



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 2 December 2010

Subject: RESIDENTIAL REDEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY

APPLICANT	DATE VALID	TARGET DATE
The Morley House Trust	11.07.2008	10.10.2008

Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Y Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.0 INTRODUCTION AND UPDATE

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

2.0 PROPOSALS:

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

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

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

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

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

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

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

Main School Building (Conversion and extension)	32 apartments and 4 townhouses in the stable block
Rose Court (conversion)	12 apartments
South West Block (new build)	15 apartments
Rose court lodge (existing)	1 dwelling
Main School site (new)	51 townhouses within

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

3.0 PANEL RESOLUTION OF 4 NOVEMBER 2010

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

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

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

4.0 APPRAISAL:

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

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

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

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

Extent of demolition of building in a Conservation Area

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

Rose Court proposal

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

Loss of playing pitch issue

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

Further representation from Leeds Girls High School Action Group

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

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

5.0 CONCLUSION

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

Background papers:
Application Files



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4th November 2010

Subject: RESIDENTIAL REDEVELOPMENT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY

APPLICANT	DATE VALID	TARGET DATE
The Morley House Trust	11.07.2008	10.10.2008

Electoral Wards Affected:

Headingley & Hyde Park and Woodhouse

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate the following approvals to the Chief Planning Officer: approve planning applications 08/04214/OT, 08/04216/FU, 08/04219/FU and grant Listed Building Consent for 08/04220/LI and Conservation Area Consent for 08/04217/CA subject to the conditions attached (and any other conditions deemed appropriate) and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to cover the following matters, and subject to no further representations raising new material planning considerations being received prior to the expiry of the further statutory advertisement period. All contributions are to be index linked.

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

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| <p>7. Education contribution of £172,394</p> <p>8. Administration fee of £600 per clause</p> |
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Proposed Conditions:

08/04214/OT: Outline Application for residential development

1. Reserve Matters for Appearance and Landscaping to be submitted within 3 yrs of the date of this permission;
2. Development to be commenced within 3 years or 2 yrs of final approval of reserved matters.
3. Highways works including the footpath and cycle way links from Victoria Road to Headingley Lane to be provided to adoptable standards prior to commencement of building works on new housing or conversion works.
4. Numbers of dwellings not to exceed 51 houses and 15 flats.
5. Details of provision for disabled access within all publicly accessible areas of the site to be submitted and implemented prior to development being brought into use.
6. Survey of gate piers, steps and railings and other features of interests and scheme for the retention and restoration of these to be submitted and implemented.
7. Approved plan list;
8. Sample of materials for walls, roof and windows to be submitted and approved;
9. Surfacing materials to be submitted and approved (porous materials to be used where possible);
10. Levels plan to be submitted and approved showing existing and proposed and off site datum points;
11. Landscape scheme to be submitted and approved;
12. Tree removal and tree replacement scheme;
13. Landscape implementation scheme;
14. Provision of cycle and footways within the site;
15. Off site highway works to be completed prior to occupation of any dwelling;
16. Car parking areas to be laid out prior to first occupation;
17. Sewer easement;
18. Separate systems of foul and surface water drainage;
19. Scheme for surface and foul water drainage to be approved prior to commencement;
20. Surface water drains to pass through oil interceptors;
21. SUDS scheme to be submitted and approved prior to the commencement of development;
22. Surface water from main school site to achieve balancing rates of a minimum 30% reduction of existing peak flows up to 1 in 100yr storm event;
23. Notwithstanding the provisions of the General Permitted Development Order (2010 revisions) there shall be no permitted change of a Dwellinghouse from the C3 Use Class to Class 4 of the 2010 GPDO without prior approval;
24. Permitted Development Rights for outbuildings and dormers removed;
25. The use of any garages must remain for the purpose of the storage of motor vehicles.
26. Parking spaces to remain unallocated and not sold off with individual units;
27. Notwithstanding the approved plans, render shall be removed from the outer faces of the stone boundary walls, and fencing shall be removed from walls;
28. There shall be no vehicular access from Headingley Lane at any time following the commencement of development; and
29. Notwithstanding the information shown on the approved plans natural slate shall be used on all new dwelling houses, apartment buildings, including extensions and outbuildings.
30. The public open space on site shown on the approved layout plan shall be kept as public open space and shall be made available for public access at all times for the lifetime of the development.

