



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 4th September 2014

Subject: APPLICATION 14/00493/FU: DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF 36 NO DWELLINGS, CONVERSION OF EXISTING SCHOOL BUILDING TO CREATE 13 NO DWELLINGS; LAYING OUT OF ACCESS ROADS AND OTHER ASSOCIATED WORKS.

and

APPLICATION 14/00474/LI: CONVERSION OF EXISTING LISTED SCHOOL BUILDING TO CREATE 13 DWELLINGS.

ADDRESS: UPPER WORTLEY COUNTY PRIMARY SCHOOL, ASHLEY ROAD, UPPER WORTLEY, LEEDS LS12 4LF

APPLICANT

UPPER WORTLEY LYD

DATE VALID

7.2.14 AND 28.1.14

TARGET DATE

9.5.14 AND 25.3.14

Electoral Wards Affected:

Farnley and Wortley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPLICATION 14/00493/FU

Defer and delegate to the Chief Planning Officer subject to the following conditions and to completion of a Section 106 Agreement within 3 months of the date of the resolution, unless otherwise agreed in writing by the Chief Planning Officer to secure:

- 1) £120,000 greenspace contribution.**
- 2) Reassessment of the affordable housing requirement if development is not commenced within one year of consent.**

3) Local employment clause

APPLICATION 14/00474/LI

Defer and delegate to the Chief Planning Officer subject to the following conditions.

CONDITIONS

Application 14.00493/FU

- 1) Standard time condition 3 years.
- 2) Plans to be approved
- 3) Sample walling materials.
- 4) Sample roof materials.
- 5) Sample surfacing materials.
- 6) Details means of enclosure.
- 7) Details retaining walls
- 8) Area to be used by vehicles to be constructed, drained etc.
- 9) Cycle/motorcycle parking.
- 10) Boundary treatment to front of dwellings.
- 11) Gradient of drives.
- 12) Site access to approved plan.
- 13) Garages to be retained for vehicle parking.
- 14) Details of means of enclosure.
- 15) Hard and soft landscaping proposals.
- 16) Timing of landscaping.
- 17) Replacement of trees.
- 18) Retention and protection of trees.
- 19) Landscape management plan.
- 20) Bird nesting and bat roosting opportunities.
- 21) No vegetation clearance in bird breeding season.
- 22) Plans showing all levels.
- 23) Surface water drainage works.
- 24) Interim drainage details – method statement.
- 25) No building or structure within 3 metres of sewer.
- 26) Separate systems of foul and surface water drainage.
- 27) No piped discharge prior to completion of surface water drainage works.
- 28) Details of foul and surface water drainage.
- 29) Contamination reports.
- 30) Unexpected contamination.
- 31) Verification reports.
- 32) Carrying out of remedial and coal recovery works before development.
- 33) Contractor facilities
- 34) Measures to prevent mud, dirt, and grit being carried onto highway.
- 35) Measures for suppression of dust on site.
- 36) Full details of internal alterations to listed building.
- 37) Details of windows, doors, roof-lights and rainwater goods.
- 38) Removal of PD rights for extensions.

Application 14/00474/LI

- 1) Standard time limit 3 years
- 2) Plans to be approved
- 3) Making good of fabric of listed building

- 4) Full details of internal alterations to listed building.
- 5) Details of windows, doors, roof-lights and rainwater goods
- 6) Relocation of gateposts.

1.0 INTRODUCTION:

- 1.1 The applications are being reported to Panel because the applicant wishes to carry out development without compliance with the Council's Interim Affordable Housing Policy. It is therefore a departure from this policy.

