



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 18th January, 2018
at 1.30 pm

MEMBERSHIP

Councillors

| | | |
|----------------------|-----------|-------------|
| R Grahame | B Cleasby | J Procter |
| S Hamilton | | P Wadsworth |
| S McKenna | | G Wilkinson |
| E Nash | | |
| K Ritchie | | |
| N Walshaw (Chair) | | |

**Agenda compiled by:
Debbie Oldham
Governance Services
Civic Hall
Tel: 0113 3788656**

A G E N D A

| Item No | Ward | Item Not Open | | Page No |
|---------|------|---------------|--|---------|
| 1 | | | <p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p> | |
| 2 | | | <p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following 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, as follows:-</p> | |

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| 3 | | | <p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p> | |
| 4 | | | <p>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p> | |
| 5 | | | <p>APOLOGIES FOR ABSENCE</p> | |
| 6 | | | <p>MINUTES</p> <p>To approve as a correct record the minutes of the meeting held on 21st December 2017.</p> | 3 - 14 |
| 7 | Chapel Allerton | | <p>15/07108/OT - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT UP TO 72 UNITS, FORMER CIVIL SERVICE SPORTS ASSOCIATION GROUND, NEWTON ROAD, POTTERNEWTON, LS7</p> <p>To receive the report of the Chief Planning Officer on an outline application for residential development up to 72 units at former Civil Service Sports Association Ground, Newton Road, Potternewton, LS7.</p> <p>(Report attached)</p> | 15 - 36 |

| Item No | Ward | Item Not Open | | Page No |
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| 8 | Temple Newsam | | <p>17/04217/FU - CHANGE OF USE OF WOODLAND TO A GO APE HIGH ROPES COURSE WITH AN ASSOCIATED RECEPTION CABIN, TEMPLE NEWSAM PARK, TEMPLE NEWSAM ROAD, OFF SELBY ROAD, LS15 0AE</p> <p>To consider the report of the Chief Planning Officer for change of use of woodland to a Go Ape High Ropes Course with associated reception cabin at Temple Newsam Park, Temple Newsam Road, off Selby Road, LS15 0AE.</p> <p>(Report attached)</p> | 37 - 50 |
| 9 | | | <p>DATE AND TIME OF NEXT MEETING</p> <p>To note the next meeting of the North and East Plans Panel will be Thursday 22nd February 2018, at 1:30pm in Civic Hall.</p> | |
| | | | | |

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of North and East
Plans Panel

Planning Services

The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: David Newbury
Tel: 0113 37 87990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date: 10th January 2018

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 18th January 2018

Prior to the meeting of the North and East Plans Panel on Thursday 18th January 2018 the following site visits will take place:

| Time | Ward | |
|----------------------|------------------|---|
| 11.05am | | Depart Civic Hall |
| 11.25am - 11.40am | Temple Newsam | 17/04217/FU – Temple Newsam Park, Temple Newsam Road |
| 12.00 (noon) | | Return to Civic Hall |

For those Members requiring transport, a minibus will leave the Civic Hall at 11.05am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 11.00am. If you are making your own way to the site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager

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NORTH AND EAST PLANS PANEL

THURSDAY, 21ST DECEMBER, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors B Cleasby, R Grahame,
S Hamilton, S McKenna, E Nash, J Procter,
K Ritchie, P Wadsworth and G Wilkinson

SITE VISITS

The Panel site visits were attended by Councillors Walshaw, Hamilton, Nash, Ritchie, S. McKenna, and Wilkinson.

77 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

78 Exempt Information - Possible Exclusion of the Press and Public

There was no exempt information.

79 Late Items

There were no formal late items. However, it was noted that a red line map had been omitted from the hard copy agendas for Agenda Item 9 – Application 17/04217/FU Change of use of woodland to a Go Ape high ropes course with associated reception cabin at Temple Newsam Park, Temple Newsam Road, Leeds. This was circulated to all Members prior to the meeting.

80 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests.

However, Cllr. R Grahame did declare an other interest in Item 7 – Appeal by Mr Darren Hirst (Just Design Ltd) against a refusal to grant planning permission (Ref: 16/07555/FU) for the construction of 13 dwellings at the former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14, as his wife Cllr. P Grahame is a Ward Member for Crossgates and Whinmoor.

Cllr. Cleasby declared an interest during Item 10 - 17/03940/FU – Siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds as he owns a caravan and travels away for extended periods.

81 Apologies for Absence

There were no apologies for absence.

82 Minutes

RESOLVED – That the minutes of the meeting held on 16th November 2017 be approved as a correct record with the following amendment.

Item 71 – 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land off Ninelands Lane, Garforth, Leeds, LS25 to include;
“In relation to the design of the affordable homes Members requested that they see the designs prior to approval of the application”.

83 Matters arising

Item 71 – 17/00307/FU – Demolition of existing buildings, development of 241 dwellings and provision of open space, landscaping and drainage works Land off Ninelands Lane, Garforth, Leeds, LS25

- It was noted that no response to a letter from Chair had been received from Yorkshire Water

Item 73 – 17/04886/FU – Replacement dwelling with garage and associated landscaping 5 Wensley Drive, Chapel Allerton, Leeds, LS7 3QP.

- Cllr. Wilkinson had requested that an obscured glazed window would not be able to open. It was noted that this would be checked.

84 APPEAL SUMMARY 16/07555/FU - Construction of 13 houses Former Site Of Stanks Fire Station Sherburn Road Swarcliffe LS14 5DW

Further to minute 172 of the meeting held on 11th May 2017, the report of the Chief Planning Officer requested Members to note the appeal decision.

At the meeting held on 11th May 2017 Members resolved to accept the officer recommendation that planning permission be refused for the construction of 13 dwellings at the former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14.

Reasons for refusal were set out at point 1.1 of the submitted report.

Members were informed of the issues identified by the Inspector as set out at points 2.1 and 2.2 of the submitted report and included:

- Confirmation that the appellant had submitted a Unilateral Undertaking in respect of a contribution towards the provision of greenspace. That the Unilateral Undertaking addressed the second reason for refusal and consequently, the Inspector had not considered the issues of provision of green space;

- Whether the proposed development would be likely to increase opportunities for crime and antisocial behaviour and provide a safe or secure environment;
- The effect of the proposal on the character and appearance of the area; and
- Whether future occupiers would be likely to experience acceptable living conditions in terms of privacy, outlook and outdoor amenity space.

Members were advised that the Inspector had concluded that the proposal was likely to increase opportunities for crime and antisocial behaviour and would have an unacceptable effect on the character and appearance of the area where the landscape is concerned.

RESOLVED – To note the appeal decision.

85 17/00029/OT - Outline application for 26 dwellings and means of access Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS

The report of the Chief Planning Officer asked Members to consider a proposal to contest the appeal against the non-determination of an outline application for 26 dwellings and means of access on land at Ridge Meadows, Northgate Lane/Tibgarth, Linton, Wetherby, LS22 4GS.

Members were informed that the application was presented to North and East Plans Panel following the submission of an appeal against non-determination to the Secretary of State by the applicant on 6th October.

Members were advised of the proposed putative reasons to contest the appeal these were set out at paragraphs 1 – 4 at the header of the submitted report.

Members noted that 123 representations had been received in relation to the application with 120 of these being objections which were summarised at point 5.3 of the submitted report. It was also noted that the Linton Village Society had objected to the proposal and their objections were set out at 5.4 of the submitted report.

Members were informed of comments received from Linton Parish Council which were read out at the meeting.

Members were advised of a late representation from the landowner which was read out at the meeting.

Members' attention was drawn to 4.2 of the submitted report which set out the planning history of the site.

Maps, plans and photographs were shown at the meeting, these included photographs showing the difference in gradient of the site.

Members heard that this site was unacceptable as a sustainable development due to matters of location, poor accessibility, and an inadequate infrastructure.

Members discussed the following points:

- Entry to the site
- Need for more open space within the development
- The difference in gradient of the site
- Site Allocations Plan
- Flooding risk in relation to amount of hardstanding
- Lack of capacity in local schools

Panel Members were of the view that the developer was trying to circumvent planning. Officers advised Members that the Inspector would be made aware of planning history in relation to the site.

RESOLVED – To agree the suggested reasons upon which to contest a forthcoming appeal as set out in the submitted report with the following amendment to reason 2:-

- To refer to the unacceptably steep gradients of pedestrian access routes to the site; and for an additional reason
- Relating to a shortfall in provision in on-site greenspace.

Under the provisions of Council Procedure Rule 16.5 Councillors R Grahame and S McKenna required it to be recorded that they had abstained from the vote.

86 17/04217/FU - Change of use of woodland to a Go Ape high ropes course with an associated reception cabin Temple Newsam Park, Temple Newsam Road, Off Selby Road, LS15 0AE

The report of the Chief Planning Officer set out a proposal for the change of use of woodland to a Go Ape high ropes course with associated reception cabin at Temple Newsam Park, Temple Newsam Road, Leeds.

It was noted that the planning application was brought to Plans Panel as the proposed development was a major application and related to land in the City Council's ownership (Temple Newsam Estate) which was of a wider community interest.

This application seeks planning permission for the use of a portion of woodland known as Menagerie Wood, to accommodate the installation of high rope adventure courses. The Panel noted this revised scheme did not cross public rights of way.

The Panel was informed that the courses comprised of a number of elements which included a central platform with access stairs, stockades and access rope ladders, platforms on trees, timber and wire crossings, zip wires and zip wire landing zones. A brief explanation of the activity was provided to the

Panel. It was noted that the facility would provide activities for both adults and children.

Members were informed that the facility was to include a cabin which would be used as a reception, equipment store and office for staff. The cabin was to be sited at the southern end of the site. It was noted that to accommodate the cabin four trees would have to be removed. Members were also informed that another smaller shelter would be used for debriefing and shelter from the weather.

The Panel was informed that Go Ape would use the current car park and that this had recently been improved and could accommodate more cars.

Members were advised of a suggestion to use Pump Wood located to the west of Temple Newsam house.

Members were informed that the activities on offer required mature trees and that there would be no impact on the trees. It was noted by the Panel that a condition was to be added for further tree planting to the north of the site.

Members noted that the applicant, Adventure Forest Ltd – Go Ape, had been operating similar facilities for 15 years and had 31 sites across the country. This would be the first such site in West Yorkshire. Photographs were shown to the Panel of the other locations, the structures and the activities on offer.

Members were informed that ladders used to ascend the course were pulled up and locked when the facility was closed.

Members were advised of the following:

- The site was within a designated Green Belt;
- It was not considered that the facility would harm the character or the appearance of the Special Landscape Area;
- The facility would generate additional revenue from attracting additional visitors and would assist in the delivery of management and improvement projects at the Temple Newsam Estate;
- The heritage impact was acceptable when weighed against the mitigation measures to be adopted.

Mr Vosper an objector to the Go Ape scheme and a member of Friends of Temple Newsam Park attended the meeting.

Mr Vosper raised his concerns that Menagerie Wood was an inappropriate site for this scheme, he proposed that Pump Wood would be more appropriate for the following reasons:-

- Traffic issues would be alleviated
- Car parking in place
- Cabin could be located on hardstanding already there
- No trees would need to be felled
- Near to toilet block

- Not near memorial areas or walled garden

Mr Vosper advised the Panel that the Friends of Temple Newsam had met with Ben Davies and discussed using Pump Wood as the location for the venture.

