



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 10th October 2013

Subject: APPLICATION 13/00868/OT- Outline application for residential development and retail store at Victoria Road, Headingley

APPLICANT	DATE VALID	TARGET DATE
Chartford Homes And Holbeck Land	12.03.2013	11.06.2013

Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Defer and delegate approval of the application to the Chief Planning Officer subject to the conditions specified and also to the completion of a Legal Agreement within 3 months of the date of resolution of Panel to cover –

1. 5% affordable housing contribution (on site 100% Sub Market or an off-site contribution to go towards bringing vacant properties back into family use in the Headingley/Hyde Park area),
2. On site Greenspace provision and maintenance.
3. Off site Greenspace contribution for children's equipped play equipment- £19,950.14.
4. Residential MetroCard Scheme A – Bus Only. £11,088.00.
5. Contribution towards improving and enhancing sports facilities in the locality £26,777
6. Local employment scheme.

Conditions:

1. Outline relates to Access only. All other matters Reserved.
2. Reserved Matters to be submitted within 3 years.
3. Development to commence within 2 years of approval of last Reserved Matter.
4. Plans to be approved
5. Reserved Matters applications to be submitted in accordance with the contents

of the Victoria Road Design Statement.

6. Surface water drainage details to be approved.
7. Contaminated land conditions
8. Samples of walls, roofing, doors, windows, surfacing material to be approved.
9. Landscape scheme and implantation
10. Retention of existing stone boundary wall to Victoria Road including any necessary making good.
11. Tree protection conditions
12. Tree replacement conditions
13. Access roads and car parking to be complete prior to first use
14. Off site highway works to be completed prior to first use.
15. Retail store to operate 7am to 11pm only
16. No deliveries before 7am or after 7pm.
17. Car park management plan and delivery plan to be approved
18. Details of air conditioning and plant equipment to be approved
19. Refuse, cycle and motorcycle storage details to be approved and laid out.
20. Removal of Permitted Development Rights for dwellings
21. All dwellings to be C3 Use Class.
22. The external footprint of the retail unit building shall not exceed 372square metres.

1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Ward Councillor Martin Hamilton and Councillor Walshaw and also due to the level of community interest in the application.
- 1.2 Members may recall the Panel Report which was published with the agenda for the previous application reference 12/02491/OT on this site in 2012 but was withdrawn prior to the Panel meeting in November 2012. Although the previous withdrawn application was recommended for refusal Members may recall that the recommendation did not suggest refusing the application on the grounds of the loss of the playing pitch or the sports hall or swimming pool buildings. The suggested reasons for refusal of the withdrawn application related to the impact of the retail unit on the neighbouring properties including the setting of the listed building and the harm to the character and appearance of this part of the Headingley conservation area, the impact of the proposed new buildings and the proposed access road on important trees and also the non-compliance with planning policies covering greenspace provision and affordable housing.
- 1.3 The applicants have sought to overcome these previous objections and the indicative masterplan has been revised.

2.0 PROPOSAL:

- 2.1 The application is submitted in Outline with all matters reserved except for access. The proposal is to demolish the existing buildings to enable space for a retail unit to be built on site and also redevelop the playing field for housing.
- 2.2 The indicative masterplan shows 24 new houses arranged in 6 terraced rows. These dwellings would be two storey houses. The masterplan also shows a new building fronting Victoria Road and running parallel to Back Ash Grove. This building would

be 1 storey in height with a car park and service area to the rear. This building would house the retail unit which would not exceed 372 square metres. An area of public open space (1315square metres) is also proposed within the site.

- 2.3 The retail unit and the residential units would access the highway using the existing access from Victoria Road which would be widened and would then connect the residential element to the retail element by an internal estate road.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the swimming pool, sports hall and playing field of the former Leeds Girls High School. The site is rectangular in shape and is bounded by Victoria Road to the north. To the east and west boundaries of the site are located residential properties which back onto the site. To the south is located a new build block of 3-4 storey flats and a lock up garage compound.

- 3.2 The site is partially within the Headingley Conservation Area. The Headingley conservation area partially projects into the site from Victoria Road and includes the trees on the frontage, the stone boundary wall, the existing access location and the front half of the swimming pool building. The playing field and sports hall building are not within the conservation area. To the north west of the site on Victoria Road is a grade II listed building. This building adjoins the application site. It is currently in residential accommodation as flats. This building is a two storey brick and slate Georgian villa set back from the highway with a modest but attractive frontage curtilage.

- 3.3 There is a substantial change in levels from Victoria Road immediately into the site of approximately 3metres fall within the first 11 metres of the site from Victoria Road. Within the site the playing field slopes away gently to the southern boundary of the site. On the edges of the site adjoining Ash Grove and Back Chestnut Grove are located existing trees which have the benefit of a provisional Tree Preservation Order (TPO).

- 3.4 The character of the area is predominantly residential with dense rows of Victorian terraces as the main defining character, with mature trees and boundary treatments visible along Victoria Road, there are some post war houses and flatted schemes also around the site. There are some commercial uses in the locality and Hyde Park Corner is within 300 metres of the Victoria Road entrance to the site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 08/04218/OT (current application site) - Outline application for residential use. Withdrawn 2009.
- 4.2 08/04217/CA (main school site) seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. Allowed on appeal.
- 4.3 Applications 08/04219/FU and 08/04220/LI (main school site) for full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments. Allowed on appeal

