub restaurant located in the converted mill buildings and the office elements are hoped to be

attractive to small sized businesses. In addition the riverside walk is an attractive feature and discussions are on going to use the s106 greenspace money to upgrade White Bridge and make a circuit connection to Wharfe Meadow Parks. There are however, land ownership issues with this aspiration which are yet to be resolved.

10.4 **Members views are sought on the masterplan, the layout, the appearance of the buildings and the general design approach.**

Highway and Sustainability Matters

10.5 The western access road can not reasonably be raised above the 1:100 year flood level and the Highway Authority will not therefore take responsibility for the adoption and maintenance of this road. As the western access road will only serve the office car park, public car park and public bus route it is considered that this is acceptable subject to an acceptable maintenance and management plan. Outline consent has already been granted for a mixed use development on the site. The principle of the development is therefore acceptable subject to an acceptable access plan being agreed for Pool Road eastern access junction. Further discussions between officers, the developer and legal representatives is required in order to make the application for the new access at Gallows Hill acceptable. In addition it is critical that the site is fully connected in pedestrian terms. A direct, surfaced and lit (preferably adopted) footpath is required above the flood level to connect the site to Otley centre. At present the position officers have taken is that it is not acceptable to rely on the Pool Road footway for this purpose and the linkage to Riverdale Road is a critical element to demonstrate suitable pedestrian accessibility. Some amendments to the internal site layout are still required. Road safety audits for the off site highway works are still required.

10.6 The proposed bus service that will have access through the site from Pool Road out on to Mill Lane through the bus gate will be funded for by the developer and is included in the S106. Metro have not yet established which service will be extended but have agreed with the developer the contribution. The travel plan and measures within the travel plan are still subject to negotiation, further information will be presented to Members at the December meeting.

10.7 **Members views are sought on the proposed highways matters in relation to the restrictions to drive through the site except for buses and of the acceptability of not raising the height of Mill Lane. Members views on whether a direct pedestrian link which is above the flood level is required at the western end of the site.**

Drainage and flooding

10.8 Since the Outline was first approved, the flood maps for this area have been revised and updated. In addition there has been a change of planning circumstance with the publication of PPS25. Flooding and flood risk management are significant issues in the determination of this application. The Environment Agency have not yet formally withdrawn their objection to the application. It is envisaged that the discussions and revisions to the scheme involving officers, the applicant and the EA have addressed their concerns. The site is located adjacent to the River Wharfe, the surrounding area is liable to flooding. The site layout, access arrangements and compensatory flood storage provision have been part of the masterplanning process. The storage area is located to the south of the site and will also be part of the public open space provision. This accords with the approach of PPS25 as the land is not suitable for development but has ecological and amenity value. Due to the site being surrounded by areas highly liable to flooding it is necessary to ensure this

development meets the requirements of PPS25. The Council's drainage engineer has been involved in the masterplanning phase of the application and has no objections in relation to PPS25 considerations. Much time has been spent resolving and considering this issue. The broad layout is considered to be acceptable in relation to not adding to flooding in other parts of Otley or further downstream. The Pool Road access will be above the 1:100 plus climate change level and the proposed arrangements for managing the flooding of Mill Lane in relation to the need for warning systems, signage and a management plan are being prepared by the developer for submission to the EA. The Outline approval had as part of its access arrangements plans to raise up Mill Lane; however the updated data in relation flood levels by the EA has shown that this would require raising of Mill Lane by about 1.8m in height. This is considered inappropriate given the length of road that would need to be raised and the impact on amenity. Officers have on balance accepted this is not a suitable way to proceed with the access arrangements and have accepted that Mill Lane could flood and that Pool Road eastern access would provide vehicular access at a time of flood. Discussions with the applicant on whether a pedestrian access at this end of the site at a time of flood is required are ongoing.