Mr Vosper was of the opinion that Go Ape wanted to dominate the park and gardens and in his view the park and gardens should not be compromised for commercial gain.

In response to a Members question Mr Vosper was of the view that the report did not properly reflect the concerns of the Friends of Temple Newsam or the discussions that had taken place with Mr Davies.

Mr Davies addressed the Panel explaining why he thought Go Ape would be good for the park and the area.

Mr Davies said that he would work in partnership with Leeds City Council to retain heritage value, care for conservation and the Park. He went on to say that the shelter would be for all users of the park, the scheme would encourage people to live life adventurously.

Mr Davies informed the Members that he would work to make the activities affordable for all and would provide free places for schools and low income families.

Mr Davies said that they had decided not to go ahead with an application at Roundhay Park.

Mr Davies advised Members that he had worked with officers to address concerns of noise.

Members discussed the following points:-

- The need for a site visit;
- Impact on trees in Menagerie Wood;
- Facilities including toilets and car parking and proximity to Menagerie Wood;
- Conservation aspects including impact on animal and insect habitats
- Design and location of cabin;
- Health, social and economic benefits;
- Partnership working with Parks and Countryside Team and Friends of Temple Newsam;
- More information on objections raised.

In response to Members discussions and questions the Panel were advised of the following:-

- Four trees would be removed for the cabin, these trees would be used as part of the design feature on landing platforms, pathways and wood piles for insect habitats;

- The activities on offer were daytime only activities;
- Menagerie Wood was close to car parking and toilet facilities;
- Go Ape worked in various locations around the country including inner city areas and had not experienced issues of anti-social behaviour;
- Trees would be protected and monitored for damage and growth – Members were informed that the use of ‘sacrificial battons’ protected the trees from damage whilst still allowing the tree to grow, the trees would be monitored on a yearly basis;
- No mechanical noise as pulleys were used which did make small noise vibration. A new type of wire was used which was much quieter;
- An alternative location did not form part of the application and the application should be considered based on the information submitted.

Mr Davies informed the Panel that he was committed to partnership working with Parks and Countryside and also Friends of Temple Newsam.

Members discussed further the need for a site visit.

RESOLVED – To defer consideration of the application for one cycle to allow for a site visit.

Members also requested a fuller summary of the objections to be included in the next report to Panel.

A condition to be added to the suggested list of conditions to secure additional tree planting to the north of the site.

87 17/03940/FU - Siting of one static residential caravan and renovation of the old telephone exchange building into an amenity block with associated ground works and landscaping The Old Telephone Exchange Site, Coal Road, Whinmoor, S14 2SA

The report of the Chief Planning Officer related to a proposal for the siting of one static residential caravan and renovation of the old telephone exchange building to an amenity block with associated ground works and landscaping at the Old Telephone Exchange site, Coal Road, Leeds.

Members were advised that the application site was Brownfield land within designated Green Belt.

Members were also advised of the following:-

- Need for 28 new pitches for Gypsy and Travellers by 2022 as set out in the Core Strategy;
- National Planning and Policy Framework Guidance for Travellers and Gypsies
- Personal circumstances of the applicant
- Development Plans Panel had not considered the site as part of Site Allocation Plan.

- Personal and temporary planning consent for 3 years only considered to be a pragmatic solution

Members had attended a site visit earlier in the day. Photographs and plans were shown at the meeting.

Members were informed of the following points:

- The proposal of a static caravan with decking on two sides;
- A mobile caravan would be positioned to the northern side of the site. It was noted that planning permission was not needed for this;
- The rebuilt telephone exchange building to be used as an amenity building would comprise of a bathroom and a kitchen;
- A wood burning stove was to be installed within the amenity building requiring a flue inserting into the roof;
- The proposed courtyard area surrounded by the amenity building and the caravans was to be a hardstanding of tarmac;
- Two car parking spaces were proposed;
- The family comprised of a father and four children aged from 11 to 21 years.

One letter of objection had been received with objections as set out at point 6.1 of the submitted report.

Members noted that Shadwell Parish Council had also raised objections and were set out at point 6.2 of the submitted report.

The Panel discussed at length the following points:-

- Ownership of the land. Cllr. Procter informed the Panel that of the land identified on the submitted map only that within the black line belonged to the applicant and that further land identified within the red line belonged to the Mexborough Estate. It was noted that no comments had been received from the Mexborough Estate;
- The untidiness of the site;
- What enforcement action had been taken;
- Requirement for enforcement action to be taken;
- Proposed drainage and sewage services for the site;
- Design of static caravans;
- Space around the application site and access arrangements to a triangular area which would effectively be cut off;
- Access to and from the site.

Members were advised that the applicant had provided a signed Certificate A which was taken in good faith as proof that the land was in the ownership of the applicant.

Members were also advised that the consideration of the planning application and the need or otherwise for enforcement action in respect of the current use of the site, and any formal action to require the site to be tidied, were separate matters. Accordingly, the planning application had to be determined on its

individual planning merits regardless of any formal enforcement action the council may take.

The Highways Officer informed the Panel that access would be provided to fields and this one site when Coal Road is closed due to the proposed new orbital road.

Planning Officers provided clarification in relation to:-

- The brownfield status of the site with reference to the definition of previously developed land as set out in the National Planning Policy Framework, and
- Traveller Sites using DCLG Planning and Policy for Traveller Sites which also provided clarification on special or personal circumstances of an applicant.

Members' attention was drawn to 2.4 of the submitted report which advised Members that this was a traveller family, a father and 4 children. It was noted that there were similar sites located within the city which traveller families use as a base.

At the conclusion of the discussions, Councillor Procter moved a motion to refuse the application for the following reasons:-

- Inappropriate development in the Green Belt;
- Case not made for special circumstances;
- Site is not brownfield in its entirety.

Councillor Wadsworth seconded the motion. On being put to the vote, Councillor Procter's motion fell.

RESOLVED – To grant permission subject to the conditions set out in the submitted report.

Members requested that a compliance investigation be undertaken in respect of the existing use of the site and also whether a Section 2015 Notice (untidy land) can be served.

88 17/05844/FU - Two storey new build detached house with integrated garage Elmete Walk, Roundhay, Leeds, LS8 2LB

The report of the Chief Planning Officer requested Members consideration on a proposal for a detached house with integrated garage at 7 Elmete Walk, Roundhay, Leeds, LS8 2LB.

Members had attended a site visit earlier in the day. Photographs and plans were viewed throughout the presentation.

Members were informed that the application sought approval for the construction of a two storey dwelling within the side garden of the site. The proposal was for a dwelling with a gable front, garden area to the rear and a front drive similar to other dwellings on the street. A single garage would be

attached to the side of the house. Members noted that the main dwelling would measure 5.8mx8.6m and be 7.1m in height. To level the site it would be infilled and raised towards the south by 2m. The applicant had stated that the retaining walls to support the infilling would be earth banked and grassed over.

Members were advised that the property around the corner from the application site was not perpendicular to the application site and that this was material to the assessment of the impact of amenity to the occupiers of that property.

Members noted that the proposed dwelling was slightly different in appearance and that there was a general uniformity in appearance within the street scene.

Members were informed of a difference in levels between the proposed dwelling and that of neighbouring dwellings. It was noted that this proposal could mean a loss of view to neighbours of the adjacent dwelling. It was also noted there was no inherent right to a view.

Mr Donaldson of 1 Elmete Close attended the meeting. He said that he spoke on behalf of all the objectors and advised the Members that there had been no letters in support of the application.

Mr Donaldson said that he had lived at 1 Elmete Close for 30 years which was adjacent to the application site. He explained to the Panel that the proposed dwelling would cause loss of view and overshadowing to his property. Mr Donaldson went on to say that 12 metres should be maintained between properties to prevent over dominance. He said that the proposed dwelling would be approximately 8 metres from his property and the occupiers would be able to look into his living space.

Mr Donaldson raised concerns in relation to the following points:-

- The roots of a cherry tree in his garden which was close to the boundary;
- The location is within the Roundhay Conservation Area;
- The proposed house would be 3.5 metres above existing houses and have a significant impact on amenity space of neighbours;
- The retaining wall would pose an unsightly block;
- Proposed pitch roof on the garage would be different to other garage roofs on the street;
- Limited parking in the vicinity

Mr Patrick Barrett the agent was at the meeting and informed the Panel that the dwelling had been carefully designed after negotiations with builders and planning officers.

In response to Members questions Members were advised of the following:-

- In relation to the height of the pitched garage roof Mr Barrett explained that the roof was at 35 degrees to the ridge line and that this was a few metres below the soffit of Mr Donaldson's house;
- That the garage had been set back to allow for two car parking spaces;
- That there would be no impact to the roots of the cherry tree due to the difference in levels between the proposed dwelling and that of Mr Donaldson's property.

RESOLVED – To defer and delegate approval to officers subject to further negotiations concerning the treatment of the front elevation of the proposed house.

89 Date and Time of Next Meeting

To note the next meeting of the North and East Plans Panel will be Thursday 18th January 2018 at 1:30pm.

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Originator: Glen Allen

Tel: 0113 3787976

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 18th January 2018

Subject: 15/07108/OT – Outline Application with all matters reserved except for means of access to the site, for residential re-development consisting of up to 72 units at the Former Civil Service Sports Association Ground, Newton Road, Potternewton, Leeds.

APPLICANT

Rahon Property
Development Ltd

DATE VALID

26/11/2015

TARGET DATE

05/01/2018 (Ext of Time
Agreement)

Electoral Wards Affected:

Chapel Allerton

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to expiry of the most recent round of public consultation with no new objection raising new and significant planning issues being received, the following conditions and the prior completion of a section 106 Agreement to cover the following:

- Provision of 5 No. affordable housing units
- On site green space to be made available and maintained by developer and retained for the lifetime of the development
- A contribution of £175,000 as compensatory provision for the loss of the protected playing pitch under the provisions of policy N6 of the UDPR
- Sustainable Travel Fund Contribution in the sum of £27,431.25
- Travel Plan monitoring Fee

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

- 1 Time limit on outline permission
- 2 Approval of Details relating to Matters Reserved

- 3 Submission of Reserved Matters
- 4 Standard Plans Reference
- 5 Submission of materials
- 6 Maximum gradient access and driveways
- 7 Travel Plan submission
- 8 Cycle/motorcycle facilities
- 9 Provision for contractor during construction
- 10 Protection of existing trees on site
- 11 Adoption of Highway
- 12 Bat roosting and bird nesting plan and survey
- 13 Revised and updated Land Contamination reports
- 14 Materials to be used in re-instatement of wall to be those removed to create new access point
- 15 No more than 72 dwelling units
- 16 Replacement of trees/hedges/bushes
- 17 Drainage requirements
- 18 Scheme of sustainability

1.0 PROGRESS SINCE LAST MEETING

1.1 This application was previously brought to Plans Panel at its meeting on 13th July 2017 (copy report attached – Appendix 1). Where Members deferred consideration for further negotiations with the applicant on the following points:

- Increase in the affordable provision on the site
- Illustrative layout and Green Space provision
- Consultation with the Ward Members

1.2 This report should be read in conjunction with the July report attached. Further illustrative plans have been submitted that increases the level of affordable housing along with additional information relating to the viability of the scheme which has been assessed by the District Valuer (Appendix 2). Two alternative proposals have been discussed with the applicant. The first relates to a scheme that would deliver 69 residential units, 4 of which would be affordable and a small area of on-site greenspace plus a financial contribution in lieu of the full provision of on-site open space. The second, and preferred scheme, is for 72 units that would deliver 5 affordable units and no on-site greenspace, but also include a financial contribution for the compensatory enhancement of open space off site. Each proposal is discussed in turn.