- 4.4 Application 08/04216/FU (main school site) for full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 3 dwellings. Dismissed on appeal.
- 4.5 08/04214/OT: (main school site) Outline Application for residential development. Dismissed on appeal.
- 4.6 12/1236/FU: (main school site) Outline application for residential development and Full application for conversion of Main school building to apartments. Approved 2012.
- 4.7 12/02491/OT (current application site) - Outline application for residential development and retail store. This application was withdrawn in November 2012 prior to being presented before Plans Panel. Members may recall the application was recommended for refusal on grounds that the proposed retail store building would harm the character and appearance of the conservation area and the setting of the neighbouring listed building. The application was also likely to result in over bearing and dominance on the neighbours from the size of the retail store. The application was also considered likely to harm important trees.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The previous withdrawn application 12/02491/OT had been the subject of pre-application discussions and presentations with the local community and ward councillors before submission. This current application however, was not subject to any pre-application community consultation. The Local Planning Authority discussed the revised masterplan and proposals with the applicants prior to the resubmission of this current application and invited the applicants to re-engage with the community prior to submission but the applicants choose not to.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notices and press advert. Members may recall the extensive planning history associated with this site and the Main School site and also Ford House Gardens. Over 1250 objections were received to the planning applications in 2008. The majority of these objections referred to the loss of this application site to housing. There were 110 letters of objection received to the previous withdrawn application 12/02491/OT. There have been 167 objections received to the current application and 1 further letter of representation.
- 6.2 The following issues have been raised:
- Objection to the loss of N6 protected playing pitches and building.
 - No need for new housing due to vacant properties in the locality
 - Objection to the retail unit due to impact on existing local shops
 - Loss of trees and historic boundary wall
 - Impact on highway safety and car parking
 - Scale of retail building inappropriate for the area
 - Harm to the conservation area and the listed building
 - The community had access to the facilities at this site and their loss would be harmful to health and well being of the community
 - Loss of open space harmful to amenity
 - The site should be compulsory purchased for community use
 - The development does not accord with the Olympic legacy agenda

- 5 local primary schools would like to use the facilities
- Contrary to NPPF (various paragraphs cited)
- Over development of the site
- Too many houses proposed
- Harm to amenity from the comings and going of the retail store
- The existing facilities could be brought back into beneficial use and are not beyond repair.
- Lack of football pitches in the area for local teams to use. Also lack of training facilities. Republica F.C wants to collaborate with community groups to develop the site as a sports facility.
- No community consultation on the application
- Contrary to spirit of Olympic legacy
- Leeds Metropolitan University sport HPOL group's proposal for re-using the site for a community sports facility and would like to partner with HPOL to help deliver this project.

6.3 Councillors Hamilton, Illingworth, Walshaw, Jerry Harper, Mulherin and Atha have all objected to the previous withdrawn application. Councillors Illingworth and Hamilton have reconfirmed their objection to the current application. The following issues have been raised by the Councillors:

- The site is in a densely populated area which has a poor provision of sports and recreation facilities.
- The scheme is contrary to para 74 of the NPPF
- The loss of greenspace is harmful to the area
- The community has had access to the swimming pool, sports hall and the playing pitch.
- The loss of playing facilities is harmful to the local residents and primary schools.
- Contrary to the Olympic Legacy
- Health and Social Care Act 2012 (HaSCA2012) is a new material planning consideration that should be afforded substantial weight in the determination of this application.
- The HaSCA2012 accords with the City Priority Plan to make sure the people who are the poorest improve their health the fastest.
- This area suffers from poor health including high rates of diabetes and obesity.
- Contrary to para 73 of NPPF.
- The development will exacerbate existing highway and accessibility problems
- The retail unit would be harmful to the conservation area.
- There is no housing demand for new build in the area evidenced by a recent study by UNIPOL demonstrating that students are moving out of the old housing stock towards new build accommodation.
- Kings Camp used the facilities in the summer and Easter between 2005-2007. They used the facilities for roughly 29 days per year and had roughly 40-60 children attend per day. They offered sports such as football, hockey, cricket, basketball, benchball, dodgeball as well as arts and crafts activities, drama games, treasure hunt games etc.
- The development is over intensive for the site.
- The greenspace offered is inadequate for the development of this size.
- The convenience store will harm local businesses
- The proposed access is problematic.
- The design of the convenience store is not in keeping with the area.

- The fact the community had access to the facilities prior to them closing is a change in circumstances from the Main School site application and Inquiry. The Inspectors decision does not carry the same weight as previously.

6.4 Hilary Benn MP and Greg Mulholland MP have both objected to the previous withdrawn application. Hillary Benn MP reconfirmed his objection to the current application. They raise the following issues.

- Loss of playing fields and sports hall in an area in which local schools could make good use of them.
- Development is too intensive with too many houses proposed on a small site
- New homes will exacerbate problems in a very densely populated area
- Negative impact on local businesses.
- Already 2 national food retailers in the local area
- UNIPOL report highlights empty properties in the area
- New facilities at Alwoodley Gates has not re-provided for the students. For example the swimming pool has not been replaced.
- The proposal would deprive the area of greenspace.
- The area needs sporting facilities to improve public health. The proposals does not meet this need for the area
- The area has higher than average levels of child obesity
- The swimming pool could be restored as a sports centre at cheaper costs than the figures for repairing the swimming pool.

6.5 The Friends of Woodhouse Moor, Open XS Cluster of schools, Cardigan Triangle Community Association, South Headingley Community Association, North Hyde Park Neighbourhood Association and Leeds Civic Trust have objected to the application and they raise the following issues:

- 5 primary schools in the area need an extra 40,846sq.m of space to comply with School Premises Regulations. 3 of the primary schools are without any playing fields at all.
- Contrary to Olympic spirit and legacy.
- Detrimental to health and improving obesity
- Woodhouse Moor should not be used to compensate for the loss of playing fields from this application. Using Woodhouse Moor would result in a net loss of open recreation space, that according to Council's own 2009 "A Parks and Green Space Strategy for Leeds", is already the most intensively-used urban park in Leeds, and the second-most-visited.
- We are concerned at the increase of housing within this already densely-populated area and the loss of green space and playing space of which there is a shortage within Headingley and is needed by the many families with young children that are moving into the area.
- The development would add to pollution problems
- Increase in traffic on Victoria Road is harmful to highway safety and amenity.
- The retail unit would harm the local shops
- The retail unit is too big and out of character with the conservation area
- The retail unit would cause noise problems in the area
- The loss of playing fields is contrary to para 70 and 74 of NPPF
- 34 objectors voted at the community meeting held by the developers to reject the development of 48 people who attended the meeting
- No pre-application discussions with LPA

- Civic Trust's concerns for this proposal lie in its relationship to the recently approved (May 2012) Conservation Area Appraisal for Headingley Hill, Hyde Park and Woodhouse Moor.
- The Conservation Area Appraisal also makes particular reference to the fact that stone walls and stone gate piers are part of the character of the area and should be retained and restored. It should be noted that there is a stone boundary wall along the Victoria Road frontage which continues in front of the adjoining listed building. It is essential that it be retained and that any building fronting Victoria Road be set back allowing tree planting in front to add to the mature treescape along Victoria Road and to mirror the setting of the adjoining listed building.