08/04216/FU: Change of use and extension including part demolition of school building and stable block to 32 flats and 4 terrace houses in Stable Block

1. Commencement of development in 3yrs;
2. Plans listed in schedule;
3. Highways works including the footpath and cycle way links from Victoria Road to Headingley Lane to be provided to adoptable standards prior to commencement of building works on new housing or conversion works.
4. Samples of all external walling and roofing and window materials;
5. 1:20 detailed plans;
6. External surfacing materials to be submitted;
7. landscaping (hard and soft landscaping) scheme to be submitted and approved;
8. landscaping implementation programme;
9. Notwithstanding the provisions of the General Permitted Development Order (2010 revisions) there shall be no permitted change of a Dwellinghouse from the C3 Use Class to Class 4 of the 2010 GPDO without prior approval;
10. car parking area to be laid out prior to first use
11. There shall be no vehicular access from Headingley Lane at any time following the commencement of development.
12. The public open space on site shown on the approved layout plan shall be kept as public open space and shall made available for public access at all times for the lifetime of the development.

08/04219/FU: Change of use involving alterations of Rose Court to form 12 flats

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

08/04220/LI: Listed Building application for alterations of Rose Court to form 12 flats

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

08/04217/CA: Conservation Area Consent for the demolition of rear and side extensions to main school building, lean-to to stable block and greenhouse, and removal of 4 storage containers

1. 3 year commencement of development
2. No demolition or alteration of any of the buildings on site shall take place before a method statement has been submitted to and approved in writing by the Local Planning Authority.
3. No demolition or alteration of any of the buildings on site shall take place before a contract for carrying out the works of redevelopment has been let (and confirmation thereof supplied to the

Local Planning Authority) and planning permission has been granted for the redevelopment for which the contract provides.

4. No machinery shall be operated on the site, no process or operations shall be carried out and no deliveries shall be taken at or despatched from the site except between 08:00 hours and 18:00 Hours Mondays to Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
5. Trees on site to be retained in accordance with the approved tree survey plan in accordance with BS5337:2005

In granting permission, conservation area consent and listed building consent for these development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the save policies of the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N6, N12, N13, N19, T2, T24, H4, H12, H13, H15, BD5, BD6, BC7, LD1

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance and on balance planning permission should be granted for these applications.

1.0 INTRODUCTION AND UPDATE:

- 1.0 This application is brought to Panel due to significant public interest and previous considerations of these applications by the Panel. Members may recall that these applications were brought to Panel on 1st October 2009 with a position statement updating Members as to the progress of the application. The applications were subsequently presented before the Panel on the 12th August 2010 with a recommendation to defer and delegate approval of all applications subject to the completion of a S106 agreement. The Panel deferred the applications at that meeting for officers to report back to the Panel on a variety of issues.
- 1.2 Members will also recall that the applications were referred back to the Plans Panel meeting on the 7th October 2010 . It was reported that a member of the public had sought an injunction to prevent a decision being made at this meeting, and had in addition sought a Judicial Review (JR) of the decision to be made. The High Court had rejected the injunction application the day prior to this Panel meeting but the JR process was ongoing.
- 1.3 The Chief Planning Officer advised that although the Panel was entitled to make a decision, officers were mindful of the new issues raised since the publication of the report and the continued threat of a legal challenge. Advice had been sought on the approach the Authority should take, and considered legal advice was that the matter should be deferred to allow time for officers to prepare a report to be presented to the next Panel meeting which would address the matters raised as well as those arising from the applications for the injunction and Judicial Review.

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

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

- 1.5 The application was deferred at the meeting and the Chief Planning Officer was asked to submit a further report to the next meeting dealing with matters which are summarised below. The applicant had been asked to comment further on the following points:

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

2.0 PROPOSALS:

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

- 2.2 Main school site, Leeds Girls High School, Headingley:

- Planning application 08/04214/OT – outline application for residential development.

- Planning application 08/04216/FU – change of use and extension including part demolition of school building and stable block to 32 flats and 3 terrace houses.
- Planning application 08/04217/CA – conservation area application for the demolition of rear and side extensions to main school building, 2 villas to north west of site, lean-to to stable block and greenhouse and removal of 4 storage containers.