Option 1 - 69 unit development

1.3 The revised proposal resulted in 4 affordable units (for a 69 unit development), whilst maintaining a small onsite provision of open space within the scheme plus the cost of laying it out and an off-site contribution. Officers have concerns that, due to the small size of the greenspace, that it would not provide a meaningful and useable area of public open space for this particular development. CIL has increased as a result of the increased number of units proposed and there is still the requirement for the scheme to compensate for the loss of the protected playing pitch facility under Policy N6 of the UDPR.

- 1.4 The District Valuer has assessed the viability appraisal and concurs that on the basis of the figures the level of affordable houses provision is in accordance with what the scheme can maintain. However, the actual numbers of affordable units is still considered low compared to the level of development on the site with the level of affordable housing provision at 5.8%.

Option 2 – 72 unit development

- 1.5 Since the assessment of this layout, further discussions were held with the applicant's agent who has suggested that the number of affordable units might be able to be increased to 5 if the remainder of the on site open space was utilised to accommodate a terrace of three dwellings (increasing the unit total for the development site to 72). This would uplift the provision to 7% affordable housing units of the total number of units on the site. This is the scheme that is recommend to Plans Panel for approval, albeit the actual details of the layout will not be approved under this permission but rather the principle of the site being able to accommodate 72 residential units maximum. This scheme has not being formally assessed by the District Valuer, however it is the latest offer on the table from the applicant in recognition of Plans Panel's concerns regarding the low level of Affordable Housing on offer.

Ward Member and Public Consultation

- 1.6 The agent has confirmed that contact has been made with the relevant Ward Members as requested by Plans Panel. This has been undertaken by means of emails sent to them, twice, and the dropping off of hard copies of the indicative layouts for their ease of reference at the Civic Hall. There has been no response from the Ward Members, at the time of writing, to this consultation undertaken by the agents, which also included an invitation for a meeting to discuss the proposals. Officers have also made contact and any responses received in the meantime will be reported orally to Plans Panel. Ward Members have been advised that this proposal is being reported to this Plans Panel meeting.
- 1.7 A further round of public consultation has also been undertaken which expires on 2nd February 2018. This has bene undertaken through the posting of site notices in the vicinity and letters sent to the residents who have made comments previously. At the time of writing there was no responses received to this round of consultations and any received in the meantime will be reported orally to Plans Panel at the meeting.

Summary

- 1.8 In summary it is not viable for the development to be fully policy compliant in respect to the affordable housing provision. It is possible however to provide one of the following options and these are set out for Members to consider. Given Members concerns at the July 2017 Plans Panel meeting Option 2 is recommended to Panel for approval as this offers the greatest increase in affordable housing levels compared to that of the original scheme whilst still maintaining a contribution relating to Green Space which will go towards an off-site improvement or provision in the locality.

Scheme

Affordable Units

Greenspace Provision

| | | |
|---------------------------|--|--|
| Original - 57 Units Total | 2 (3.5% of policy requirements) | 3348 Square Metres onsite (meets LCS requirements) |
| Option 1 - 69 Units Total | 4 (5.7% against policy target of 10 units) | 200 Square Metres on site with an in lieu contribution of £25K |
| Option 2 - 72 Units | 5 (approx. 7% against a policy target of 11 units) | No on site provision. £40K in lieu Contribution |

The other contributions as outlined in the original reports recommendation stay the same (subject to inflation).

CIL Liability:

1.9 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 2b, where the liability for residential development is set at the rate of £45 per square metre (plus the yearly BCIS index). This proposal originally generated a CIL requirement of £211,815. However due to the Outline nature of this application, in this instance this figure is subject to change depending upon the actual floor space approved under the Reserved Matters submission. If an increase in unit numbers is agreed then this figure will increase. Infrastructure requirements associated with this application are unknown. This is presented for information only and should not influence consideration of the application. Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list. CIL is not a material consideration in assessing the application

2.0 CONCLUSION

2.1 The scheme cannot provide full affordable housing requirements and remain viable. It can however provide increased provision to that originally offered but at the expense of on-site green space provision. Officers consider that Option 2 will maximise the provision of affordable housing which was one of the main concerns of Plans Panel when it gave consideration to this proposal previously, and that subject to the conditions recommended above and the planning obligations set out at the head of this report the application is on balance acceptable.

Background Papers:

Application files: 15/07108/OT

Certificate of Ownership: Rahon Property Development Ltd

APPENDIX 1



Originator: Glen Allen

Tel: 0113 3787976

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 13th July 2017

Subject: 15/07108/OT – Outline Application for residential re-development consisting of up to 57 units at the Former Civil Service Sports Association Ground, Newton Road, Potternewton, Leeds

| APPLICANT | DATE VALID | TARGET DATE |
|--------------------------------|-------------------|------------------------------------|
| Rahon Property Development Ltd | 26/11/2015 | 10/07/2017 (Ext of Time Agreement) |

Electoral Wards Affected:
Chapel Allerton

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:

- **Provision of 2 No. affordable housing units**
- **On site green space to be made available and maintained by developer and retained for the lifetime of the development**
- **A contribution either financial or in kind to compensate for the loss of the Sport Pitch use of the site Financial contribution to equal £175,000 or a package of services and works to that same amount**
- **Sustainable Travel Fund Contribution in the sum of £27,431.25**
- **Travel Plan monitoring Fee**

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

- 3 Time limit on outline permission
- 4 Approval of Details relating to Matters Reserved
- 3 Submission of Reserved Matters
- 4 Standard Plans Reference
- 5 Submission of materials
- 6 Maximum gradient access and driveways
- 7 Travel Plan submission
- 8 Cycle/motorcycle facilitates
- 9 Provision for contractor during construction
- 10 Protection of existing trees on site
- 11 Adoption of Highway
- 12 Bat roosting and bird nesting plan and survey
- 13 Revised and updated Land Contamination reports
- 14 Materials to be used in re-instatement of wall to be those removed to create new access point
- 15 No more than 57 dwelling units
- 16 Replacement of trees/hedges/bushes

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel as the site is presently a Protected Playing Pitch and the proposed development therefore conflicts with the adopted Local Plan. Accordingly as the proposal represents a significant departure from the

development plan and consequently under the scheme of delegation is required to be reported to Plans Panel.

2.0 PROPOSAL

- 2.1 The proposal is in Outline with the principle of development and the means of access being the only matter to be determined as part of this proposal. All other matters relating to the appearance of the development, landscaping, the layout of the development (please note the comment at 2.2 below) and scale of buildings is reserved for later submission and consideration.
- 2.2 The proposal is for the residential redevelopment of the former Civil Service sports Ground at Newton Road in Chapel Allerton. Through negotiations with officers the limit on the number of units to be approved is set at a maximum level of 57 and this has been demonstrated as being achievable through the submission of an indicative layout.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is broadly triangular in shape with access from Newton Road. To the west is the Sikh centre that front Chapeltown Road to the north lies Chapel Allerton hospital and beyond Newton Road to the east lies traditional semi-detached dwellings. Brandon Crescent a small development of residential properties lies on the sites south eastern boundary.
- 3.2 The site is vacant and the former Civil Service buildings that formed the club house and ancillary accommodation have been demolished. This was situated in the southernmost part of the site near to the vehicular access to the site. To the north east of this former building is the hard standing that formed the car park for the site and the remainder of the site north of this car park was dominated by the sports pitch itself. The site is now cleared and becoming overgrown with hard standing where the original car park and buildings were located near to the existing access point. There has been no additional site clearance undertaken other than the removal of the former building on the site.
- 3.3 The site is bound on the Newton Road frontage by a high brick wall that contributes towards the character of the area with a belt of mature trees within the site boundary running the length of this wall. There is also mature tree planting along the north eastern part of the north boundary and along the entire length of the western boundary.
- 3.4 The north-west corner of the site lies adjacent to the Chapeltown Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/07929/FU – Laying out of access road and erection of 3 storey building, comprising medical practice, with 26 key worker flats, with car parking and outline application to erect 3 storey 80 bed nursing home and 3 detached assisted living blocks, with car parking – Withdrawn – 24/04/2008
- 4.2 08/04668/FU - Outline application to erect 3 storey 80 bed nursing home and 3 detached three storey assisted living blocks and car parking "Phase 2" AND Reserved Matters relating to laying out of access and erection of 3 storey building,

comprising health centre, pharmacy, with 14 flats and car parking "Phase 1". – Approved 04/08/2008

- 4.3 13/01426/EXT - Extension of time for planning application 08/04668/FU - Outline application to erect 3 storey 80 bed nursing home and 3 detached three storey assisted living blocks and car parking "Phase 2" AND Reserved Matters relating to laying out of access and erection of 3 storey building, comprising health centre, pharmacy, with 14 flats and car parking "Phase 1". – Approved 07/07/2014

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application a pre-application submission was made where the advice given to the prospective developer that confirmed that subject to compensatory provision being made for the loss of the playing pitch, that broadly speaking, the principle of the redevelopment of this site is considered acceptable. It lies in what is considered to be a sustainable location and subject to the constraints identified, and the provision of open space, the requirements of the SPG Neighbourhoods for Living, the retention of the mature treed boundary residential development is acceptable.
- 5.2 Whilst the pre-application advice had been given it was on the understanding that the submitted details were insufficient to confirm exactly how much development the site could accommodate. Since the submission of the application for planning permission much of the discussions with the applicants centred around the indicative layout as whilst the applicant was seeking permission in outline only with only the means of access to be determined the level of development shown on that indicative layout and its form was considered inappropriate. The developer wanted to achieve 57 units on the site and so the indicative layout was altered so that it reflected the aspirations of the Council in terms of making provision on site of greenspace whilst at the same time respecting the minimum standards in Neighbourhoods for Living and meeting the developers aspirations of 57 units.
- 5.3 Whilst the indicative layout does not form a formal part of the consideration of this application it is important in that it indicates that the level of development desired by the applicant is achievable.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by site notice and newspaper advert. The time for comment expired on 8th January 2016. As a result of this publicity six letters of objection were received. Comments made are:
- Adverse impact on existing community
 - Highway safety
 - Loss of privacy
 - Tenure of properties in question
 - Pointless to knock down part of a listed wall and destroy a couple of trees
 - A money making exercise
 - Impact on wildlife
 - Impact on trees internal to the site
 - Additional car parking
 - Drainage and potential for additional flooding
 - Location of access unsuitable
 - Potential for flooding