6.6 The Leeds HMO Lobby and Headingley Development Trust have made the following representations about the application.

- Since the development goes over the threshold of eligible units, the Trust understands that it will be liable to a contribution to affordable housing provision, under a Section 106 Agreement. The Trust wishes to recommend that that this contribution takes the form of a commuted sum, spent locally in consultation with Ward members.
- a commuted sum is clearly identified as one of three options in the Council's current SPG3 on Affordable Housing and also, more extensively, in the draft SPD on Affordable Housing of 2008. It is also explicitly identified as an option in national policy, in the National Planning Policy Framework, where paragraph 50 says, "To deliver a wide choice of quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities, local planning authorities should ... where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities." One thing the Area of Housing Mix needs (by definition) is 'more effective use of the existing housing stock' in order to 'create a mixed and balanced community.'
- This approach was agreed at the Main school site in August 2012.
- A condition should be added to ensure the properties are built as C3 dwellings.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways – No objections in principle to the development, mix of uses or the access arrangements.
- 7.2 Mains Drainage – In principle no objections. Conditions to cover surface water drainage would be required
- 7.3 Environmental Health – No objections to residential development. The impact of noise from the surrounding area on the proposed residential dwellings would need to be considered to protect the amenity of future residents. In respect of the retail unit consideration should be given to the siting of plant and machinery and the Development Department may want to condition any permission with regards to opening hours and the hours for delivery, loading and unloading. Consideration should also be given to the proposed scheme for lighting.

- 7.4 Metro – Supports the use of metrocards for the development and request a contribution toward metrocards for future occupiers. This will be included in the S106.
- 7.5 Sport England – No objections to the development proposals. They note the previous appeal decision and consider that the main users of the facilities the students of LGHS have been re-provided for at Alwoodley Gates. They also note that the community had some access to the facilities and Sport England's comments on this matter are as follows:

“The local community action group has however found evidence about the site being used by an organisation called ‘Kings Camps’, who run school holiday activity schemes, and a netball club, who used the sports hall for training.

Firstly dealing with Kings Camps, we understand this organisation operates from a range of sites across Leeds and offers sport and activity sessions during the summer and Easter holidays. It is understood they made use of the playing field at the application site before the school closed. The organisation charges commercial rates for this service which is provided outside local authority support or any support from GSAL or former LGHS. We note that this offered a very limited community use and that children attending would have come from a far wider catchment than that of the local community.

It is interesting to note that the closure of the LGHS site has not stopped this business operating in north Leeds. Not only is the Alwoodley GSAL site listed as a previous venue, Leeds University (0.8 miles from the application site) and Leeds Metropolitan University campus at Beckett's Park in Headingley (2 miles from the application site) are both current venues listed for Kings Camps sessions.

The action group have also made contact with Fusion netball club who used the sports hall on the LGHS site and have records of booking invoices dating from 2008. When the LGHS site closed the club moved to another private school site, Woodhouse Grove, over 7 miles away. While this appears to demonstrate some club competitive sports use of the application site, (as yet not substantiated by the applicant) it does not show entirely that the facilities at GSAL do offer an adequate replacement. It is understood the netball club moved towards Bradford as this is where their members came from. It does not appear the club considered moving to GSAL because of this, even though it is closer at 5.8 miles away.

Conclusion

Therefore we conclude that GSAL has superior facilities and management arrangements compared with LGHS. LGHS site had some very limited community access and this has in two instances been migrated to GSAL. The netball club appear to have migrated to nearer their customer base and Kings Camps have found other sites in the north city area, which questions whether both were meeting local needs in any case.

While local people cannot walk to GSAL as they could LGHS it is evident that they only had very limited access to this site. The vast majority of users of the LGHS site, the pupils, have moved with the facilities to GSAL as previously stated. Other user groups have either migrated to GSAL or found other venues in North Leeds and Bradford.

Outside this application there is evidence of un-met demand in this area of the city, something the council should be planning to resolve strategically. Sport England has offered on various occasions to assist the council in developing solutions to this by building on work produced in the 2008 open space, sport and recreation assessment by working with sport national governing bodies and developing an action plan to resolve the deficits. However it must be acknowledged that this is something outside the scope of this application.

While the planning inspector at the appeal considered the pupils the sole users of the facilities, who moved with the sports provision to the new school; we have considered the nature of the very limited community users and consider that they have found adequate replacement facilities at GSAL or elsewhere.

Taking the above into account we consider this can meet all elements of E4 and Sport England does not raise a statutory objection to this application”.

7.6 Sport England has however requested a developer contribution towards sports facilities of £26,777 in the locality.

7.7 The Director of Public Health Leeds submitted the following comments to the current application:

“The relationship between the availability of sports facilities, exercise and public health is important. Moreover participation in physical activity such as sports and walking is strongly related to household income. There is an association between reducing levels of physical activity and decreasing household income with the potential to increase health inequalities.

The Victoria Road site is situated in a residential area that houses people living with greater socio-economic disadvantage than the average for Leeds. The consequent impact of this disadvantage is to contribute to the physical and mental health problems that affect the local population, and ultimately lead to higher levels of premature mortality.

The presence of the urban green space provided by the playing fields can impact positively on the health of the local population in many ways. Proximity and accessibility of green spaces to residential areas can lead to:

- increased overall levels of physical activity across age groups which contribute to the prevention of many health problems such as cardiovascular disease, diabetes, stroke, some cancers and osteoporosis;*
- improved mental health and well-being providing effective relief from everyday stress, improved self esteem, and alleviation from anxiety and depression;*
- increased opportunities for education, social inclusion and cohesion by supplying space for social mixing, creating networks and relationships. Playing in local green spaces helps children to develop intellectually and learn about social interaction;*
- a contribution in reducing flood risk, reducing atmospheric pollution and traffic/residential noise. The presence of a visible and useable urban green space can contribute to the health and wellbeing of the community. Therefore the availability of the green space provided by Chestnut Avenue/Victoria Rd playing fields is an important consideration in addressing the needs of this community.*

Section 12 of the Health and Social Care Act 2012 provides that each local authority must take steps as it considers appropriate for improving the health of the people in its area. Whilst this will be relevant to planning decisions, it does not alter the fact that planning decisions are still required under the Planning Acts to be made in accordance with the development plan unless material considerations indicate otherwise (including the policies contained in the National Planning Policy Framework)”.