2.3 At Rose Court, Main School Site, Leeds Girls High School, Headingley:

- Planning application 08/04219/FU – change of use involving alterations and extension of school building to form 12 flats.
- Planning application 08/04220/LI – listed building application including part demolition and extension to form 12 flats.

2.4 At Victoria Road, Leeds Girls High School, Headingley:

- Planning application 08/04218/OT – outline application for residential use at Leeds Girls High School, playing fields and sports centre. **This application was withdrawn by the applicant in November 2009.**

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

Revised Plans July 2010	Current number of dwellings
Main School Building (Conversion and extension)	32 apartments and 4 townhouses in the stable block
Rose Court (conversion)	12 apartments
South West Block (new build)	15 apartments
Rose court lodge (existing)	1 dwelling
Main School site (new build)	51 townhouses within the Outline application
North West Lodge (conversion)	2 dwellings within the existing lodge building proposed
Total number of units	117 (121 previously)

Outline Residential Scheme:

2.6 Application 08/04214/OT seeks outline planning approval for the redevelopment of the main school site for residential use, including the approval of access, layout and scale. The outline application is accompanied by an indicative layout plan showing the position of buildings to be proposed for the site, the access points and the areas of recreational open space. Indicative landscaping plans are also included and a design scheme for the approval of reserved matters included in the design and access statement. The application includes the proposed layout and siting of the proposed new build properties and an indicative split of the mix of units in terms of size and height.

2.7 The scheme has been revised so that vehicular access is now from Victoria Road only. The apartments of Rose Court would have an access from the eastern access point (an existing school entrance by the lodge building) with the remainder and majority of the development being accessed from the southern access point mid way along Victoria Road. The Headingley Lane access would be closed off to all

vehicular traffic but would be retained for cyclists and pedestrians. It is proposed to promote pedestrian and cycle routes through the site enabling access from Headingley Lane through to access points onto Victoria Road.

- 2.8 The western part of the site is to be developed, with terraced properties along the western boundary of the site and a four storey flats block adjacent to Victoria Road. This area of development is to be separated from the Main School building and development to the north by a landscaped amenity area.
- 2.9 The other main area of development is a row of properties to be developed to the front of Rose Court with gardens facing Victoria Road. These properties are to be accessed from the existing school entrance.

Main School Building:

- 2.10 Application 08/04216/FU seeks full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 3 dwellings.
- 2.11 The stable block is to be converted in its current form to four dwellings with vehicular access was proposed from Victoria Road from the south along the western most entrance.

Rose Court:

- 2.12 Applications 08/04219/FU and 08/04220/LI seek full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments. The application includes utilising the existing modern extension on the western elevation of Rose Court, itself a later addition to the original building.

Conservation Area Consent:

- 2.13 Application 08/04217/CA seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. These buildings include the later extensions to the main school the arts and crafts style lodge on the North West corner of the site is to be retained and converted into dwellings.

3.0 SITE AND SURROUNDINGS:

Main School Site:

- 3.1 The main school site is a 2.44 hectare site located off Headingley Lane. The site is triangular in shape with Headingley Lane to the north east, Victoria Road to the south and Headingley Business Park to the west. The site is within the Headingley Conservation Area and there are two listed buildings within the school site: Rose Court (subject to a change of use application) and the Lodge building (not subject to these planning applications).
- 3.2 The site is located in a predominantly residential area with densely populated areas directly to the north east, south and south west. To the west of the site is Headingley Business Park and to the south east, Hyde Park.

- 3.3 The main school building is a 3 - 4 storey red brick building which has undergone a number of structural alterations and extensions to facilitate the continual growth of the school. The building is located on the north western part of the site facing Victoria Road to the south. Views of the building from Headingley Lane are obscured due to the topography and boundary treatment, whilst views from the south are interrupted by mature trees. The building is not listed but is a good quality building in the conservation area that makes a positive contribution towards the local character and appearance of this part of the Headingley Conservation Area.
- 3.4 The site is also occupied by Rose Court and Rose Court Lodge, both listed buildings located to the eastern end of the site. Rose Court is set to the north eastern part of the site with landscaping to the front, whilst the Lodge is located in the south east corner of the site, adjacent to Victoria Road.
- 3.5 The site also includes amenity areas constituting open space and tennis courts to the front of the main school building and car parking to the south of the site. The site also includes a large variety of mature trees both within the site and on the boundaries.
- 3.6 The site currently has two main access points, from Victoria Road to the south east corner of the site, adjacent to the Lodge and one to the North West directly onto Headingley Lane.