- Decrease value of existing properties

6.2 Two of the comments received acknowledge that the site is overdue for development.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Contaminated Land: Comment that the report is old and potentially out of date however as this is an outline application with all matters reserved apart from means of access a condition is appropriate to require a more up-to-date report to form part of the Reserved Matters submission once the layout is more formalised and the exact locations of buildings, roads, open space and gardens is known.
- 7.2 Sport England: Have a holding objection as at the time of the submission there were no specific mitigation measure for the loss of the Sports Pitch – However the site is such that it has been unused for a period exceeding 10 years and as such Sports England are no longer a Statutory Consultee and therefore the Local Authority can give what weight is deemed appropriate to their advice in much the same way as any other consultee in weighing ‘in the balance’ their comments.
- 7.3 Flood Risk Management: Have no objections to the proposal subject to the imposition of conditions controlling the drainage scheme. An assessment has been made on the basis of the information supplied and FRM are of the opinion that the scheme could even, on balance, reduce flood risk locally. This is because the site presently allows approximately 35L/s runoff which is un-attenuated. The scheme allows for 391 M³ of onsite storage of surface water and proposes a maximum rate of surface water discharge, post development, of 4L/s. The conditions recommend will seek to achieve this as a maximum.
- 7.4 Nature Conservation: No objections subject to a condition requiring a plan to be submitted regarding bat and bird roosting/nesting opportunities.
- 7.5 Conservation: No comment
- 7.6 Landscape: Recommends trees are protected during construction period and the submission of a Landscape Management Plan. The detailed landscaping is covered by one of the outstanding Reserved Matters and so this will be dealt with in more detail at that stage.
- 7.7 Forward Plans: Revised indicative layout demonstrates that sufficient green space can be provided for the number of units desired by the developer.
- 7.8 Coal Authority: No objection and it is considered that the proposal complies with Policy MINERALS 3 of the Leeds Natural Resources and Waste Local Plan.
- 7.9 Highways: No objection in principle to use of site for residential purposes. Access point is in a similar position of the early scheme for the mixed use development and archives the necessary visibility splays along Newton Road. Subject to conditions there are no objections directly relevant to the matters under consideration.
- 7.10 Yorkshire Water: No objections subject to conditions.
- 7.11 Combined Authority: No objections subject to a contribution towards sustainable travel fund.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plans.

Local Planning Policy

8.2 The most relevant Core Strategy policies are outlined below:

| | |
|------------------|--|
| Spatial Policy 1 | Location of Development |
| Spatial Policy 7 | Distribution of housing land and allocations |
| Policy H2 | New housing on non-allocated sites |
| Policy P10 | Design |
| Policy P11 | Conservation |
| Policy P12 | Protection of Leeds townscape and landscape |
| Policy T2 | Accessibility Requirements and New Development |
| Policy G4 | Greenspace Provision |
| Policy G8 | Protection of important species and habitats |
| Policy G8 | Biodiversity Improvements |

8.2 The site is identified as a potential housing site on the emerging Site Allocations Plan (SAP).

8.3 Policy MINERALS 3 of the Leeds Natural Resources and Waste Local Plan

8.4 Of the UDPR the following policies are considered relevant:

GP5 – Matters of detail to be dealt with at planning application stage
BD5 – New developments should have regards to both their own and existing/neighbouring developments amenity.
N6 – Protected Playing Pitch

National Planning Policy Framework

8.5 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design.

9.0 MAIN ISSUES

9.1 The main issues are:

- Principle of Development
- Highway matters
- Trees
- Affordable Housing
- Matters Raised by Objectors
- Internal Space Standards

- CIL Liability

10.0 APPRAISAL

Principle of Development:

- 10.1 In simple land use terms the development lies in a part of the city that to the south and west is predominantly residential in nature and this use would extend that predominant land use into the site area.
- 10.2 Under Policy N6 the site is allocated on the UDPR as a protected Playing Pitch and whilst this use has not been active on the site for a considerable period of time, which is believed to be in excess of ten years, the allocation still stands. Thus there is a presumption against the loss of this as a facility unless there is an adequate compensatory package in place that will replace the facility or contribute to an existing facility that when improved will equal that of the loss of the pitch on site.
- 10.3 A financial contribution of £175,000 is on offer to help compensate for the loss of the sports pitch. A need to improve the facilities at the Caribbean Cricket Club off Scott Hall Road has been identified and it is proposed that this contribution be put towards that site which will allow wider use of the cricket club facilities by the wider community. However, the sum on offer is insufficient to carry out all the necessary works to bring the Cricket Club to a standard considered necessary and so it has been suggested by The Ward Councillor that the developers makes their contribution “in-kind” by offering services, labour and materials at cost thereby increasing the value of the contribution towards the improvements of the Cricket Club. To this end officers are in the process of setting up a working party with colleagues in the Parks and Countryside division to explore the feasibility of this approach. It is anticipated that the planning permission, should it be granted will, through the Sec. 106 process, facilitate this and if found to be feasible the scheme will be project managed by this working party and overseen by officers from Parks and Countryside.
- 10.4 Subject to the financial contribution or the implementation of a scheme for compensatory improvements to the Caribbean Cricket Club it is considered that residential development of this site would be acceptable.
- 10.5 It should also be noted that the Site Allocations Plan identifies this site as a potential housing site. The Site Allocations Plan was formally submitted to the Secretary of State for Communities and Local Government on 5th May 2017. This means that it is now in the examination period (which is a continuous process running from the date of submission through to the receipt of the appointed Planning Inspectors Report). As such it is highly advanced and has material weight in considering planning applications.

Highway Matters:

- 10.6 The application is seeking means of access to be approved only and to this end it is considered that the location and geometry of the proposed means of access is satisfactory. Any detailed comments made in respect of the indicative layout are useful advice to help guide the developers when the Reserved Matters submissions are made, however that it has been demonstrated that the requisite number of units can be accommodated on site and adequate car parking provision also made along

with other policy requirements there is no additional consideration required at this stage to these matters.

- 10.7 Issues regarding traffic generation and additional on street car parking have been considered and the amount of development proposed for the site is considered suitable for the road network to accommodate the additional traffic flows to and from it. In terms of impact on the levels of on-street parking, particularly in Newton Road, as long as the final approved layout which will be determined at the Reserved Matters Stage meets or exceeds the Councils minimum standards for car parking the impact on Newton Road should be neutral.

Trees:

- 10.8 Part of the negotiations undertaken with the agent upon submission of the outline application revolved around the indicative layout as it became apparent at an early stage that the figure of 57 units is a key aspect to the development of the site from the developer's perspective. Given the maturity of the trees and the positive contribution they make to the character of the locality it is considered vital that they be retained as much as possible in order to maintain this character. Newton Road is dominated on this side of the carriageway by the high brick wall and the taller trees that sit behind it. Other similarly mature trees on the site help to screen the adjoining developments and so are important for that function and that they will contribute positively to the character of the site once developed. To this end discussions were held with the agents in order that officers could be confident that the trees could be retained whilst still accommodating the other policy requirements of the Core Strategy and the developer's aspirations of 57 Units. On the basis of the currently submitted indicative layout is considered that subject to adequate tree protection measures that the scheme is acceptable and the site capable of accommodating 57 units.

Affordable Housing:

- 10.9 The Core Strategy Policy requirements for affordable housing for the scale of the development proposed equals 9 units. This is in addition to the other policy requirements key of which is the compensatory provision for the loss of the playing pitch. The applicant has submitted a viability appraisal which has been checked and verified by the District Valuer and it is agreed with the developers that the site can only deliver 2 units of affordable housing equivalent to 2 No. 3 bed shared ownership units. The letter from the DV is attached to the end of this report for information.
- 10.10 The District Valuer disagreed with the applicants' viability appraisal. The principal reason related to the applicant claiming there are £790,000 of abnormal costs included in their build costs. They have not supplied a breakdown of the abnormal costs in relation to this site, nor have they supplied any justification for the requirement of these costs. The District Valuer has therefore not included these costs in their appraisal.
- 10.11 The District Valuer concluded that the scheme can achieve a market related profit of 17.5% on gross development value, whilst at the same time delivering 2 affordable homes, 3.51% of the total number of scheme dwellings. The development can also fund a Section 106 contribution of £175,000 for a playing field contribution and a CIL payment of £211,815. A copy of the District Valuer's advice is attached to this report. The applicant has amended their proposal so that that the composition of the development accords with the advice given.

- 10.12 A representative from the District Valuer's office will be in attendance at Plans Panel to respond to any questions Members may have in regards to this matter.

Matters Raised by Objectors:

- 10.13 Matters not covered in the main body of the report but raised by objectors are discussed below:
- 10.14 Impact on existing community: Comment made in this vein appear to be motivated by the intentions of the developer to rent out the properties in the scheme rather than offer them on the open market for sale. The tenure of the development is not a material planning consideration in this respect.
- 10.15 Loss of Privacy: This is a material consideration, however as the submitted layout is indicative only and will not be approved through the granting of this permission it is not the remit of this determination to analyse in detail this aspect. However, and notwithstanding this, officers are confident that the layout does represent a scheme that will protect the amenity of occupiers of existing residential properties in the area. Detailed consideration will be given to this aspect once the Reserved Matters covering the siting of buildings is made for determination.
- 10.16 Demolition of Wall: The wall is not a listed structure but is a feature of the road that is sought to be retained. It provides an element of the street scene that is key to the character of this part of Newton Road and will provide clear defensible space for future occupiers of the development. The creation of a gap within the wall to create the means of access is not considered problematic and the re-instatement of the existing part of the wall where the current access point is can be controlled by condition.
- 10.17 Money making exercise: This is not a material planning consideration.
- 10.18 Decrease value of existing properties: This is not a material planning consideration.

Internal Space Standards:

- 10.19 The internal space standards are unknown presently as detailed floor plans of the indicative properties are not available therefore comment on the internal space standards cannot be made at this stage. However a directive can be imposed on any Decision Notice that would draw to the developer's attention the expectation that the development as a minimum is expected to meet if not exceed the national internal space standards.

CIL Liability:

- 10.20 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 2b, where the liability for residential development is set at the rate of £45 per square metre (plus the yearly BCIS index). This proposal generates a CIL requirement of £211.815. However due to the Outline nature of this application, in this instance this figure is subject to change depending upon the actual floor space approved under the Reserved Matters submission. Infrastructure requirements associated with this application are unknown. This is presented for information only and should not influence consideration of the application.

Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

11.0 CONCLUSION

- 11.1 Subject to the conditions recommended and the acceptance that in order to achieve the site's development, the reduced offer for affordable housing is acceptable the scheme is recommend for approval.

Background Papers:

Application files: 15/07108/OT

Certificate of ownership: Certificate A signed on behalf of applicant as sole owner of site.

Mr Glen Allen
Planning Officer
Leeds City Council
The Leonardo Buildings
2 Washington Street
LEEDS
LS2 8HD

Valuation Office Agency
6th Floor, Castle House
31 Lisbon Street
Leeds
West Yorkshire LS1 4DR

Our Reference : 1625355/BM/AEC
Your Reference : 15/07108/OT

Please ask for : Brian Maguire
Tel : 03000 503008
Mobiile : 07919 001703
E Mail : brian.maguire@voa.gsi.gov.uk

Date : 14 November 2017

Dear Mr Allen

**Residential Development
Land at Newton Road, Leeds
Applicants: Rahon Property Developments Ltd**

Further to my earlier report commenting on the viability of the above scheme dated the 9 November 2016 and attendance at planning committee, I advise you as follows:

As agreed I have undertaken an independent assessment of the revised scheme proposed by the applicant comprising 54 apartments and 15 houses.