8.0 PLANNING POLICIES:

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

unless material considerations indicate otherwise. The development plan consists of the Leeds Unitary Development Plan Review (2006).

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

Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.

Policy GP7: Guides the use of planning obligations.

Policy BD5 refers to new building design

Policy N2 refers to the provision of greenspace

Policy N6: Protected Playing Pitches

Policies N12 and N13 refer to the good urban design considerations and placing making

Policy S2 refers to the protection of the vitality and viability of town centres.

Policy S9 refers to out of centre small scale retail development.

Policies T2 and T24 seek to maintain adequate vehicle access and levels of vehicle parking provision with no undue detriment to other highway users.

Policy H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.

Policy H3: Delivery of housing land release.

Policy H4: Residential development on non-allocated sites.

Policies H11, H12 and H13 Affordable Housing.

Policy LD1: Criteria for landscape design.

Policies N14 to N22: Listed buildings and conservation areas.

Policy N19, Conservation Area assessment for new build and extensions

SPG3: Affordable Housing;

SPG4: Greenspace Relating to New Housing Development;

SPG13: Neighbourhoods for Living;

Street design guide SPD,

Headingley and Hyde Park NDS

Headingley Hill, Hyde Park and Woodhouse Conservation Area Appraisal

8.3 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27th March 2012. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.” (para 14). Development which fails to give adequate regard to heritage assets and good design is not however considered to be sustainable development.

8.4 The Government’s pursuit of sustainable development involves seeking a wide variety of positive improvements including:

1. making it easier for jobs to be created in cities, towns and villages

2. replacing poor design with better design
3. improving the conditions in which people live, work, travel and take leisure

8.5 Paragraph 24 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.

8.6 Paragraph 50 states: *“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- *where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*

Paragraph 51 states:-

“Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers.”

8.7 Paragraphs 69 and 74 deal with matters relating to health and well being and existing recreation facilities. Paragraph 74 states that:

8.8 *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

8.9 Paragraph 73 states:

8.10 *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or*

qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

8.11 Paragraph 204 of the NPPF refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Emerging Core Strategy

The Emerging Core Strategy will be examined by an Inspector from October 2013. It is considered that some weight can be attached to the policies contained within the Emerging Core Strategy.

8.12 Nearby Hyde Park Corner is designated as a 'Lower Order Local Centre' in the centres hierarchy set out in Policy P1 of the Draft Publication version of the Core Strategy.

8.13 Draft Policy P4 sets out development guidelines for shopping parades and small scale standalone food stores serving local neighbourhoods and communities.

8.14 Emerging Core Strategy Policy P8 sets out the thresholds above which a sequential assessment and impact assessment are required for retail proposals. The amount of retail floorspace proposed falls below this. Policy P8 indicates that all centres within 500 metres walking distance of the application site should be used for the sequential assessment

8.15 Draft Policy P11 refers to the need to preserve the historic environment.

8.16 The draft Core Strategy submitted for examination has been updated to ensure it reflects the requirements of the Health and Social Care Act 2012. The Council has submitted a response to the Inspector on the 16th September 2013 in response to the Inspector's questions on the Strategy chapter which refers to the need to seek to improve Public Health. Although this statement has been submitted in support of the Core Strategy the weight to be attached to this statement is limited as it has not been subject to public consultation.

8.17 The Council's states

“Whilst the health of Leeds has improved overall, the City is performing below the England average. Consequently, the need to tackle health issues and disparities across the District is a major challenge for improvement. In seeking to address these key cross cutting and strategic issues through the Development Plan and in reflecting the duty to improve Public Health (Health & Social Care Act 2012, Section 12), an integral part of the Core Strategy is to improve Public Health and Wellbeing.

In providing a framework to tackle public health issues across the District and a basis to coordinate resources, the Leeds Joint Health and Wellbeing Strategy (a strategy approved by the City Council, the three Clinical Commissioning Groups, Third Sector, Healthwatch and NHS England Area Team jointly) (June 2013), sets out a vision for Leeds to be a healthy and caring city for all ages. Key outcomes of this approach are for people who are the poorest, to have improved health the fastest, with an overarching desire to reduce the differences in life expectancy between communities. Narrowing the health gap within Leeds is therefore a priority within the Leeds City Priority Plan, and the Leeds Health and Well Being Strategy and Best Council Plan 2013 – 17 (July 2013). Despite becoming wealthier as a city over the last 20 years, Leeds still has too many deprived areas, where there is a poor quality of life, low educational performance, too much crime and anti-social behaviour, poor housing, poor health, and families where no one has worked for a few generations. The gap in life expectancy between the most disadvantaged parts of Leeds and the rest of the city remains at around ten twelve years. In seeking to address this key cross cutting issue through the Development Plan and in reflecting the duty to improve Public Health (Health & Social Care Act 2012, Section 12), an integral part a key aspect of the Core Strategy therefore, is to seek to ‘narrow the gap’, through the overall approach and policy framework. In pursuing this priority, the Council will therefore continue to draw on current and future public health guidance relating to planning, from appropriate bodies such as NICE and Public Health England.

The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. Integral to this approach, the plan reflects the duty to improve public health and well being as a cross cutting issues, incorporated within a number of key policy topic areas, across the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), the economy (providing opportunities for local employment opportunities and job growth), the role of centres (in proving the facilities and services for the community in accessible locations), regeneration (targeting specific priority areas across the District), transport and accessibility (improving public transport and opportunities for walking and cycling), place making (maintaining and enhancing local character and distinctiveness) and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity). The focus of this approach is to ensure that the priorities identified as part of the Joint Health and Wellbeing Strategy and Joint Strategic Needs Assessments are addressed consistently throughout the plan and that public health is identified as an important material consideration as part of the planning process”.