Rose Court:

- 3.7 The application site is Rose Court, a Grade II Listed Building located within the Leeds Girls High School site off Headingley Lane. Rose Court is within the grounds of the school.
- 3.8 Rose Court is set to the north eastern part of the site with landscaping to the front. Rose Court is a villa built as a large house in the 1840s in the formal classical tradition. The property has a garden to the front taking advantage of the steeply sloping site. The terrace to the front conceals a basement with windows and lightwells set into areas around the ground floor facade. The views from the terrace currently are of extensive car parks and hard surfaced tennis courts.
- 3.9 The property previously had a Victorian conservatory at the western end projecting forward of the main frontage. This has subsequently been replaced with a new extension erected in stone with classic columns as a portico to the north.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A draft Planning & Development Brief was prepared by GVA Grimley on behalf of the school (the Morley House Trust) in consultation with LCC. The aim of the brief was to help bring about a comprehensive approach to the re-use and redevelopment of the Main School site, Ford House Garden and Victoria Road site, as the basis for considering future planning applications. The Elinor Lupton Centre (Grade II listed building) was and is subject to separate negotiations, given the specific requirements for providing an alternative occupier for this building.
- 4.2 Following public consultation, the draft Development Brief was presented to Members of the Executive Board on 22 August 2007. Where it was resolved that the planning brief be withdrawn and the future of the school site be determined through the planning process.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The site was subject to detailed pre-application discussions between officers and the applicant. In addition the applicant undertook a period of community consultation and engagement.
- 5.2 The LGHS Action Group have also produced their Community Planning Brief for Leeds Girls High School. This brief recommended; No development to take place on any of the areas designated as Protected Playing Pitches in the Leeds UDP Review. All the areas designated as Protected Playing Pitches to be purchased by the City Council at a price which reflects their non-developable status and made available for community use. The existing six tennis courts and grassed area within the Main School Site to be retained in their current form for general community use and/or use by local clubs. The existing playing field at Ford House Garden to be retained as a pitch for use by local clubs and schools. The existing playing field at Chestnut Avenue to be retained as a pitch for use by local clubs and schools. The swimming pool and sports hall to be made available for use by local schools and the local community, either through purchase by the City Council or transfer to a suitably funded Community Trust. A landscape appraisal and tree survey to be carried out for all three sites together with the preparation of a landscape management plan based on the retention of these natural features. Rose Court and the main school building to be retained. conservation appraisal to be carried out to assess the value of the remaining buildings and boundary walls on the main school site and the contribution they make to the Conservation Area and to determine what demolition would be acceptable. Limit new development to the north side of the main school site. Limit new development to two or three storeys. Development to be primarily residential aimed specifically at family housing. Either by design or if necessary by legal agreement, any development to exclude:
- single person accommodation,
 - cluster flats
 - other provision aimed at student accommodation
 - the use of any property for multi-occupation
 - At least minimum levels of affordable housing to be provided within any development.
 - Development to be exemplary in terms of sustainable development.
 - Any planning approval to include a s106 agreement to fund the implementation of a residents permit parking scheme in the surrounding streets.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The applications have been advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press. The application has also been made available for public inspection at Headingley Library. The application was reconsulted on in November 2009 and has been reconsulted again in July 2010. Following the submission of further information by the applicant on the 13th September the applications were re-advertised on site by the means of a site notice. In addition the Headingley and Hyde Park Ward Members along with MPs Greg Mulholland and Hillary Benn and the community groups; South Headingley Residents Association, Leeds Girls High School Action Group, Friends of Woodhouse Moor and the Leeds HMO lobby have been sent a letter informing them of the additional information received, and inviting any further comments to be made by the 4th October.