I remain of the opinion that it is not appropriate for the applicant to include costs in relation to abnormal ground conditions when the costs are unsupported by third party technical reports.

Appraisal adjustments result in the scheme being viable and capable of producing a blended profit of 17.50% of gross development value.

The scheme can contribute £15,000 to public open space and a playing field contribution of £175,000. In addition the site can support CIL at £251,220. Finally the site can support affordable housing equivalent to four units which is 5.7% of the scheme.

The amount of affordable housing is restricted due to the obligation to pay CIL. The increased number of houses in the revised scheme has resulted in an increase in CIL from £194,220 to £251,220 which in different circumstances could contribute to the provision of additional affordable housing.

If you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely

Brian Maguire BSc (Hons) MRICS
Sector Leader – Local and Devolved Government
RICS Registered Valuer
DVS

Newton Road

Development Appraisal
Prepared by Brian Maguire
Valuation Office Agency
14 November 2017

APPRAISAL SUMMARY**VALUATION OFFICE AGENCY**

Newton Road

Summary Appraisal for Merged Phases 1 2 3

Currency in £

REVENUE

| Sales Valuation | Units | ft² | Sales Rate ft² | Unit Price | Gross Sales |
|------------------------|--------------|-----------------------|----------------------------------|-------------------|--------------------|
| 42 x Private Apts | 42 | 28,014 | 235.00 | 156,745 | 6,583,290 |
| 12 Extra Private Apts | 12 | 7,944 | 235.00 | 155,570 | 1,866,840 |
| AH House | 4 | 4,304 | 73.10 | 78,656 | 314,622 |
| 13 X Private Houses | <u>11</u> | <u>13,882</u> | 196.76 | 248,311 | <u>2,731,422</u> |
| Totals | 69 | 54,144 | | | 11,496,175 |

Rental Area Summary

| | Units | ft² | Rent Rate ft² | Initial MRV/Unit | Net Rent at Sale |
|---------------|--------------|-----------------------|---------------------------------|-------------------------|-------------------------|
| Ground Rents | 54 | 50 | 250.00 | 233 | 12,569 |
| Totals | 54 | 50 | | | 12,569 |

Investment Valuation**Ground Rents**

| | | | | | |
|-------------|--------|------------|---------|---------|----------------|
| Market Rent | 12,569 | YP @ | 6.0000% | 16.6667 | |
| | | PV 2mths @ | 6.0000% | 0.9903 | 207,458 |
| | | | | | 207,458 |

GROSS DEVELOPMENT VALUE**11,703,633****NET REALISATION****11,703,633****OUTLAY****ACQUISITION COSTS**

| | | | | |
|------------------------------------|--|-------|-----------|---------|
| Residualised Price | | | 1,063,458 | |
| Residualised Price (Negative land) | | | (224,485) | |
| | | | | 838,973 |
| Stamp Duty | | | 28,000 | |
| Legal Fee | | 1.00% | 2,894 | |
| Town Planning | | | 31,500 | |
| | | | | 62,394 |

CONSTRUCTION COSTS

| Construction | ft² | Build Rate ft² | Cost | |
|-----------------------|-----------------------|----------------------------------|------------------|------------------|
| 42 x Private Apts | 32,958 | 111.48 | 3,674,118 | |
| 12 Extra Private Apts | 9,346 | 111.48 | 1,041,879 | |
| AH House | 4,304 | 111.48 | 479,810 | |
| 13 X Private Houses | <u>13,882</u> | 93.27 | <u>1,294,774</u> | |
| Totals | 60,540 | | 6,490,582 | 6,490,582 |

| | | | | |
|-----------------|--|-------|---------|-----------|
| Contingency | | 3.00% | 194,717 | |
| Road/Site Works | | | 582,000 | |
| CIL | | | 251,463 | |
| Onsite POS | | | 15,000 | |
| Off Site POS | | | 175,000 | |
| Metrocards | | | 33,206 | |
| | | | | 1,251,386 |

PROFESSIONAL FEES

| | | | | |
|-------------------|--|-------|--------|--|
| Architect | | 1.00% | 70,726 | |
| Quantity Surveyor | | 1.00% | 70,726 | |

APPRAISAL SUMMARY**VALUATION OFFICE AGENCY****Newton Road**

| | | | | |
|----------------------|------|------------|--------|---------|
| Structural Engineer | | 1.00% | 70,726 | |
| Mech./Elec.Engineer | | 1.00% | 70,726 | |
| Project Manager | | 1.00% | 70,726 | |
| C.D. Manager | | 1.00% | 70,726 | |
| NHBC & Building Regs | | | 39,500 | |
| NHBC & Building Regs | 4 un | 250.00 /un | 1,000 | |
| NHBC & Building Regs | | | 6,500 | |
| | | | | 471,355 |

MARKETING & LETTING

| | | | | |
|-----------|--|-------|---------|---------|
| Marketing | | 3.00% | 335,447 | |
| | | | | 335,447 |

DISPOSAL FEES

| | | | | |
|-----------------|-------|------------|--------|--------|
| Sales Legal Fee | 65 un | 500.00 /un | 32,500 | |
| Sales Legal Fee | 4 un | 250.00 /un | 1,000 | |
| | | | | 33,500 |

FINANCE

| | | | | |
|---|--|--|--|---------|
| Debit Rate 6.500%, Credit Rate 4.000% (Nominal) | | | | |
| Total Finance Cost | | | | 171,707 |

TOTAL COSTS**9,655,344****PROFIT****2,048,289****Performance Measures**

| | |
|-------------------------------------|-----------------|
| Profit on Cost% | 21.21% |
| Profit on GDV% | 17.50% |
| Profit on NDV% | 17.50% |
| Development Yield% (on Rent) | 0.13% |
| Equivalent Yield% (Nominal) | 6.00% |
| Equivalent Yield% (True) | 6.23% |
| IRR | 38.68% |
| Rent Cover | 162 yrs 12 mths |
| Profit Erosion (finance rate 6.500) | 2 yrs 12 mths |

Newton Road

Initial
MRV
12,569
12,569

Newton Road



Block A
24 no. 2 Bed Flats

Block B
15 no. 2 Bed Flats
3 no. 1 Bed Flats

Block C
12 no. 2 Bed Flats

Plots 1-4: 4 Bed Dwellings
Plots 5-15: 3 Bed Dwellings
Plots 16-18: 2 Bed Dwellings

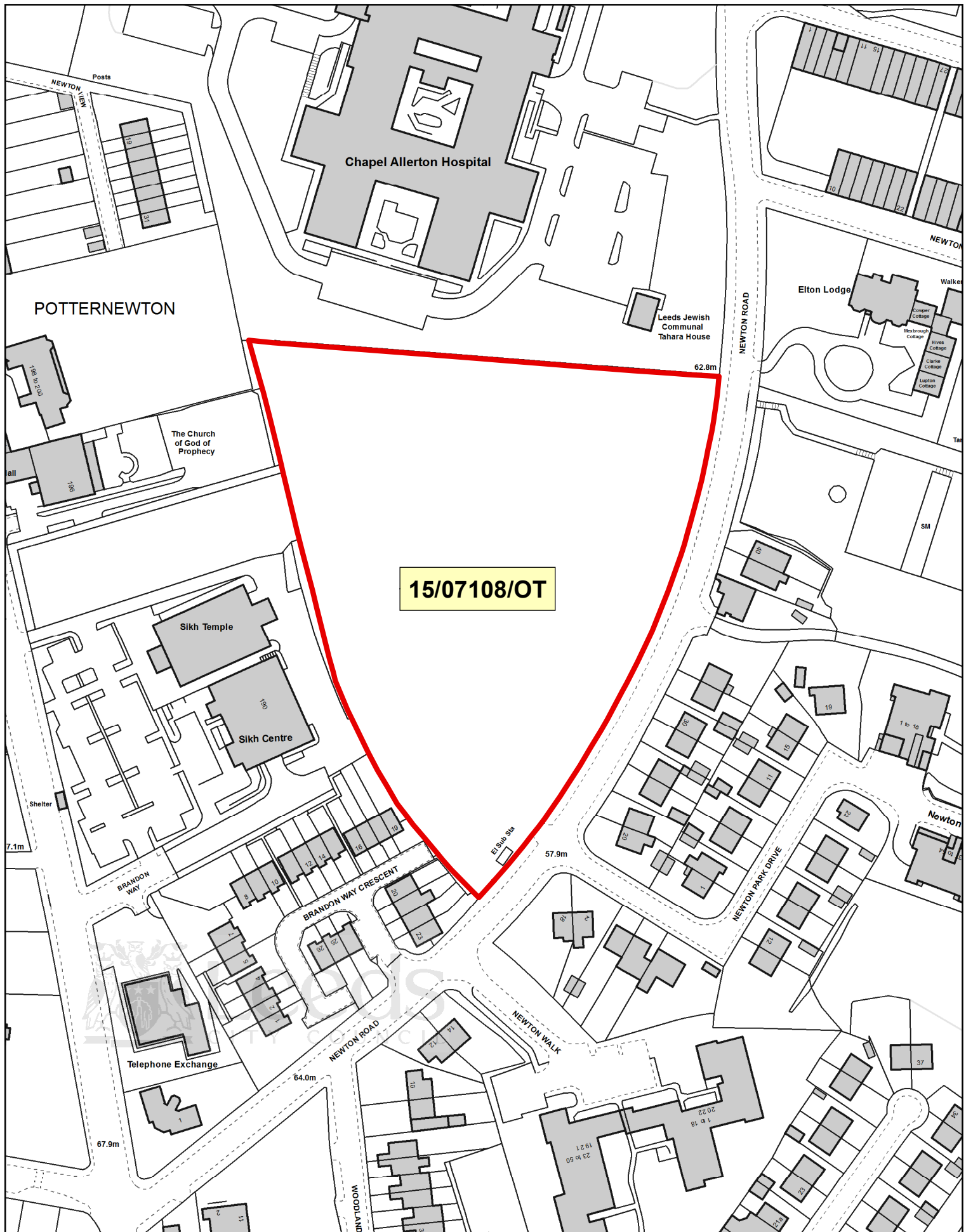
Total: 72 Units

| Rev. | Date | Details | Drawn | Checked |
|---|------|---------|---|---------|
| Issued for: COMMENT | | | | |
| Project/Client: Residential Development Leeds | | | Project No: IALD 1300 6800 Dwg No: SK/16/002 Rev: | |
| Drawing: Sketch Masterplan Layout Revised Option 2 | | | Scale: 1:250 @A1 Drawn By: IAC Checked By: | |
| | | | Date: 17/6/16 Date: | |

NORR

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www.norr.com

Contractors must work only to figured dimensions which are to be checked on site.
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NORTH AND EAST PLANS PANEL





| | |
|-------------|---------------|
| Originator: | James Bacon |
| Tel: | 0113 222 4409 |

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 18th January 2018

Subject: APPLICATION 17/04217/FU Change of use of woodland to a Go Ape high ropes course with an associated reception cabin at Temple Newsam Park, Templenewsam Road, Leeds.