9.0 MAIN ISSUES:

9.1 The following main issues have been identified:

- Development of sport facilities and the principle of residential development
- Community use of the site

- Health and Social Care Act 2012
- Retail development
- Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building
- Highway considerations
- Landscaping/trees
- Residential amenity
- Asset of Community Value- Localism Act
- Section 106 contributions

10.0 APPRAISAL:

- 10.1 The site comprises land incorporating buildings (Sports Hall and Swimming Pool) and associated hard standings sited together with an open grassed area (the former hockey practice pitch). The whole site is allocated in the Unitary Development Plan as N6 Protected Playing pitches. The site frontage from Victoria Road up to half of the swimming pool building is also within the Headingley Conservation Area. In assessing the principle of the development there are three main issues to consider. Firstly whether development on protected playing pitches and buildings is acceptable; secondly whether the site is then suitable for redevelopment for residential use and thirdly whether the creation of a retail unit outside of a defined local or town centre is acceptable. Taking each issue in turn:
- 10.2 The site has been offered to Leeds City Council Leeds Metropolitan University and also Leeds University for sale, as a sports facility. At the time (around 2006-7) it was considered that the site could not realistically be brought back into beneficial use due to financial constraints. One of the main issues related to the costs involved in refurbishing the swimming pool. More recently the community group Hyde Park Olympic Legacy (HPOL) has prepared a business case to bring the site back into use as a sporting facility for the community but without using the swimming pool. This plan has been reviewed by Leeds Metropolitan University who have expressed support for this business plan in principle and would be willing to partner with HPOL to deliver the site back into sporting use as it would benefit their students who live locally as well as long term residents. Leeds Metropolitan University however, still have concerns over the costs of the purchase of the site to make the scheme viable. Although this scheme by HPOL and Leeds Metropolitan University has merit and would meet a local sporting need Members are advised they must make a decision on the merits of the current planning application as set out in this report. With this in mind the current application for residential and retail redevelopment should be assessed against the current development plan policies with weight being attached to relevant material planning considerations.
- 10.3 The proposal to redevelop land designated as a protected playing pitch is undoubtedly contentious and has generated considerable public interest. As with the recent application at the main school site across Victoria Road, this site was part of the former Leeds Girls High School (LGHS). The site was privately owned and the main users of the facilities were the pupils of LGHS. It has been demonstrated by the applicant through this and the previous application at the main school site that the pupils of LGHS have had their sporting facilities re-provided and enhanced at the Alwoodley Gates site. The Inspector in the 2011 Public Inquiry relating to the Main School site determined that the first criterion of policy N6 of the Leeds UDP, which states *that Development of playing pitches will not be permitted unless: i)*

There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions and the requirements of PPG17 (now paragraph 74 of the NPPF) had been met and as such the principle of a housing development on the site would be acceptable. The Inspector's position was that there is no requirement for the tennis courts at the Main School site to be protected for public or community use. The Inspector noted that the "tennis courts were not of public value as a sports or recreational facility because there was no public access to them" and that "the recreational function, as it existed, has been satisfactorily replaced elsewhere". On the health issues raised during the Inquiry the Inspector determined that "the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community" Accordingly in light of the above the exceptions test of policy N6 would be considered satisfied. This is the same approach that Leading Counsel advised the Council to adopt during the consideration of the Main School site application.

- 10.4 There are two changes in planning circumstances that are considered material to the determination of this current planning application when compared with the applications at the Main School site. They are that there was public access of the facilities at this site and secondly the registering of the site as an Asset of Community Value under the Localism Act 2011. The relevance of the need to promote public health associated with the enactment of the Health and Social Care Act 2012 was considered as part of the determination of the Outline application at the Main School site in 2012 and will be assessed in this report as a material planning consideration.

Community use of the site

- 10.5 Firstly, there has been limited formal use of the swimming pool, the sports hall and the playing pitch by the community. Most of the community groups who used the facilities and who still operate have relocated to new facilities, e.g., Kings Camp have relocated to the LMU Carnegie and Leeds University facilities, the netball group has have relocated to Woodhouse Grove school at Apperley Bridge and 2 of the 3 swimming groups have relocated to the LGHS school site at Alwoodley. It is also noted that there are formal community access arrangement to use the facilities at Alwoodley Gates which include access to the swimming pool, sport hall and outdoor sports fields at select times which is an improvement on the previous situation at the Victoria Road site were the limited community use of the facilities was essentially ad hoc and not regulated by any formal agreement. However, it is recognised that the distance between the Victoria Road site and the LGHS site at Alwoodley means that the reprovided facilities are not readily available to the residents of Headingley.
- 10.6 Significantly, Sport England's view is that the community use aspect is not sufficient to warrant refusal of the planning application given the limited nature of the community use and also because the previous users have found new facilities.
- 10.7 The PPG17 open space audit carried out by the Council has identified this site as being within an area of the City which has a lack of sporting facilities and outdoor playing pitches. This audit was published after the Public Inquiry at the Main School site but prior to the Outline Planning Permission being granted on the Main School Site. The application site however is private land and in this regard gives rise to

similar issues to those raised in the Main School site appeal in 2011. The Inspector considered that the principle of development on the N6 designated land was justified because the facilities have been re-provided at Alwoodley Gates. This was also the approach taken when Outline Planning Permission for residential development of the Main School site was granted back in 2012 following the Public Inquiry in 2011. Members may recall the Section 106 package that was secured as part of the Main School site application was similar to that being proposed on the current application site.

Health and Social Care Act 2012

10.8 A relevant material consideration in the determination of this application is the Health and Social Care Act 2012 and in particular section 12 of the Act. Section 12 of the Health and Social Care Act 2012 provides that each local authority must take steps as it considers appropriate for improving the health of the people in its area. This does not change the essential test set out in Section 38(6) Planning and Compulsory Purchase Act 2004 that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

10.9 It is clear that the site is located within a high density area where existing sporting facilities, with the exception of tennis courts, bowls pitches and multi use games areas on Woodhouse Moor, are in short supply. It is also the case that the local population has high rates of obesity and those with South Asian ancestry in the community suffer the effects of obesity, diabetes and cardiovascular disease to a greater degree. Having said this, the Inspector's decision letter for the 2011 appeal at the former Leeds Girls High School site is a material consideration for this current application which attracts a good deal of weight. The Planning Inspector in his findings of the appeals in 2011 stated "*the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community*".