**The flood risk matters are considered largely resolved from a technical point of view but Officers would like Members views on the flood risk matters.**

Section 106 package

- 10.9 The Outline planning permission first granted in 2007 did not have a Section 106 agreement attached, rather the use of planning conditions secured the delivery of the required policy contributions. The developer has submitted a draft S106 with the application but the contributions outlined below have not to date agreed with the applicant. All contributions are to be indexed linked.
- 10.10 Affordable housing: 25% (50/50 split between submarket and social rented) of 236 dwellings. This equates to 59 units for affordable housing, of which 29 for social rent and 30 for submarket.
- 10.11 A bus stop, £75,000.00 for bus diversion service, metrocard for each dwelling metrocards for the employees of the commercial elements. Travel Plan monitoring fee and car club contribution are required along with additional travel planning measures which are currently being negotiated with the applicant.
- 10.12 Highway Section 106 and S278 requirements  
S278 Works:
- New access onto Pool Road, including ghost right turn island and likely re-location of bus stop.
  - Mill Lane / Manor Street Works to restrict access.
  - Upgrade of existing zebra crossing on Cross Green to pelican crossing (including build-outs)
  - Upgrade to signals at Manor Square and Wesley Street to fit ADSL lines and Chameleon equipment  
Deployable UTC Camera
- S38 - Internal Highway Works
- Additional signing requirements for bus gate and flooding to be provided - Will require commuted sums if within Highway.

S106 Pedestrian / Cycle Links:

- Upgrade to White Bridge to increase height of parapets - this work can not be delivered through LCC Highways - needs discussing with Parks and Countryside and Yorkshire Water.
- Links to White Bridge (across 3rd party land)
- Links to existing public footpath off Riverdale Road
- Links to Cemetery Footpath - discuss with Parks

- 10.13 The public car park shall be laid out and made available for the use at the developer's expense.
- 10.14 The Greenspace contribution is only required for policy N2.3 (district parks) and for equipped children's play equipment as the development is providing open space within its curtilage and Wharfe Meadow Park is on the other side of the River. The contribution is £185,951.21
- 10.15 An Education contribution towards local school provision is required, Primary schools £386,401 and Secondary £232,894 overall the contribution is £619,295
- 10.16 The contributions are required by UDP policies and the contributions are considered to be in accordance with the Community Infrastructure Levy (CIL) regulations introduced in April 2010.
- 10.17 The site contains the existing hydroelectric turbine, the developer has stated the continuing intention to bring this back into beneficial use. Due to the complexity of this and the need for a third party the developer has still to provide further details on the progress on this matter. As part of the S106 Officers would expect to see how this is delivered. In addition although not a Section 106 requirement a condition on the Outline requires a fish pass to be built, again little detail has been provided but the developer remains committed to this condition precedent.
- 10.18 **Members views are sought on the requirements of the Section 106 package.**

#### Summary

- 10.19 Overall Officers consider the progress made on the detailed matters of this Reserved Matters application to be positive. The urban design and architectural elements are considered to have progressed well and apart from further highway matters in relation to the car parking and servicing Officers consider the layout to be broadly acceptable. Members views are sought of the design and appearance of all the buildings as well as the layout and general disposition of the residential areas to commercial uses and retained buildings. The developer has stated they intend to use artificial stone and slate for the majority of the new build, Members will be invited at a future date to see a sample of these materials on site and as such consideration of the materials is deferred.
- 10.20 The flood risk matters are considered largely resolved from a technical point of view but Officers would like Members views on the flood risk matters.
- 10.21 Members views are sought in relation to the highways arrangements. Members should note the changes to the highway arrangements from what was approved as part of the Outline planning permission. The restriction of through traffic is considered necessary given the flooding issue and unsuitability of raising Mill Lane along with the potential for rat running. Members are asked to consider the question of whether a dedicated pedestrian dry access route is required from the western end of the site to connect to Otley town centre. PPS25 only requires one means of dry