2.0 PROPOSAL:

- 2.1 The report relates to two applications relating to the same development on a 1.5 hectare site. The first is an application for full planning permission for the demolition of existing buildings, construction of 36 No dwellings, conversion of existing school building to create 13 No dwellings; laying out of access roads and other associated works. The second is the related listed building application for the conversion of the school building to 13 no dwellings.
- 2.2 The existing access off Ashley Road remains as the main access to the site with an estate road running west and then north to serve the 13 dwellings in the school building and 28 of the individual plots. The remaining 8 units are served by a separate access off Barras Garth Road, which runs along the western boundary of the site. The only access from the main part of the site to Barras Garth Road is a pedestrian access in the south western corner of the site.
- 2.3 The layout of the part of the site served from Ashley Road is almost identical to a previous permission granted in 2008 (reference 07/2317/F). The 28 houses proposed in this part of the site are a mix of 2 and 3 storey properties, 12 with 3 bedrooms and 16 with 4 bedrooms. This compares to 29 units in the approved scheme, which comprised 14 with 3 bedrooms and 15 with 4 bedrooms. The units on the southern edge of the site, facing properties on Benson Gardens, are all 2 storey, as they were in the previous scheme. The loss of a single unit is the result of the terrace of units on the site of the demolished infant's school being reduced from 6 houses to 5. Although the previously approved scheme was given planning permission in 2008 it has been commenced and therefore could be built without further planning permission.
- 2.4 In the previous proposal the part of the site accessed off Barras Garth Road was to be developed with two blocks of 3 storey flats including 18 units, all 2 bedroom. The current proposal substitutes 8 houses, 4x3 bedroom and 4x 2 bedroom all 2 storey.
- 2.5 The proposal includes only very limited public open space, as did the previous proposals, the majority being at the front of the site, north of the access road, east of the front boundary wall of the former school and west of Upper Wortley Road. This area is effectively outside the housing site and is of little value other than as a visual amenity.
- 2.6 The proposals for the former school building also differ from the previously approved scheme. The approved scheme included 19x1 bedroom and 5x2 bedroom apartments, compared to 13x2 and 3 bedroom flats in the current proposal.

- 2.7 In the submitted application, the only Section 106 contribution the applicant offers is a greenspace contribution of £75000; subsequently the applicant has agreed to a greenspace contribution of £120000.
- 2.8 Each of the new units will be provided with 200% parking (including the conversion) and there will be an additional 25% visitor parking.
- 2.9 The Design and Access statement indicates that the construction materials of the proposed new houses will be brick and render walls and tile and slate roofing.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site presently houses five redundant and vacant buildings, two of which are former Board School buildings. The main school building dates from 1876 and was designed by the Leeds School Board architect Richard L Adams. The School is red brick with stone detailing and a slate roof and large vertical windows all around the building. The school building to the rear of the site was built as an additional school building between 1890 and 1906. The remaining three outbuildings are of no architectural merit and are in a run down state.
- 3.2 The site is dominated by hard surfacing due to its previous use as a school with some vegetation which is self-seeded. The site steps upwards from Upper Wortley Road to the back of the site, approximately 16 m with a substantial change between the two school buildings where there is an existing retaining wall and steps, approximately 3.5 m jump in gradient. The sites gradient falls from the Thornhill Croft to Benson Gardens (north to south). The site has an awkward and elongated shape which wraps around existing semi detached properties at Thornhill Croft. The difference in levels across the site and to adjoining sites is noticeable and significant in places.
- 3.3 Residential properties abut the site except to the rear of the site which backs onto Barras Garth Road where there are industrial units. There is a mix of dwelling types and designs in the area from traditional red brick terraces off Barras Garth Road with limited curtilages, long terraces off Benson Gardens with long rear gardens and more modern semi detached housing, bungalow and terraces in the cul-de-sacs of Chestnut Rise to the SE and Thornhill Croft to the NE.

4.0 RELEVANT PLANNING HISTORY:

07/02317/FU: Change of use of school to form 24 flats and the erection of 29 houses and 18 flats in 2 three storey blocks with associated car parking and laying out of access road: Approved 18/1/2008.

07/02320/LI: Listed building application to convert school to 24 flats and demolish site buildings. Granted 18/1/2008

10/05419/EXT and 10/05462/EXT: Extension of time applications relating to the two applications above. Withdrawn 16/3/2011

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions were held with the applicants and local members at which the amendments to the proposal compared to the approved scheme were discussed and potential issues relating to the revised proposals considered.
- 5.2 The applicants indicate they would be unable to comply with the terms of the previous 106 Agreement and would only be offering a limited commitment to pay £75000 towards the greenspace contribution. They were advised that a viability appraisal should accompany the planning application in order to assess the basis for their contention.
- 5.3 Subsequent to the submission of the applications concern was expressed about the impact of the proposals on the listed building and the impact of the terrace to the west (on the site of the infant's school) on its setting. In response the applicant has submitted additional information and revised proposals which will be considered in the appraisal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The planning application was advertised by means of 9 site notices posted around the site on 21 February 2014 as a major development affecting the setting of the listed building and in the Yorkshire Evening Post on 6 March 2014.
- 6.2 The listed building application was the subject of a site notice posted on 14 February 2014 and in the Yorkshire Evening Post on 6 March 2014.
- 6.3 Councillors Ann and David Blackburn have commented that the greenspace contribution is key to the development and that the £75000 offered is unacceptable. In the absence of any usable greenspace on the site they consider it is essential to enhance local greenspace, specifically the Cabbage Hill site to the west.
- 6.4 Three local residents have commented by email. Comments relate to:
- The ownership of the retaining wall next to their property adjacent to the school and who is responsible for its maintenance? *This is a civil matter.*
 - Proximity of windows to the boundary. *This is considered in the appraisal.*
 - Potential increase of vermin and noise during construction. *The development of the site will inevitably cause some disruption but the redevelopment of the site will address the problems associated with its current dereliction.*
 - Impact of noise and pollution from cars visiting the site. *The site has extant consent for development which has been implemented and is for more units than the present proposal.*
 - One resident supports the development in principle.