Members may recall that they considered the implications of the Health and Social Care Act 2012 when they determined to grant planning permission for the recent planning application at the Main School site reference 12/01236/FU. In that case the community had not had any formal access to the facilities at the Main School site. Although the application site had some limited community use it was not sufficient to have any real impact upon health considerations for the local community. It is also noted that the sporting community groups have largely relocated to other facilities. Furthermore the creation of on-site public open space will provide the community with continuous and unrestricted access to open space that can have some (albeit limited) benefits for public health. Furthermore the developer contribution towards enhancing children's equipped play equipment and sporting facilities in the locality will have positive health benefits for the local community. In conclusion the development proposals comply with the aims of the emerging Core Strategy and the Council's obligations under Section 12 of the Health and Social Care Act 2012.

10.10 In light of the above the principle of developing the site for a residential use is considered acceptable. The site is within the main urban area and in a location well served by public transport and local amenities. The local character of the area is predominantly residential. The Council has also accepted the principle of development on unallocated small greenfield sites that are located within sustainable locations and are acceptable in all other planning regards as being suitable for development for housing. Clearly the re-use of previously developed land is also acceptable in light of the above.

Retail Development

- 10.11 In terms of retail policy, the site is an 'edge of centre' location. UDP policy S9 refers to out of centre small scale retail development proposals. This policy is the current Development Plan policy for these proposals. The proposed retail development is considered to comply with UDP policy S9 as there are no suitable sites in the Hyde Park Centre that are available and the proposal is not envisaged to have an impact on that centre's vitality or viability. The emerging Core strategy policies that will replace Policy S9 have also been used in the assessment of the current application and are the most up to date policies which conform with the NPPF. However, they only have some weight as the Core Strategy is yet to be examined by an Inspector. Draft Policy P8 of the Core Strategy requires that retail proposals in edge of centre or out of centre locations (200-372 sqm gross floor area) within residential areas should be subject to a sequential assessment with a catchment area of 500 metres walking distance.
- 10.12 The application proposes a gross internal area of 372 sqm (280 sqm net). Hyde Park Corner lies within 500m distance of the site. The applicant undertook a sequential assessment of a 5 minute drive time, significantly in excess of the P8 requirement of the draft Core Strategy policy. None of the sites identified in the assessment were sequentially preferable to the application site. Draft Policy P4 of the Core Strategy relates specifically to stand alone food stores serving local neighbourhoods and communities: *"Proposals for stand alone small scale food stores up to 372 sqm gross within residential areas, will be acceptable in principle where there is no local centre or shopping parade within a 500 metre radius that is capable of accommodating the proposal within or adjacent to it..."* There are no sequentially preferable sites available within either the Hyde Park or the proposed Royal Park Local Centre boundary, however the application site lies adjacent to the proposed Royal Park Centre, which is the next sequentially preferable location after a site within the boundary of a local centre. Accordingly on the basis of draft Policy P4 and adopted UDP policy S9 the retail use within a residential area should be acceptable in principle and should not have an adverse impact on the function of the S2 policy which seeks to protect the defined town and district centres.

Impact on the character and appearance of the Headingley Conservation Area and adjacent listed building

- 10.13 The site is partially within the Headingley Conversation Area (HCA) (the site frontage and access is located within the HCA). No 63 Victoria Road is a grade II listed building and adjoins the site. There are trees on site which have been protected with a Tree Preservation Order. Trees are particularly important in the mature landscape of the area and need positive management both in the public and private green spaces. On 15th February 1984 the Headingley Conservation Area was significantly extended to include Hyde Park Corner, with the terraced houses around St. Augustine's Church and Little Moor, and the area between Headingley Lane and Victoria Road, which had the same characteristics of 'mature trees, stone buildings and stone boundary walls' as the existing Conservation Area to the north of Headingley Lane. In May 2012 the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area was created by dividing off the southern part of the Headingley Conservation Area and including areas which were not within a CA, notably Woodhouse Moor.
- 10.14 The existing site frontage has a positive impact on Victoria Road due to the dense tree belt and high stone boundary wall which make a positive contribution to the character and appearance of this part of the Conservation Area. The neighbouring

property is a grade II listed building. This building also makes a positive contribution to the street scene and to the character of the area. Its boundary treatments also compliment the application site's boundary treatment.

- 10.15 The previous 2012 withdrawn application would have had a detrimental impact on the street scene by creating a new access and associated road that would have required an 11 metre wide opening into the existing stone boundary wall which would have resulted in the loss of all of the existing trees on the Victoria Road frontage. The current application has sought to address this previous objection to the scheme by re-using the existing site access and slightly widening it to accommodate highways requirements. The reuse of the existing access is a positive change to the previous withdrawn scheme as the existing stone boundary wall will not be lost and the majority of the existing trees fronting Victoria Road will be kept.
- 10.16 The proposed re-use of the existing access road has also resulted in the siting of the retail unit moving from the previous withdrawn scheme. The retail unit is now sited on the footprint of the sports building. This is considered to improve its relationship to the conservation area and the neighbouring listed building. The new retail unit would orientate towards Victoria Road to allow engagement with people using the street. The siting of the retail unit would be on land significantly lower than Victoria Road. There is about a 3 metre level change. It is noted that overall the new retail unit should have a building which is smaller than the current sports hall and swimming pool buildings. The removal of the upper floors from the retail unit that were previously proposed to accommodate flats is also an improvement in relation to the visual impact of the building in the street scheme and upon the setting of the neighbouring listed building. The issue around external appearance of the elevations is a matter Reserved for the detailed stage. The applicant has supplied some ideas of what could be delivered at Reserved Matters stage. These range from a modern design, potentially with a grassed flat roof to a traditional designed pavilion built of timber. The walling of the retail unit could be constructed out of brick. It is likely that any future retailer would want to utilise glazing on the principal elevation facing the internal access road to clearly provide a presence within the street scene. The use of glazing as a contemporary walling material would help to identify the use of the building and could also promote a contemporary appearance to the building. As the retail unit is set at a lower ground level than Victoria Road the roof form will be important as it will be very visible. Overall officers feel that the site can accommodate a single storey retail unit in the location of the former swimming pool and that the external appearance of the building is a matter which can be dealt with at the detail stage. To assist with the detailed design at Reserved Matters stage the Design Statement submitted in support of the current application will be conditioned. The condition will require the future developer to submit the Reserved Matters in accordance with the Design Statement to ensure the new build quality preserves or enhances the setting of this part of the Headingley Conservation Area and also preserves the setting of the neighbouring listed building.
- 10.17 The proposed terraced houses are considered the correct approach. Terraces are the dominant characteristic in the locality. It is likely the terraces would be 2 storeys in height and would have pitched roofs, potentially utilising gables which are a common characteristic of the housing in the area. Again the external appearance of the terraces is a matter Reserved but the use of red brick for the walls and slate for the roof will be a logical choice of materials. Details such as bay windows, vertical emphasis of the elevations and the use of chimneys will help to relate the terraces to the local area. The terraces should have clearly identified front gardens with dwarf walls with copings similar to the existing terraces in the surrounding roads. Overall

the indicative layout of the 24 terraced properties is considered in keeping with the local area. The Reserved Matters applications will be submitted in accordance with the details in the Design Statement. This will ensure the quality of the new build terraces respond positively to area and preserve or enhance the setting of the adjacent Headingley Conservation Area.