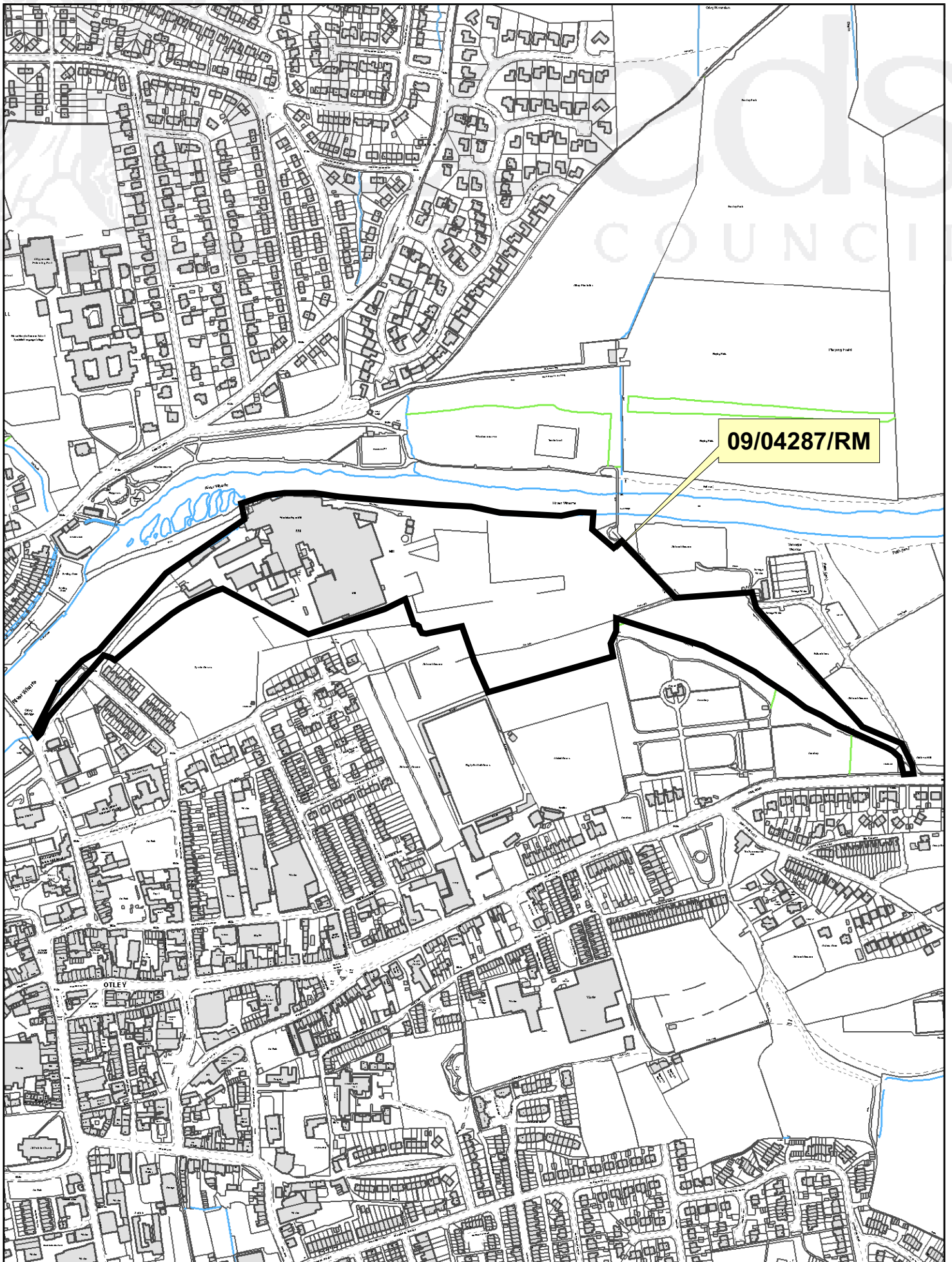
access in a time of flood which the eastern access road does but given the length of this road and the distance to Otley from Pool Road Members views on this are invited.

- 10.22 Members views on the Section 106 requirements are also sought. Members should note the Section 106 requirements were established in 2007 prior to the introduction of new planning guidance for developer contributions and when the affordable housing requirements were 25% for residential schemes in Otley.

**Background Papers:**

Application and history files.