APPLICANT

Adventure Forest Ltd (T/A
Go Ape)

DATE VALID

28th June 2017

TARGET DATE

26th October 2017

Electoral Wards Affected:

Temple Newsam

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:

1. Standard time limit on permission
2. In accordance with approved plans
3. In accordance with materials of cabins (treated timber walling, cedar shingle roofing)
4. In accordance with agreed Construction Environmental Management Plan (incl. tree works outside bird nesting season; protective fencing and bird nest boxes etc.)
5. In accordance with agreed Biodiversity Enhancement and Management Plan
6. Scheme detailing heritage enhancements and restoration to be submitted
7. Specified opening times
8. Details of tree protection measures
9. Restriction on external lighting
10. Site to be made good following cessation of the development
11. Details of scheme of planting to north of site to be submitted, approved and implemented

1.0 INTRODUCTION:

- 1.1 This planning application was brought to the Plans Panel on the 21st December 2017 as the proposed development is a major application and relates to land in the City Council's ownership (Temple Newsam Estate) which is of wider community interest.
- 1.2 At the Plans Panel meeting, and following discussions about the application, Panel Members resolved to defer consideration of the application to allow a Panel site visit to take place to aid in the assessment of the impacts resulting from the application proposal. The Panel also requested that a fuller summary of objections received be provided and this is addressed at paragraphs 6.3 and 6.4 of this report.

2.0 PROPOSAL

- 2.1 This planning application seeks permission for the use of a portion of woodland (approx. 1.25ha), known as Menagerie Wood, to accommodate the installation of high rope adventure courses. The applicant will enter into a lease licence concession arrangement with the Council for a period of 20 years.
- 2.2 The proposed high rope adventure courses comprise a number of elements which include a central platform with access stairs, stockades and access rope ladders, platforms on trees, timber and wire crossings, zip wires and zip wire landing zones. The activity essentially involves participants climbing a rope ladder to reach a platform braced around a tree trunk (several metres above the ground at a range of 4.5m to 12.5m) from where they set off to negotiate a series of activities consisting of rope bridges as they pass from one tree to the next. The course ends in a zip wire bringing the participants back down to ground level. The facility provides for both adult and junior courses and during the consideration of the application the course design was amended. It is to be noted that the course equipment can be dismantled and the area returned to its current state.
- 2.3 The facility also includes a cabin that acts as a reception, equipment store and office for staff. The cabin is to be sited towards the southern end of the site and is approximately 7mx8m in footprint and constructed of timber with a cedar shingle roof over. To accommodate the cabin four trees will require removal. In addition a timber shelter is also to be erected within a clearing in the wood to the north-western portion of the site.
- 2.4 The high rope adventure course will be managed by a site based team that would comprise 1 permanent full-time post and the equivalent of up to 30 seasonal full-time jobs. The facility is proposed to be operational from between February to December with longest opening hours between 08.00hrs to 21.00hrs (or dusk whichever is earlier). Ladders used to ascent the course/ platforms are pulled up and locked when closed. Visitors to the facility will utilise the existing car park and amenity facilities available at Temple Newsam Park.
- 2.5 The applicant, Adventure Forest Ltd- Go Ape, have been operating such facilities for 15 years and have 31 other sites across the country, including Scotland, the North of England, the Midlands, Wales, London and the South East and South West. This proposal would represent the first such site in West Yorkshire.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within Temple Newsam Estate which is a Grade II Registered Park and Garden and includes the Grade I Listed Temple Newsam House. The estate also contains a range of other Grade II* and II Listed Buildings. The part of the estate to which this application relates is to the north-east of Temple Newsam House (which stands over 400m away) within an area of woodland known as Menagerie Wood.
- 3.2 The site gradually rises towards its northern end and lies adjacent to the main car with a children's playground to the west, the home farm to the south and ponds and the Walled Garden to the east (situated beyond a wooded area). There is a network of footpaths within the estate and Public Footpath (No.131) runs to the east of the north-eastern corner of the site.
- 3.3 Colton village lies to the east of Temple Newsam Park and its Conservation Area adjoins the park (encompassing the Walled Garden). Further to the east are agricultural fields and clusters of woodland until the M1 carriageway. The motorway extends around the southern and eastern edge of the estate. To the north of the estate are Halton and Whitkirk. A golf course is situated to the south-western portion of the estate the commercial/ industrial part of Cross Green beyond.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a Major application (as a departure, affects a right of way and also the setting of a Listed Building) by site notices posted adjacent to the site dated 11th August 2017. The application was also advertised in the Yorkshire Evening Post, published on 1st September 2017.
- 6.2 In total, 31 letters of representation have been received in response to the public notification process. 20 letters received raising objection, 10 expressing support with 1 providing comments on the submitted proposals.
- 6.3 In light of the comments made at the Plans Panel meeting on 21st December 2017, officers have reviewed the letters raising objection to the submitted proposals and it is to be noted that the grounds are in a summarised form and re-stated below:
- Form of privatization, disposing of family silver; park originally dedicated for free and unrestricted access for all to enjoy; site restricts use of the woodland walks around the lakes; history and legacy versus corporate greed; commercialization of the park; inappropriate views of Go Ape structures on entry to Temple Newsam.
 - Prices would exclude some from using facility.
 - Noise from people using facility (e.g. screams along zip wire); situated near peaceful and tranquil places (e.g. benches; gardens, lakes, footpaths, nearby housing); noise impact on other park users.
 - Undergrowth has unusual/ rare fungi.
 - Site of original vegetable/herb garden?

- Access via narrow/busy Colton Road and Lodge gates (of restricted width); add to congestion of local traffic.
- Parking would impact availability of spaces for those visiting playground, home farm, lakes, walled garden (car park does get full with parking on adjacent fields); car park will not be able to cope with additional visitors; road disruptions from existing events at Temple Newsam.
- Concern about future introduction of Segway track.
- Concern about site security out of hours; attracting anti-social behaviour.
- Impact of corporate events/ stag and hen parties from more frequent usage; compromise peace and tranquility of the park and benches around Walled Garden area; important heritage for Leeds and should be respected and maintained.
- Inadequate consideration to site facility at Pump Wood instead, Menagerie Wood is inappropriate; other areas of Leeds more suited to this commercial enterprise; reference to previous petition against original proposals (prior to application submission); siting facility in Roundhay Park was objected to locally.
- Zip wires run over public rights of way.
- Impact on flora and fauna.

6.4 As part of the review of the objections, comments were also received suggesting that if the applicant received approval then an alternative site at Pump Wood should be used. The objector stated the following advantages of using Pump Wood:

- Traffic issues through the park would be alleviated.
- Car park in place so would not conflict with other parking.
- Cabin sited on hard standing and not in middle of Menagerie Wood.
- Girth/age/size of trees not an issue.
- Near public transport.
- Predominantly on perimeter of the park and not incorporated within it.
- No further away from the refurbished café and toilet facilities.
- Close to other sporting/leisure activities (i.e. golf course, running track, football fields and general open spaces).
- Away from area of peace and tranquility (incl. lake, rose garden or housing).
- Footpaths already in place (for future Segway track).
- Go Ape could renovate running track, add adult exercise equipment, re-surface car park, sponsor school activity and sports projects.
- Pump Wood holds a lower status (in heritage terms) than Menagerie Wood.

Although the above comments are noted, ultimately, the Local Planning Authority is required to assess the application as submitted.

6.5 The letters of support cite the following grounds:

- Great idea which City Council could operate (rather than private business).
- Asset to Leeds which will attract new visitors/ benefit tourism.
- From previous experience Go Ape do not close off areas and not affect park users.
- Accessible location, without having to go through City.
- New dimension to access the outdoors; Income and footfall help keep historic estates such as Temple Newsam going.

6.6 1 letter providing comments on the proposals. A summary of the comments received are set out below:

- Inaccurate/ outdated information contained within desktop study on breeding birds.
- Support the provision of nest boxes in mitigation for some tree loss.

7.0 CONSULTATION RESPONSES:

Statutory:

- 7.1 Historic England: The revised course design is noted but the proposals would cause some harm to the significance of the Grade II Registered Park and Garden. Recommend heritage benefits are secured within registered parkland (e.g. enhancement of Menagerie ponds/bridges, restoration of Little Temple). Any heritage impact should be weighed against the public benefits of the scheme.

Non-statutory:

- 7.2 Highways (LCC): No objection, suggest marking out spaces to make car park more efficient.
- 7.3 Flood Risk Management: No objection.
- 7.4 Public Rights of Way: Request that course be re-aligned to avoid passing directly over public footpath (route No.131).
- 7.5 SDU (Nature Conservation): The supporting Bio-diversity Enhancement and Construction Management plans are acceptable and to be implemented.
- 7.6 SDU (Landscape): Seek compensatory woodland planting to northern edge; clarification required on impact from cabin footings (raise up on posts) and extent of tree removal; mitigation of tree impacts required during construction activity.
- 7.7 SDU (Conservation): No objections to the submitted revised course design which shows the eastern leg removed.
- 7.8 West Yorkshire Police (Architectural Liaison): Aware that Go Ape operate similar site in urban areas and are aware of security requirements.
- 7.9 Yorkshire Gardens Trust: Users of proposed development enjoying outdoor activities likely to be at odds with non-users; making good habitats will inevitably take many years; cabins to be built on pads/no ground level changes; reference to vulnerable landscape features (Little Temple); no consideration of Carriage Drive, a principal feature of landscape design; absence of adequate conservation management plan eroding the historic designed landscape.

8.0 RELEVANT PLANNING POLICIES

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan Review (2006) and the Natural Resources and Waste Development Plan Document (2013), the Aire Valley Leeds Area Action Plan (2017) and any made Neighbourhood Plan.

Adopted Core Strategy:

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was adopted in November 2014. The following CS policies are relevant:

Spatial Policy 1 Location of development
 Spatial Policy 11 Transport infrastructure investment priorities
 Spatial Policy 10 Green Belt
 Spatial Policy 13 Strategic green infrastructure
 Policy P9 Community facilities and other spaces
 Policy P10 Design
 Policy P11 Conservation
 Policy P12 Landscape
 Policy T1 Transport management
 Policy T2 Accessibility requirements and new development
 Policy G1 Enhancing and extending green infrastructure
 Policy G8 Protection of important species and habitats
 Policy G9 Biodiversity Improvements
 Policy EN5 Managing flood risk

Leeds Unitary Development Plan (UDP) Review:

- 8.3 The site lies within designated Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the City Council's Unitary Development Plan (Review 2006). The relevant saved UDP Review (2006) policies are listed below for reference:

Policy GP5 Requirement of development proposals
 Policy N1 Greenspace
 Policy N8 Urban Green Corridor
 Policy N23 Development and incidental open space
 Policy N24 Development proposals next to green belt/ corridors
 Policy N25 Development and site boundaries
 Policy N28 Historic parks and gardens
 Policy N32 Designated Green Belt
 Policy N33 Development in the Green Belt
 Policy N37 Special landscape area
 Policy BD5 Design considerations for new build
 Policy T24 Car parking guidelines
 Policy LD1 Landscape schemes

Natural Resources and Waste Local Plan:

- 8.4 The relevant Natural Resources and Waste Local Plan (adopted) policies are listed below for reference:

WATER 7 Seeks to ensure no increase in the rate of surface water run-off and the incorporation of sustainable drainage techniques.
 LAND 1 Requires submission of information regarding the ground conditions
 LAND 2: Relates to development and trees and requires replacement planting where a loss is proposed.