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

MP:

- Greg Mulholland
- Hillary Benn

Ward Members:

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

Amenity Groups:

- Headingley Development Trust
- Far Headingley Village Society
- North Hyde Park Neighbourhood Association
- HMO Lobby
- Friend and Residents of Orville Gardens
- Cardigan Triangle Community Association
- South Headingley Community Association

The points below summarise the objections:-

- The loss of the area designated as Protected Playing Pitch would have a detrimental impact upon the locality;
- Children in the area should have access to play areas;
- Increase traffic congestions;
- Lack of car parking and likely increase in on street parking;
- Poor overall design;
- Over development;
- Harm to the conservation area;
- Limited amenity space for Rose Court;
- Inadequate size and shape of amenity space;
- Proposed Victoria Road access would result in loss of trees;
- Limited Environmental assessments;
- Six different developers could build on the site;
- Too many one bedroom flats;

- Concern over new extension to main School building;
- Retain Victoria Road site as open space;
- Intensity of conversion of Rose Court; and
- Lack of community involvement.
- Concern over August Panel determination and request deferral to Autumn Panel.
- The applicant has failed to demonstrate that the playing pitches are surplus to requirements;
- No need for more flats in the area;
- There are no clear proposal for affordable housing on the sites;
- There are no clear proposal for Ford House Gardens;
- Negative impact on the Conservation Area and listed building;
- Impact on trees;
- Highway safety and congestion; and
- Lack of community involvement.
- Object to the revised plans as they have not addressed concerns relating to over development or poor design and layout.
- Loss of protected playing pitches is still not acceptable,
- Local schools will have lost out on potential outdoor play areas
- Harm to human health
- Over development and over crowding on site
- Impact on surrounding highway network from additional cars
- Buildings should be used as museums or art gallery
- Determination of the applications should be deterred until the Autumn when residents are back from holidays
- Determination should also be deferred until the full results of the PPG17 survey of sports facilities and pitches in the area is complete.
- Concerns that the flats and dwellings may be occupied by students.
- Concerns are raised regarding harm to the conservation area by reasons of over development and loss of trees.
- Poor community engagement with residents by the applicant
- July revisions are minor in nature and do not address earlier objections.
- Insufficient car parking is still proposed
- Object to the amount of demolition proposed on the Main School Building and that the report does not make clear the extent of demolition proposed.
- (On claims that the tennis courts on the LGHS site were not in use as tennis courts and had been used as car parking). The objector provides a satellite image showing no cars parked on the courts in June 2006.
- Objects to the loss of the protected playing pitches as the local community do not support the proposals. PPG17 para 10 refers to the developer being able to show community support. The object considers this given residents a veto over the loss of the pitches.
- The report and officers made no mention of UDP Policy N3.
- UDP policy N6(ii) states, "Development of playing pitches will not be permitted unless there is no shortage of pitches in an area in relation to pitch demand locally." That there's a shortage of pitches in our area is demonstrated by the fact that the six schools within one mile of the Leeds Girls High site have just 29% of the playing pitch requirement of the Education (School Premises) Regulations 1999 (SPRs). The report and officers made no mention of the SPRs.
- The report contains no technical appraisal to establish that the tennis courts are not needed. So, in the absence of a planning department appraisal, we prepared our own technical appraisal (identical to a PPG17 audit) and this shows that Headingley, Hyde Park and Woodhouse need 8 or 9 more tennis courts, which means that the 7 on the Leeds Girls High site are not surplus to requirements

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

The total number of letters received in response to the publicity of all the applications is around 1300. Each letter refers to each of the 5 planning applications. The table below is an estimate of the total number of objections received to each application.

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

Building(08/04220/LI)	
Conservation Area Consent (08/04217/CA)	1000 objections
Victoria Road site outline (08/04218/OT)	1000 objections

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

Greg Mulholland MP:

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

Hillary Benn MP:

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

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

Councillor John Illingworth

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

Councillor Monaghan

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

Councillor Atha

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

Area Committee (Inner North West)

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

Amenity Groups and local residents:

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

Comments of the Health Scrutiny Board

- 6.13 On the 28th September the Health Scrutiny Board wrote to the Chief Planning Officer advising him of its concerns relating to the planning applications at the former Leeds Girls High School site in Headingley. The Scrutiny Board's concerns related to the proposed development and its potential negative impact on the health and wellbeing of local residents. The Report supplied by the Health Scrutiny Board made reference to paragraphs 42-50 and recommendations 5 and 6. These paragraphs are explained in more detail below within the Health and Equalities section of the appraisal at paragraph 10.52 of this report.