Landscaping

- 10.18 The indicative masterplan has been revised from the 2012 withdrawn application to improve the layout and usability of the proposed open space and also to protect the existing trees on the site frontage facing Victoria Road that are worthy of retention.
- 10.19 The two areas of proposed public open space as shown on the previous withdrawn indicative masterplan were considered poorly planned. The current application has amended the area of public open space by creating one single area that is overlooked by the proposed terraces to provide surveillance. In addition the area provided is now large enough in size to meet the policy requirements for a development of 24 houses. Overall the proposed open space is considered usable and will add value to the development and will also be available for members of the local community to come and enjoy. The access to the proposed open space for the local community is an improvement upon the existing and historical situation whereby access to the site was very limited and since the site closed in 2007-8 there has been no formal access to the site for the public.

Residential amenity

- 10.20 The indicative masterplan shows the proposed new build houses are likely to afford future occupiers with an acceptable level of amenity, outlook, privacy and private garden space. The parking provision for the houses is acceptable as shown on the indicative masterplan.
- 10.21 In the view of officers the amenity effects on neighbouring residents who overlook the site are acceptable. Clearly their outlook will change from what is currently a playing field to a housing development however, this change in outlook is not considered a reason to refuse planning permission. The creation of a small housing development with open space and a retail unit is not out of keeping with the local character of the area and as such the scheme will make a positive contribution to the local area. The neighbours on Ash Grove who are nearest to where the retail unit and its car park will also experience a change in the level of activities of the site. These matters have been covered by conditions, as have the detail of any plant equipment to ensure that the operation of the retail unit does not generate levels of activity that would have a significant detrimental impact upon the living conditions of neighbours.

Asset of Community Value- Localism Act

- 10.22 The second change in circumstance since the Outline planning permission was granted at the Main School site relates to the registering of the Victoria Road site as an Asset of Community Value in accordance with the Part 5 Chapter 3 of the Localism Act 2011 (known as Community Right to Bid) by a local community group.
- 10.23 Local Authorities must keep a list of land that is of community value in their area. The list is known as the List of Assets of Community Value. Land is listed for 5 years. Land is of community value if, in the opinion of the Local Authority, it has a current non-ancillary use that furthers the social interests or social wellbeing of the local community and it is realistic to think it can continue to do so. Land can also be listed if it had an eligible use in the recent past and it is realistic to think it can be

brought back into such use within 5 years. Both public and private land can feature in the list.

- 10.24 Land can only be listed in response to a community nomination. Organisations that can nominate land are: a body designated as a neighbourhood forum; a parish council; an unincorporated body with at least 21 members that does not distribute any surplus to its members; a charity; a company limited by guarantee; an industrial and provident society (IPS); a community interest company (CIC). Such bodies must have a local connection. Public bodies may not nominate land, other than parish councils. In this case the organization that has registered the site as an Asset of Community Value is a registered charity.
- 10.25 If listed the landowner may not dispose of the land (ie sell the freehold or grant a lease of 25 years or more) without complying with the terms of the Act. If the landowner intends to sell, they must write to the Local Authority giving notice of their intention to dispose. This triggers the Interim Moratorium Period. This is a six week period when eligible local groups can come forward and notify of their intention to be treated as a bidder. If no group comes forwards, the landowner can dispose of the property to whoever they wish within 18 months from the date they gave us notice of their intention to dispose. If an eligible group does come forwards, this triggers the Full Moratorium Period. This is a six month period (from the date of the landowners initial notice) where the landowner may only dispose of the land to an eligible community group. At the end of the six month period, the landowner may sell to whoever they wish (for a period of 18 months from the date of their original notice). If they do not dispose within that 18 month timeframe, the protection within the Act applies again.
- 10.26 Currently the landowners are challenging this decision and have requested that a review of the decision to register the site is carried out. The outcome of the review is due after the publication of this report so a verbal update will be brought to Panel on this matter. It would be helpful (but not essential) to obtain clarity on the decision to list or not list the site before the planning application is determined so the decision maker can be clear on the status of this material consideration. Having said this officers are of the opinion that the registering of the site as an Asset of Community Value is a material planning consideration. Whilst the weight to be attached to this material consideration is a matter of judgment for the decision maker, the relative limitations of the procedure will need to be taken into account – not least the fact that there is no compulsion on the landowner to dispose of the property to a community group. In light of the limited influence of the registering of the site as an Asset of Community Value it is not considered that a refusal of planning permission could be sustained on this basis. It is considered that the mechanisms of the Localism Act are not to act as a 'brake' on development but rather to give the local community an opportunity to acquire buildings or sites that could benefit the community - but this does not preclude the advancement of other development opportunities. It is also worth noting that by accepting the recommendation to grant planning permission in this case, the period of exclusivity for the community would not be compromised. Whilst the grant of planning permission would confirm the principle of the use of the site for housing purposes the landowner can reasonably be expected to realise a land value for the site reflecting residential use in the absence of such a grant of planning permission given the planning history.

Section 106

- 10.27 The proposal triggers requirements for affordable housing and greenspace contributions and metrocards. Sport England have requested a contribution towards Sport Facilities in the locality. The developer has offered to provide these in their

Heads of Terms submission and the exact figures are shown in the recommendation box on the front page of this report. These contributions have been tested against the CIL Regulations are considered to meet the tests laid out of being necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. It is envisaged a Section 106 Agreement can be drawn up to cover the detail of these heads of terms.