7.0 CONSULTATIONS RESPONSES:

Statutory:

Health and Safety Executive: No objection

Yorkshire Water: Recommend conditions

Non-statutory:

Contaminated Land Team: No objection subject to conditions

Public Rights of Way: Public footpath 192 abuts the site and care should be taken during demolition and construction.

SDU Conservation Generally speaking happy with the proposals and accept that the historic features do not necessarily conform with the proposed building uses. In summary considers there are some still outstanding issues that need resolving to ensure that the special character of the listed buildings are being retained. Further details on the interior, better design for plots 25-29 and further information on the entrance, but otherwise the scheme will be as acceptable as the extant scheme.

SDU Design: Considered that substitution of houses in place of the three storey blocks off Barras Road and the reduction in the intensity of use of the school conversion from 24 to 13 units is an improvement on the extant scheme.

SDU Nature Conservation: Confirms that bat surveys are adequate and therefore no objection subject to conditions

West Yorkshire Police: Has expressed concerns regarding the pedestrian access from Barras Garth Road.

Local Plans: A greenspace contribution of £120065.74 is required

Affordable Housing: 15% affordable housing requirement (8 units)

Highways: The applicant must agree the retaining wall details with our structure team before permission is granted. Subject to the above being addressed, recommends conditions. Supports Metro request for bus stop improvements and metrocards for residents

Metro: Advise that bus stop improvements (£10000) and Bus only metro cards (£22311.75) should be secured through the 106 Agreement.

Flood Risk Management: no objection subject to conditions

Coal Authority: No objection subject to a condition

English Heritage: expressed a number of concerns about aspects of the treatment of the school but conclude that the application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

WYAAS: Upper Wortley Primary School was the subject of an archaeological building record, comprising both drawn and photographic survey, in 2008. This recording was carried out as a condition of listed building consent 07/02320 and is sufficient to mitigate any loss of significance to the former school under the present proposals.

Therefore there is no requirement for any further archaeological recording.

LEEDS CIVIC TRUST: has concerns regarding materials for new houses and design and finishes of the highway, and considers should be resolved before permission is granted not by condition.

8.0 PLANNING POLICIES:

- The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

Leeds Unitary Development Plan (2006 Review)

- Proposals Map: the site is shown without notation
- SA7: Promote physical and economic regeneration of urban areas.
- SP3: New development concentrated largely within or adjoining the main urban areas.
- GP5: General planning considerations.
- GP11: Sustainable development.
- N4: Provision of greenspace.
- N38b: Flood Risk Assessments.
- N39a: Sustainable drainage.
- H4: Development of unallocated sites in main urban area.
- T2: Transport infrastructure.
- T24: Parking provision.
- BD5: General amenity issues.
- LD1: Landscape schemes.

Leeds City Council Supplementary Planning Guidance

- SPG4 Greenspace relating to new housing development.
- SPG10 Sustainable Development Design Guide.
- SPG13 Neighbourhoods for Living.
- SPG22 Sustainable Urban Drainage.
- SPD Street Design Guide.
- SPD Public Transport Improvements and Developer Contributions.
- SPD Designing for Community Safety.
- SPD Travel Plans.

Local Development Framework:

The Emerging Core Strategy was examined by an Inspector in October 2013. The Inspector has subsequently indicated that two issues must be addressed if it is to be found sound, these are Affordable Housing and Provision for Gypsy and Traveller Sites. Nevertheless it is considered that some weight can be attached to the policies contained within the Core Strategy.

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. Of particular relevance is policy SP1: Location of Development.

It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), 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. Relevant policies include:

H2: New housing development on non-allocated sites.

H3: Density of residential development.