7.0 CONSULTATIONS RESPONSES:

7.1 An outline of the main points raised are provided below which are relevant to the current scheme and the updated plans which are the subject of this panel report for determination by Members:

Statutory:

ENVIRONMENT AGENCY:

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

YORKSHIRE WATER:

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

MAINS DRAINAGE:

7.4 No Objections subject to conditions.

HIGHWAYS:

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

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

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

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

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

7.9 The principle of the access arrangements is accepted. The car parking provision for the proposed apartments in the Main School building is in line with the required one space per one unit. The Car parking arrangements for the remainder of the new build properties is acceptable though it is noted that the layout of spaces is a response to the sites constraints.

SPORT ENGLAND

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

Non-statutory:

ENGLISH HERITAGE

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

METRO:

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

NGT / PUBLIC TRANSPORT TEAM:

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

CONTAMINATED LAND:

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

TRANSPORT POLICY (TRAVEL WISE):

- 7.16 In accordance with the SPD on Travel Plans the Travel Plan should be included in a Section 106 Agreement. Including:

a) Leeds City Council Travel Plan Evaluation fee of £2585 (for 117 dwellings); and

b) £100 pot for travel plan measures for each dwelling. Using this fund the first occupant for each dwelling should be offered a free car club trial (with membership), public transport ticketing, a voucher towards a bike purchase or repairs. The offer must only be taken up by those living at the development (e.g. not to be taken by landlord if not living at the development). Given the location of the site all measures should be made available to all residents. £11,700 for 117 dwellings, £100 per dwelling.

ENVIRONMENTAL HEALTH:

- 7.17 No objection in principle to the residential development proposals.

VICTORIAN SOCIETY

- 7.18 Object to the outline application due to the over developed nature of the proposals and the harm this would have on the Headingley Conversation Area. They do not object to the Conservation Area Consent Application for demolition.

LEEDS CIVIC TRUST

- 7.19 Object to the July 2010 revised plans and retain their original objection on the grounds of over development, houses proposed are too small and have too small gardens, the public open space will not be inviting or usable to non-residents of the development, the Ford House Garden offer for only 10years is insufficient, concern over the proposed off site commuted sum for affordable housing and they are concerned over the impact of more development on the highway network.

8.0 PLANNING POLICIES:

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

UDPR Policies:

- SA1 Securing the highest environmental quality.
- SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
- GP5: General planning considerations.
- GP7: Guides the use of planning obligations.
- GP9: Promotes community involvement during the pre-application stages.
- BD5: Consideration to be given to amenity in design of new buildings.
- H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- H3: Delivery of housing land release.
- H4: Residential development on non-allocated sites.
- H11, H12 and H13 Affordable Housing.
- H15, Area of Housing Mix
- LD1: Criteria for landscape design.
- N2 and N4: Provision of green space in relation to new residential developments
- N3; Priority given to improving greenspace within the priority residential areas identified.
- N6 Protected Playing Pitches.
- N12: Development proposals to respect fundamental priorities for urban design.
- N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.
- N14 to N22: Listed buildings and conservation areas.
- N19, Conservation Area assessment
- N23: Incidental open space around new built development.
- N38B and N39A: set out the requirement for a Flood Risk Assessment.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T15: Improving vehicle accessibility.
- T24: Requires parking provision to reflect detailed guidelines.

- 8.2 National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing;
- PPG13: Transport;
- PPS5: Planning for the Historic Environment;
- PPG17: Planning for Open Space, Sport and Recreation; and
- PPS25: Development and Flood Risk.
- Draft PPS - Planning for a Natural and Healthy Environment.

8.3 Supplementary Planning Guidance

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

9.0 MAIN ISSUES:

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

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

10.00 APPRAISAL:

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

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

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

community. This would conform with the main thrust of Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1 and Planning Policy Statement 3 aimed at developing strong, vibrant and sustainable communities and social cohesion.