11.0 CONCLUSION:

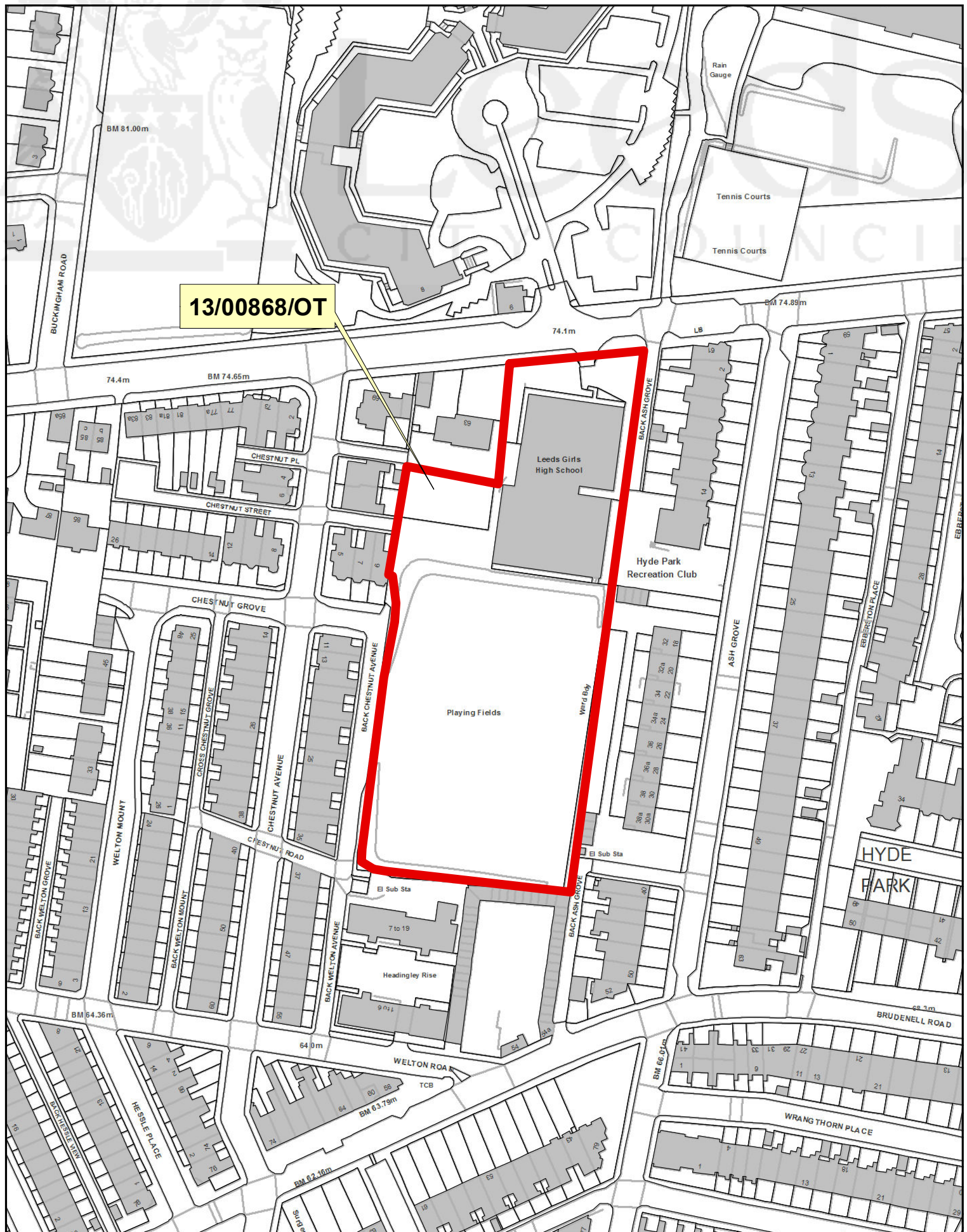
- 11.1 Officers recognise that this application is very sensitive and very important to the local community and very careful consideration has been given as to whether grounds for refusal could be substantiated in relation to the loss of the protected playing pitches and buildings. The principle of an out of centre retail development has similarly been carefully appraised. Officers consider that refusal is not justified on these grounds and could not be defended successfully on appeal. In light of the issues raised within the report that outline the benefits and also the impacts of the proposed development it is clear that the recommendation to grant Outline Planning Permission is an on balanced recommendation.
- 11.2 Section 149 of the Equality Act 2010 provides that the Council must, in the exercise of its functions, have due regard to the need to (amongst other things), advance equality of opportunity between people who share ethnic or national origins and those who do not and to foster good relations between people who share these origins and those who do not. Whilst the particular health problems associated with the South Asian population have already been highlighted in this report, the limited impact that these development proposals will have on the health of the local population means that there are no issues relating to the general duty that arise from the application.
- 11.3 The creation of on-site public open space to which the local community will have access is a positive outcome from the redevelopment of the site that goes some way to helping to provide access to leisure and recreation space in this part of the City. In addition the S106 contributions towards equipped children's play equipment and sport facilities also go some way in providing opportunities to improve the health and well-being of the local community in accordance with the aims of the draft Core Strategy and the requirements of the Health and Social Care Act 2012. The creation of modern well designed family housing in the area also meets with an identified need of providing housing across the City. The provision of affordable housing either on site or via a commuted sum that can be spent on bringing vacant properties in the locality back into affordable family use is also a positive outcome from the application.
- 11.4 The proposed development is considered to have overcome the concerns relating to the withdrawn application in relation to the setting of the neighbouring listed building and the character of the wider conservation area. The Design Statement will guide developers on the form of Reserved Matters applications. Officers believe the redevelopment of the site can enhance the character and appearance of this part of the adjacent Headingley Conservation Area and will also preserve the setting of the neighbouring listed building.
- 11.5 The removal of the upper floors from the retail unit and the re-use of the existing access road have addressed the concerns over the impact on the neighbouring properties and also the impact on the existing trees. The benefits of the development

are considered to outweigh any harm that may arise from the redevelopment of the site.

11.6 The development complies with the relevant provisions of the development plan.

Background Papers:

Application file and previous withdrawn application;
Certificate of Ownership.



13/00868/OT

SOUTH AND WEST PLANS PANEL