H4: Housing mix

H5: Affordable housing

P11: Conservation

P12: Landscape

T1: Transport management

T2: Accessibility requirements and new development

G3: Standards for open space, sport and recreation

G4: New greenspace provision

G7: Protection of species and habitats

G8: Biodiversity improvements

EN1: Climate change

EN2: Sustainable design and construction

EN5: Managing flood risk.

ID2: Planning obligations and developer contributions

9.0 MAIN ISSUES

1. Principle of development and demolition of buildings.
2. Layout, scale and design.
3. Impact upon the Listed Building.
4. Impact upon residential amenity.
5. Impact upon highway safety.
6. Planning Benefits.

10.0 APPRAISAL

Principle of development

- 10.1 The proposal is located within an area unallocated within the Leeds UDP. However, it does lie within the main urban area in a sustainable location with good access to facilities, forming a natural infill to an existing built up area. It is classed as a brownfield site and therefore residential development is considered acceptable in principle.
- 10.2 It is also relevant that a previous planning permission and listed building consent referred to above (references 07/02317/FU and 07/02320/LI) have been granted for this site and have also been deemed to have commenced. In view of this the previously approved development could be completed without the need for further planning permission. This effectively constitutes the applicants fallback and in such circumstances would be a highly relevant material consideration if an appeal were to be lodged against a refusal of this application.

10.3 In essence therefore there are two fundamental considerations. The first is whether the present proposal is considered more or less acceptable in amenity and highway safety terms compared to extant proposal and if less acceptable whether the changes render the current proposal unacceptable in planning terms. The second is to consider the planning obligations which would be forthcoming in relation to each proposal and the compliance of those benefits with the policy framework.

Layout, scale and design

10.4 The layout, scale and design of the present proposal have many features in common with the extant proposal. The main part of the site, served from Ashley Road, shows most of the units within 1 metre of the position of similar units on the previous scheme. The substitution of 5 units where there were previously 6 on the site of the former infant school reduces the length of the resultant development slightly, whilst there remain seven units on nearly the same building line backing onto Barras Garth Lane, although they are configured differently (from south to north: now proposed 2x2 storey semis; 3x3storey terrace; 2x3storey terrace, compared to 1x2storey detached and three pairs of 3 storey semis. The development proposes only 2 storey development along the southern boundary of the site.

10.5 In this respect the conclusions in respect of the new-build in this part of the site reached in relation to the extant scheme also apply to the present proposal these being:

- A mix of semi-detached and small terraces is proposed on the site as these are the existing types in the area, picking up the character of the area. Generally two storey houses have been used where they directly adjoin existing housing to minimise the impact of the new development (specifically in relation to the houses to the south (Benson Gardens) and west Chestnut Rise.
- The design of the buildings are modern interpretations of semi-detached and terraced properties.
- Plots 25-29 to the rear of the School have been sited parallel to the building as this is considered to be in keeping with the School maintaining a good relationship with the building while at the same time making the most of the level difference. This is the part of the site where there is an existing retaining wall with a significant level change – this level difference is to be retained.

10.6 Turning to the area to the north, served off Barras Garth Road, this area was to be developed with 18 apartments in 2 three storey blocks. Whilst these were considered acceptable the present proposal for 8- semi-detached dwellings is considered to be more in keeping with the traditional housing types in the area and will be 2 storeys rather than 3.

10.7 In relation to the old school itself, the division of the building into 13 flats rather than 24 studio apartments will enable the retention of more of the original spaces in the building and provide a less intensive use for the area. The downside of the proposal is that 2 and 3 bedroom flats will generate a greater parking requirement and the area west of the building will therefore become a parking court. However the present proposals incorporate less parking to the front of the school enabling more

landscaping to be included in the area between the western elevation of the school and the access road.

- 10.8 On balance it is considered that the layout scale and design of the present proposal is acceptable and in some respects an improvement on the previous scheme particularly in relation to the northern part of the site.

Impact upon the Listed Building.

- 10.9 There has been considerable debate in relation to the impact on the listed building and both English Heritage and Conservation Officer have sought to negotiate solutions that best preserve the features of the building and its setting whilst taking account of the extant consent.
- 10.10 The reduction in the number of units has enabled the interior of the building to be treated more sensitively with fewer partitions and increased use of the height of the building in the central area.
- 10.11 The exterior of the building remains largely unchanged the main alterations being the insertion of doors to access the individual units in place of some existing windows.
- 10.12 The amendments to the design of units 25-29 is considered to improve the relationship of that part of the new development to the listed building.
- 10.13 On balance it is considered that the present proposal represents a more sympathetic conversion of the building and whilst the loss of the infant block if to be regretted it is clear that this is a less important historic building and is in a very poor state of repair. Retention of the infant block would result in greater development costs and could threaten the proposals for the retention and repair of the important main school building.