- 10.3 The site is considered suitable for redevelopment for residential purposes given its location in a highly sustainable area of the existing inner suburbs of the City. The delivery of family housing and converting and re-using both listed buildings and non listed buildings which contribute positively to local character and distinctiveness are additional factors in favour of the development.

Unitary Development Plan Review Policy N6

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

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

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

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

- 1. There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of the site or suitable relocation within the same locality of the city consistent with the site’s functions **or***
- 2. There is no shortage of pitches in an area in relation to pitch demand locally, in the context of the City’s needs, and city-wide, and development would not conflict with UDP policies concerning protection of the Green Belt, protection and enhancement of Greenspace and provision of additional greenspace, urban green corridors and other open land...”*

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

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

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

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

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

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

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

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

106 legal agreement and the implementation of that legal obligation is explained within the above paragraph.

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

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

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

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

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

includes 3 bowling greens, the MUGA, skate park and a children's play area as well as a substantial area of mainly grassed space comprising a substantial total area of 19.8HA excluding the area set out as allotments.

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

Policy Guidance in PPG17

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

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

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

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

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

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

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

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

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

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

Offer of Ford House Gardens

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

10.22

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

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

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.”

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

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

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

Playing pitch and Greenspace issue summary

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

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

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

Rose Court Conversion

- 10.27 Full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments is sought under applications 08/08419/FU & 08/04200/LI. The proposed conversions and internal and external alterations proposed to Rose Court have been carefully considered and broadly the conversion works are considered sympathetic to the listed building and should preserve or enhance the setting and appearance of the listed buildings in line with the importance of protecting this heritage asset. The proposed conversion to apartments and the creation of the units within the existing extension on the side of the listed building are considered likely to afford future occupiers with a good level of amenity in

terms of outlook, light and privacy. Members will note that whilst this extension is not considered the most attractive of additions it is an authorised extension that was granted planning permission and listed building consent. The creation of the public open space area in the formal gardens should provide a good setting to the apartments and create an attractive landscaped area that enhances the listed building and adds to the sense of place being created by the proposed redevelopment of the entire site.

- 10.28 Rose Court Lodge which is also grade II listed and located at the site entrance off Victoria Road is considered to make a positive contribution to the sites setting and appearance. This dwelling is not included within the planning applications but its setting and appearance needs consideration in the determination of the planning considerations. The proposed access for both listed buildings would be off Victoria Road. This access would only serve the development at the eastern end of the site. There are no objections to utilising this existing access and the proposed block pavements are considered an improvement over the current surfacing material. The proposed new building elements are considered to preserve or enhance the setting and appearance of the existing Lodge listed building.
- 10.29 The creation of formal areas of public open space in front of both Rose Court and Lodge building are considered positive design considerations. The frame created by the new build and retained buildings around these formal open spaces should create an attractive setting in which the listed buildings will contribute towards the character and appearance of this new housing development which overall is considered to preserve or enhance the setting and appearance of both listed buildings. Accordingly in line with the requirements of UDP policies N14, N15, N17, N19, H4, H15, GP5 and BD6 the alterations and conversion of the listed building are considered to be in accordance with the policies of the Development Plan. This element of the proposal is considered to comply with the requirements of Section 72 of the 1990 Act.

Outline Residential proposals

- 10.30 The proposal for residential development within the grounds of the school site is submitted in Outline with Access, Scale and Layout detailed. Appearance and Landscaping are reserved for later consideration under detailed Reserved Matters applications. The scheme is a purely residential proposal comprising of a mix of houses and apartments. The majority of the apartments will be within the existing buildings on site to be retained including the Main School building and the Listed Building Rose Court. The layout plans show the scheme would be comprised of a mixture of 2 and 3 storey new build town houses. The scheme also proposes a 4 storey block for apartments located in the south west corner of the site on the former tennis courts adjacent to Victoria Road. The scheme is designed around the central open space area which is a Georgian traditional design concept. Broadly the layout and the scale of development is considered acceptable given the surrounding character is mixed in appearance and has substantial villas to the north along Headingley Lane and terraced rows located in the densely packed southern suburbs around the site. The creation of a large central swathe of Public Open Space within the site is considered a positive and attractive design concept that should positively enhance the character or appearance this part of the Headingley Conservation Area and the setting of the two listed buildings, Rose Court and the Lodge building.
- 10.31 The proposed residential development within the grounds of the school site is submitted in Outline and Appearance and Landscaping matters are reserved. The Design and Access statement refers to a modern form of architectural treatment being applied to the new build elements. A contemporary form of development is considered