Supplementary Planning Guidance / Documents:

- 8.5 Leeds Parking Policy (adopted)
 SPG25: Greening the Built Edge.

National Planning Guidance:

- 8.6 In terms of national policy, the National Planning Policy Framework (NPPF) identifies a number of core planning principles of which include for planning to be genuinely plan-led with plans kept up-to-date and to provide a practical framework within which planning decisions can be made; proactively drive and support sustainable economic development and seek to secure high quality design.
- 8.7 Chapter 1 sets out the need to build a strong competitive economy in order to create jobs and prosperity and that the planning system does everything it can to support sustainable economic growth.
- 8.8 Chapter 4 confirms that transport policies have an important role to play in facilitating sustainable development and to avoid severe highway impacts.
- 8.9 Chapter 7 advises that the Government attached great importance to the design of the built environment stating that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.10 Chapter 9 outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and states that the essential characteristics of Green Belts are their openness and permanence. Para. 87 indicates inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para.89 is clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others): *...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.*
- 8.11 Chapter 11 advises the planning system should contribute to and enhance the natural and local environment and prevent unacceptable risks from pollution and land stability as well as avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 8.12 Chapter 12 considers where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

9.0 MAIN ISSUES

1. Principle of development (incl. the impact on the openness of the green belt, greenspace)
2. Impact on visual amenity (incl. design, appearance, planting, lighting)
3. Heritage implications (incl. impact on heritage assets)
4. Impact on amenity (incl. noise, public right of way)
5. Ecological implications
6. Highway implications
7. Other matters

10.0 APPRAISAL

Principle of development (incl. the impact on the openness of the green belt, greenspace)

- 10.1 The application site is lies within the Temple Newsam Estate, designated within Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the Unitary Development Plan. Such spaces offer the public access to open areas with an existing or potential value for recreation, nature conservation but also provide a means of maintaining and improving the wider perception and positive image of the City as a place to live, work and visit. Accordingly, as a vital resource care is needed to ensure such greenspaces are safeguarded. Moreover, the proposal is not considered to seriously harm the character and appearance of the Special Landscape Area and will retain the existing function of the Urban Green Corridor, which links the main urban area with the countryside.
- 10.2 Taking account of the Green Belt designation, the advice contained within national policy guidance states that the construction of new buildings is inappropriate although exceptions are made (para. 89, NPPF) and this includes the provision of appropriate facilities for outdoor recreation. The high rope adventure course is an outdoor recreation activity and in view of the light weight nature of structures and relative modest scale of the associated buildings, their use of nature construction materials and containment within this wooded setting the proposal is considered to be acceptable under Green Belt policy and guidance as it is considered that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 10.3 The grounds of the Temple Newsam Estate attract in the region of 2 million annual visits and this proposal offers a valuable source of income for the management of the estate and also broaden the appeal of leisure activities and promote visitors to such historic locations. The revenue generated by rental of the site is to be reinvested into the estate for the wider public benefit and in a review of the City's visitor attractions the Parks and Countryside section have recently identified the need for refurbishment and modernisation of the Home Farm (working farm in urban environment). Overall, the principle for introducing the proposed outdoor recreation activity is supported although the acceptability of the proposal will depend on the detailed planning considerations which include the impact on visual amenity, heritage, general amenity and highways and these are discussed below.

Impact on visual amenity (incl. design, appearance, landscaping, planting, lighting)

- 10.4 The high rope course will comprise a range of timber constructed platforms, wires and ropes. The course will be elevated above ground level which means it has the potential to more visible in its surroundings however the equipment is lightweight in nature and will be integrated into the existing woodland. The associated buildings are small in scale and are also of timber construction to reflect the woodland setting. Surfaces and paths are laid as woodchip to reduce their visual impact and to help the facility blend in with its natural surroundings. The revisions to the course design ensure that the siting of the structures and equipment associated with the facility will be well contained within the woodland grouping. The impacts are further mitigated through the provision of compensatory planting to the northern part of the wood where elevated equipment is in closer proximity to the wood edge.
- 10.5 The proposed high rope equipment and supporting facilities will be set within the Menagerie Wood and in its immediate vicinity is the park's main car park, a children playground, Home Farm (working farm) and other municipal amenities concentrating

the related activities to this portion of the estate. The associated equipment and structures will be well contained within the wood and given the expanse of the undulating open land surrounding, the intervening tree groupings/ belts and other buildings/ activities which all contribute to filter views of this part of the park it is considered that the proposed facility will not be unduly intrusive to the wider park surroundings.

- 10.6 The course platforms are attached to existing trees by a wooden brace that involves pegs positioned either side of the trunk to clamp the wooden brace to the tree. The clamps are to be subject to an annual tree inspection and there is scope for the clamps to be altered to allow more room for the tree to grow and will help ensure no harm arises to the wellbeing of the tree. The proposal will involve the removal of 4 trees to accommodate the reception cabin. This loss, whilst regrettable, is not considered to have a significant visual impact given the backdrop of the remaining woodland. Subject to the provision of replacement tree planting in and that suitable tree protection measures are made on site during works to protect other nearby trees the loss of these trees can be accepted.
- 10.7 It is noted that objectors have suggested that if a high rope course is to be introduced at Temple Newsam Pump Wood would be a better alternative. This area of wood lies to the western side of Temple Newsam House however the applicant advises that there are issues with Pump Wood not being as dense and practical difficulties as that location would be too close to the main access/ exit road (present issues when events are taking place) and is not located within the estate support facilities and other visitors ventures within the estate. Consideration was also given to the wood behind Temple Newsam House although the trees were not mature enough. The LPA is required to assess the application as submitted.
- 10.8 The proposed high rope adventure course will operate in daylight hours and it is recognised that external lighting would have an impact on sensitive receptors (including heritage, landscape and ecology). Accordingly, restrictions are recommended to be imposed on the operation of external lighting by planning condition.

Heritage implications (incl. impact on heritage assets)

- 10.9 Linking into the above visual amenity considerations, the proposed high rope adventure course lies within Temple Newsam Park (Grade II Registered Park) and the setting of Temple Newsam House (Grade I) other listed structures within the park itself.
- 10.10 In order to reach a conclusion on the acceptability of the planning application an assessment of the identified harm to the designated heritage assets is required (paragraph 134 of NPPF) and weighed against the public benefits of the scheme. Significant weight has been ascribed to the assessment of the proposals impact on the heritage assets.
- 10.11 The proposed high rope course lies within Menagerie Wood which forms part of the historic pleasure grounds and Historic England advise that historic mapping indicates that the form and layout of this area has changed over time. In this context, Historic England consider further changes are not unacceptable in principle and the proposed high rope activity could be considered a contemporary version of taking pleasure in outdoor activities and a way of engaging directly with the trees in the woodland. The high rope equipment and supporting facilities will be set within the wood and in its immediate vicinity is the main car park, a children's playground, Home Farm and

municipal amenities concentrating the related activities to this portion of the estate. It is recognised that the use of the high rope adventure course may be at odds with how other park users may wish to enjoy their recreation time in this part of the estate. The proposal will widen the outdoor recreation activity but given the amendments to the course layout and the context of other activities it is not considered to significantly compromise the use or attraction of the park as a whole.

- 10.12 Woodland to the immediate east of the proposed course effectively forms a barrier to the Walled Garden and Colton Conservation Area beyond. The application proposal is set within the wood and given the relative separation distances, ground level changes and intervening tree belts and structures will restrict views from Temple Newsam House itself and from the wider Registered Park and Gardens to an extent that the impacts arising from the proposal can be accepted.
- 10.13 Overall, the proposal is considered to impact on the heritage assets and Historic England consider that the proposals would have some harm to the significance of this heritage asset, however, these are considered to be mitigated by securing a scheme of heritage benefits within the identified heritage asset that would deliver the restoration and conservation management (see paragraph 7.1 above) and such measures could be secured by planning condition. In addition, and given the nature of the proposal, the site will be required to return to its former condition after the lifetime of the development. The Council's Conservation officer considers that the revised application proposal to have an acceptable impact and raises no objection. However, it is recognised that the local planning authority should give considerable importance and weight to conserving designated heritage assets when balancing the public benefits and advantages of the proposal against any such harm. In undertaking this balancing exercise the local planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires 'special regard' be had to the 'desirability of preserving the building or its setting'.
- 10.14 The application proposal will deliver a range of social, recreational and economic benefits that weigh in favour of the application proposal, of which the following are considered to be the most significant, attracting tourism in outdoor recreation and promoting healthy activities; support and generating income for the upkeep and refurbishment of heritage assets within Temple Newsam Estate and its other visitor attractions (e.g. Home Farm); providing new employment opportunities whilst mitigating impacts on wildlife habitats.
- 10.15 Considerable importance and weight has been attached to the identified harm on existing heritage assets but the positive public benefits factors realised through the delivery of the proposal are considered to outweigh the harm on these heritage assets. Accordingly, officers consider the heritage impact can be accepted.
- 10.16 The application proposed involves minimal excavation at the site and there is very little potential to encounter the presence of remaining archaeological or cultural heritage remains within the boundary of the site.

Impact on amenity (incl. noise, public right of way)

- 10.17 This application is supported by a noise report which considers the impact of the proposed noise sources within the development and nearby residences and Temple Newsam House. The proposed activity would not typically generate high levels of noise with main sources comprising user's voices and mechanical noise of the zip wire trolleys. It concludes that given the separation distances involved there would be

no perceptible increase in the existing ambient noise level and accordingly the proposal is not considered to have an undue impact on local residences. It is however appreciated that the impacts of noise arising from the use of the high rope course is likely to be confined to that on other park users. The amended course design has removed the eastern leg of the original course which now ensures that it does not extend across a defined public footpath and is considered to be well contained within the existing wood. The course is sited within a part of the estate which already is subject to public activity and their associated comings and goings and therefore the proposed high rope course is not considered to be significantly detrimental to the amenity of other park users as a whole.

- 10.18 The proposed high rope course does not restrict public access to the wood (being elevated in the trees) and concerns have been raised about site security when not in use. The high rope course is raised so that the platforms cannot be reached from the ground and access used to ascend the course are pulled up and locked when the course is closed. The applicant operates other sites across the country and are aware of the security consideration requirements based on these experiences.

Ecological implications

- 10.19 The application is supported by ecological appraisal which identified habitats on and surrounding the site. The ecological surveys are considered adequate to allow a clear understanding of the level of impacts resulting from the proposal.
- 10.20 In the short-term it is recognised that assembly/ construction activity will have the potential to increase disturbance to existing biodiversity features (incl. nesting birds) but through careful management during the assembly/ construction phase these impacts could be appropriately mitigated and the measures to be adopted are to be secured within specific construction management and biodiversity enhancement plans (incl. protection zones/ fencing, bird boxes, ecologist presence etc). Overall, it is considered that the proposal will not have significant detrimental ecological impacts provided that suitable management and mitigation measures are adopted.