Impact upon residential amenity.

- 10.14 As stated previously the layout of the main part of the site is almost identical to the previous scheme and the minor alterations that are proposed have no significant impact on residential amenity. It is noted that residents adjacent to the school are concerned about overlooking from first floor windows of the school building, but the windows are at an oblique angle to the houses in Thornhill Croft and the use of the rooms for living rooms and bedroom is no different from the previous implemented permission.

Impact upon highway safety.

- 10.15 The road layout is similar to that already approved for the site and subject to the proposed conditions there is no objection to the present proposal.

Planning Benefits

- 10.16 The scheme which has permission (reference 07/02317/FU) was the subject of a section 106 agreement providing:
- Greenspace contribution of £156916.
 - Affordable Housing: 25% of the proposed 73 dwellings (18 units comprising 11 for shared ownership, discounted sale or affordable rent and 3 houses and 4 apartments for social rental) pepper potted around the site.

- 10.17 To comply with policy the present scheme would generate:
- Affordable housing requirement would be 15% (7 units, with a split of 2x2 bed and 1x3 bed for social rent and 5x3 bed houses for submarket rent.
 - On the basis of the reduced number of units the required greenspace contribution is £120065.74.
 - In addition Metro request bus stop improvements (£10000) and Bus only metro cards (£22311.75)
- 10.18 In relation to the present proposal the applicant offered a greenspace contribution of £75000 and no affordable housing or Metro contribution on submission. As a result a viability appraisal was requested and this has been considered by the District Valuer on behalf of the Council.
- 10.19 There have been several meeting between the District Valuer and the applicant but they have been unable to agree on the planning obligations for the Section 106 Agreement. The District Valuer has assessed a wide range of matters to reach her conclusion, including:
- Revenue: assessing house values, basing the open market values on the applicant's values and assessing the transfer values of the affordable units based on the Council's Affordable Housing Policy Guidance Annex April 2010.
 - Acquisition costs: considering the costs of applying the Council's policies and undertaking abnormal works, the price at which a landowner would dispose of the site, and by considering other comparable transactions in the market.
 - Construction costs: assessed by a quantity surveyor and including some abnormal costs (retaining walls, demolition, footpaths and section 278 costs for highway works).
 - Finance costs.
 - Profit.
- 10.20 The District Valuer has concluded that the development could make a reasonable profit and provide 2 affordable units and a greenspace contribution of £120,000. Such an assessment makes the following additional assumptions:
- That the land value is based on current land value rather than the actual price paid for the land some years ago.
 - That the valuation assumes development commences by winter 2014.
- 10.21 The District Valuer also advises that the Council may consider an overage mechanism to be included in the Section 106 agreement which would reassess profits once 95% of the development had been completed and should divide any profit over and above that previously agreed 50/50, to provide either additional on-site units or if not possible a commuted sum.
- 10.22 The applicant has been provided with the District Valuer's report and has responded pointing out the following:

- The site has had permission for six and a half years but development has stalled.
- This is a challenging site with a listed building, requiring sufficient capital to obtain funding and to sensitively restore the listed building.
- There are fundamental areas of difference between the applicant and the District Valuer on the viability of the site.
- There are benefits in developing the site which must be taken into account. These include: the restoration of the listed building; implementation of a housing development on a brownfield site; the provision of family homes; and benefits for the local economy.

10.23 The applicant has therefore indicated that they would be willing to increase the greenspace contribution from the original offer (£75000) to £120000, but are not prepared to offer any affordable housing. In addition they have suggested a clause in the 106 Agreement that if a contract has not been let within a year of the approval date the affordable housing element would be open for renegotiation.

Other issues

10.24 The majority of comments raised by representation and consultees are considered above. The concerns of the Architectural Liaison Officer are understood, however there is a need for a pedestrian access to the greenspace from the site given the lack of on- site greenspace.