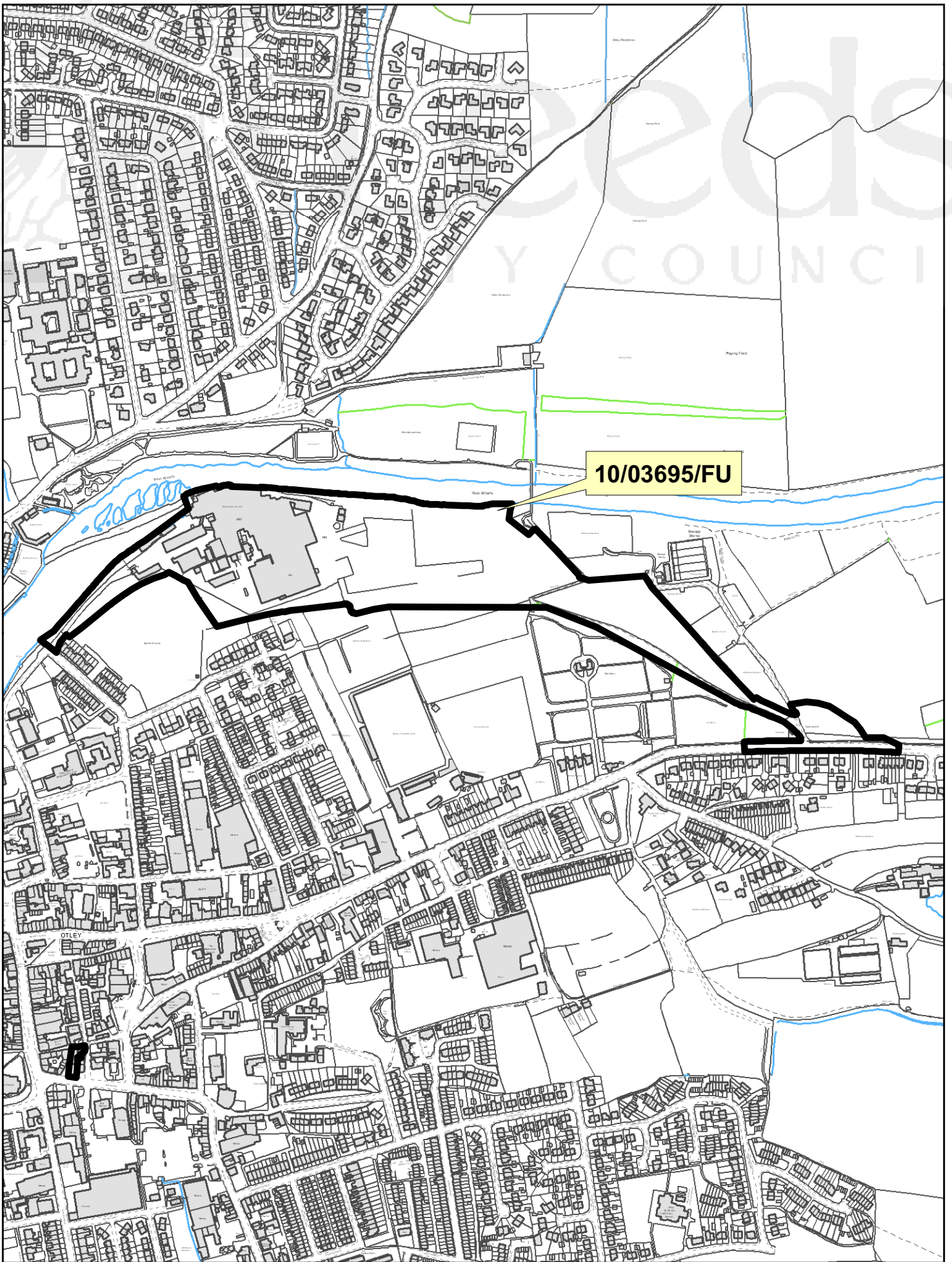
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# WEST PLANS PANEL

Scale 1/ 5500

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# WEST PLANS PANEL