Highway implications

- 10.21 The proposal will utilise the existing road, walking, cycling and public transport network that serves the existing Temple Newsam Estate. As mentioned earlier within this appraisal the existing Temple Newsam Estate attracts in the region of 2 million annual visits and the concerns of nearby residents about congestion suffered by connecting roads are noted. The predicted increase in visitors by car resulting from the proposed high rope course (based on figures of the applicant's other sites) is not considered to be significant in highway terms or as a proportion of the existing traffic levels at Temple Newsam. As such, the surrounding highway network is considered to be able to accommodate the traffic impact of the development and on this basis, the Council's Highway officers have raised no objection. Nevertheless, it is recognised that there are occasions within the year that parking demand is high and the Council's Parks and Countryside team report a commitment to re-invest income received from this proposal to upgrade and mark out the parking area to improve its efficiency.

Other matters

- 10.22 In terms of flood risk the majority of the application site is located in Flood Zone 1 and is not shown to be at particular risk from surface water flooding. Most of the proposed structures are elevated above ground height with the associated buildings small in scale and simply draining rainwater naturally to the ground. The reception cabin is to

be connected to the main site sewerage system with a connection achieved no the adjacent car park (along the route of existing footpath to avoid woodland). The Council's Flood Risk Management officer raises no objection.

10.23 The proposed development is not Community Infrastructure Levy (CIL) liable.

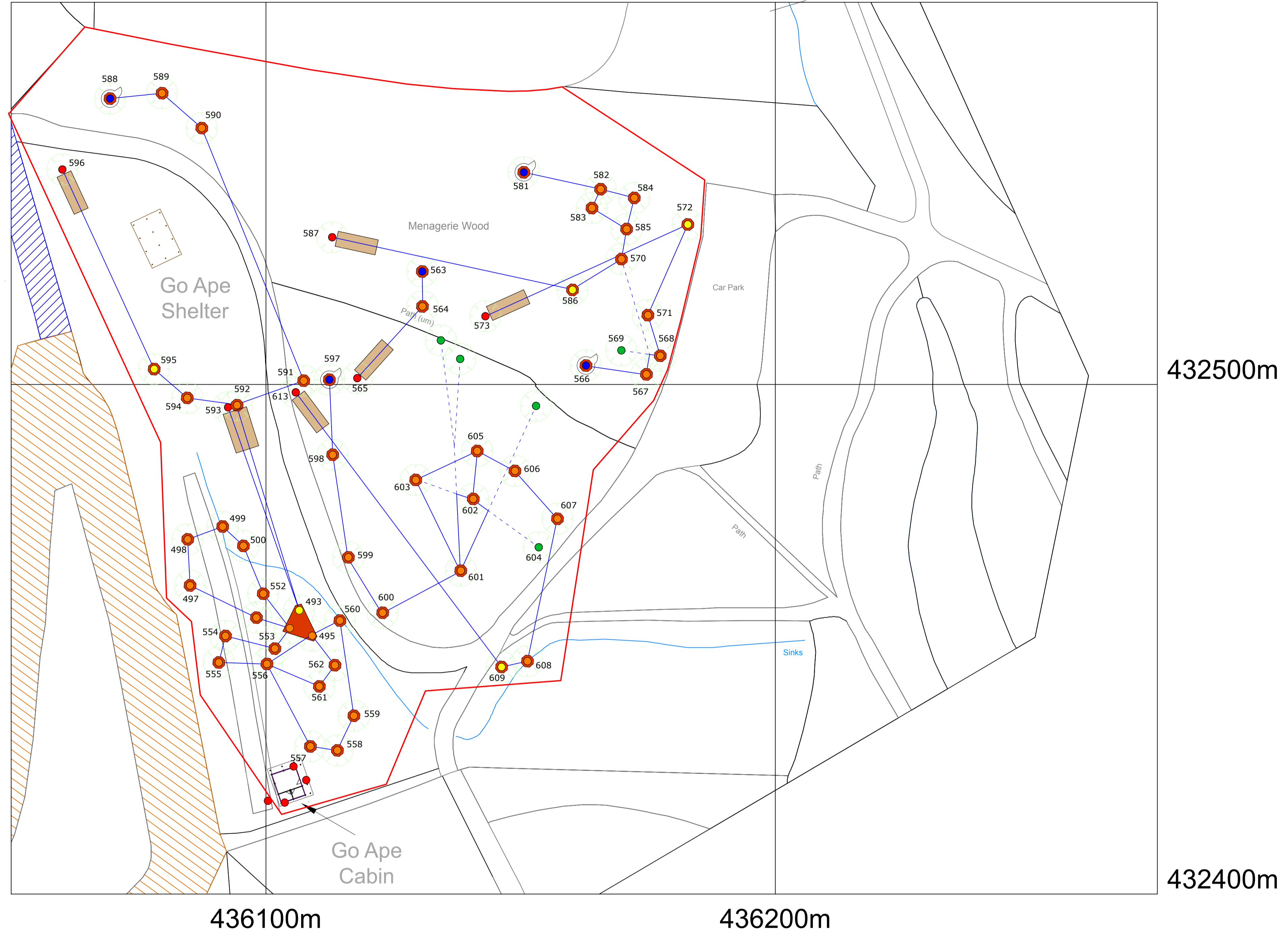
11.0 CONCLUSION:

- 11.1 The application site lies within designated within Green Belt, a Special Landscape Area and Urban Green Corridor and is also classed as designated Greenspace within the Unitary Development Plan. The proposal is considered to represent the provision of appropriate facilities for outdoor recreation that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and consequently it is considered appropriate development within this green belt location. Moreover, the proposal is considered to be appropriate within this area of designated greenspace and is not considered to seriously harm the character and appearance of the Special Landscape Area and will retain the existing function of the Urban Green Corridor.
- 11.2 The proposal provides an opportunity to generate additional revenue from attracting additional visitors which in turn will assist in the delivery of management and improvement projects at the Temple Newsam Estate to which the Council have management responsibilities.
- 11.3 The proposal is considered to cause some harm to the significance of the heritage assets which when weighed against the mitigation measures to be adopted and the wider public benefits arising from the scheme as reported above the heritage impact is accepted.
- 11.4 The light weight nature of the associated structures and predominantly timber materials will help assimilate the proposal into the surrounding woodland setting. The proposal will involve a range of soft landscaping works and mitigation to help integrate the proposal into the landscape.
- 11.5 The proposed high rope adventure course will utilise the existing points of access and parking facilities available to the wider Temple Newsam Park and can be safely accessed by pedestrians, cyclists and vehicles and will not result in any demonstrable harm to the operation of the highway network.
- 11.6 Overall, the proposal will help enhance the range of recreational activities at the Temple Newsam Park and offers an opportunity to generate income to be directed to improvement projects at the Temple Newsam Estate. The proposal is not considered to raise significant adverse impacts that cannot be mitigated by appropriate planning conditions and which would outweigh the scheme's benefits. On this basis, officers consider this planning application warrants support.

Background Papers:

Application file Ref: 17/04217/FU

Certificate of Ownership (Certificate B) served on the landowner Leeds City Council (Parks and Countryside) dated 27th June 2017.






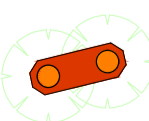

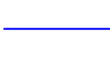
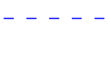


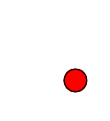



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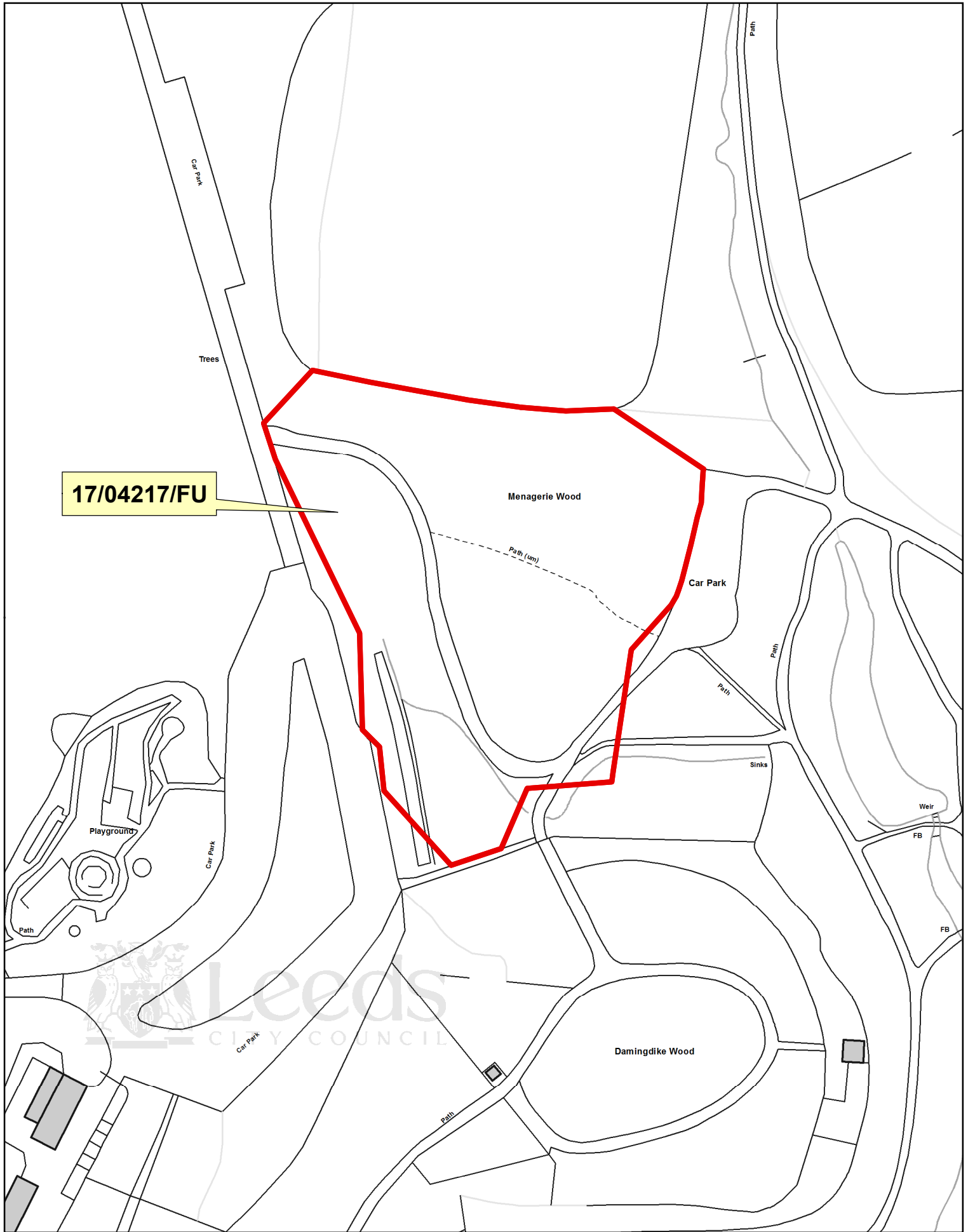
Order Number 705842-14915- 080317

Order Ref: 605795

Print Date: 5th December 2017

-  Zip Line Arrival Tree
-  Supporting Tree
-  Tree with platform
-  Zip Line Departure Tree
-  Ladder Tree with Stockade
-  Central platform
-  Zip Landing Zones
-  Activity
-  Supporting Wires
-  Planning Area
-  Access
-  Carpark
-  Approximate location of tree to be removed

**Go Ape - Temple Newsam Park
Block Plan 4 - Tree Removal
1:500**



NORTH AND EAST PLANS PANEL