11.0 CONCLUSION

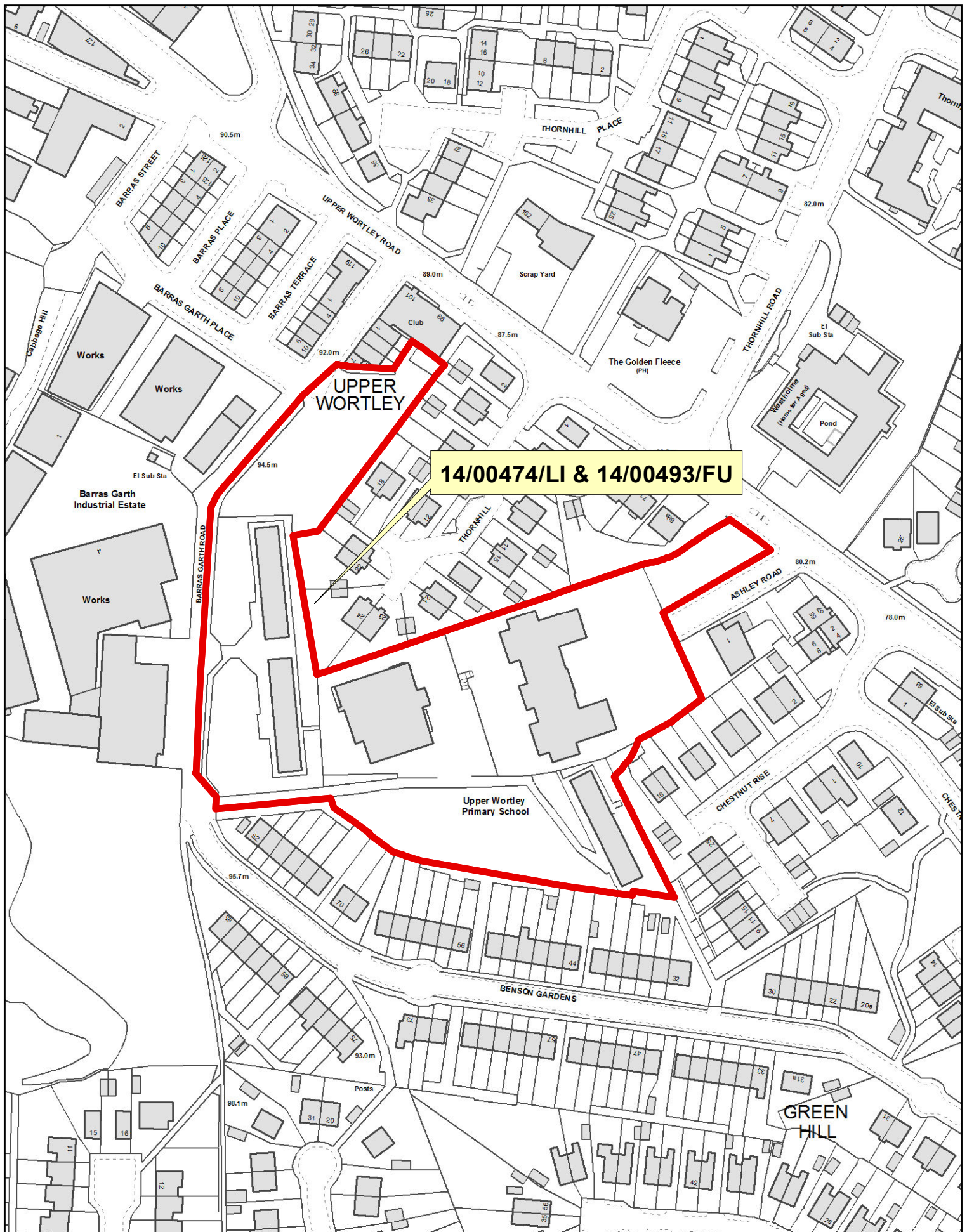
11.1 The proposal is considered acceptable subject to the recommended conditions and the completion of a Section 106 Agreement providing a £120000 greenspace contribution and provision to review affordable housing provision if development does not commence within 1 year. It is considered that the benefits of the proposal outweigh the failure to meet affordable housing policy requirements because:

- The proposal involves the development of a derelict brownfield site in the main urban area
- It is likely that the development will commence soon and the first phase will be the school building, ensuing that the listed building is finally restored
- The proposals will contribute to housing numbers.
- The greenspace contribution will enable the enhancement of an area existing local greenspace which is important for informal recreation for this urban area.

Background Papers:

Application files: APPLICATION 14/00493/FU and APPLICATION 14/00474/LI

Certificate of Ownership: Certificate A dated 27.1.14



14/00474/LI & 14/00493/FU

SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