acceptable in conservation areas and within the setting of listed buildings subject to the quality, layout and character of the new build elements preserving or enhancing that part of the conservation area and the heritage asset. In this instance the broad layout arrangements and the scale of the development is considered compatible with the character and appearance of this part of Headingley which has varied house types and vernacular treatments. The urban design concept of creating a Georgian square in which public access and opportunity to enjoy the space is being created is welcome and overall creates a sense of place that responds to the sites existing character and opportunity.

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

Main School building proposals

- 10.33 The extent of demolition of the Main School Building was discussed at the August Plans Panel meeting and within the August report. It is considered that the exterior front elevation of the building is the main positive feature of this building and although much of the remaining Main School building is proposed to be demolished the front facade of the original 1905 part of the building is to be retained. The demolition plan appended to the August and October Panel report shows the extent of retained and demolished buildings on the site. The element to be demolished has been assessed by Conservation Officers and whilst it is not without merit it is not considered that its loss causes harm to the extent that refusal of permission would be justified.
- 10.34 The full application for the change of use of the main school building to create apartments involves demolition of the existing buildings which do not make a positive contribution to the character or appearance of the conservation area. The proposed extensions to create additional living accommodation are considered acceptable in terms of design, siting, scale and appearance. It is proposed to create a modern appearance to these extensions which should contrast well with the traditional design and appearance of existing buildings. The new build town houses would be visible from the public highway of Victoria Road but the majority of the new build extension attached to the Main School Building would be largely screened from public views due to the change in levels across the site and the high stone boundary wall on Headingley Lane. There are no serious design objections to the change of use applications. The proposed extension to the rear of the main school building will create a courtyard effect where residents car parking will be provided. Some car parking will be undercroft but given the secure nature of this space along with the increase in natural surveillance from the new apartments facing into the court yard there is no objection to this design approach.

Re-use of Main School Building

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

more family housing and fewer apartments and the retention of the school would push the balance towards more flats as well as reducing substantially the development potential of the site.

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

Four storey flats building

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

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

Greenspace /Landscaping and Tree Issues

- 10.40 The proposed layout is designed to create two areas of public open space (which complies with the size required by policy N2.1 of the UDP) within the site that can be enjoyed by both future occupiers and existing local residents. The areas are both sufficient in quality and size to accord with the policy requirements for delivering public open space within residential development sites and is envisaged they will make a positive contribution to the character and appearance of this part of the Headingley Conservation Area. The footpath and cycle routes proposed through the development site are envisaged to make the site connected with the local community. The routes through the site from Victoria Road and Headingley Lane pass through the main areas of public open space between the main school building and the proposed new build properties located towards the lower end of the site at Victoria Road. The second area of open space would be between the front of Rose Court and the new build properties towards the Victoria Road end of the site. These routes through the site both enhance local connectivity and also assist in creating a sense of place. The formal areas of greenspace on the site should be well managed landscaped lawned areas that are usable to residents and neighbours for outdoor amenity. Though the detail will be delivered via planning condition and through the detailed Reserve Matters applications.
- 10.41 The proposed tree loss has been carefully considered by the City's Arboricultural officer. The proposed layout arrangements are considered to protect the important and healthy trees which make a positive contributions to the areas appearance and character. The internal road layout and position of dwellings is considered well thought-out and should ensure that the sites existing character which is enhanced by its existing tree coverage is retained and enhanced through appropriate replacement and additional tree planting. On balance the landscaping and tree removal and retention plan is considered acceptable to enable the site to be developed and the internal roadways to be created. In addition the retention of many of the good trees along the boundary with Victoria Road is considered a positive benefit to the streetscape and the character of the area in accordance with UDP policies N2, N12, N13 and LD1 and the guidance contained within the Neighbourhoods for Living SPG and the draft Headingley and Hyde Park Neighbourhood Design Statement.

Residential amenity considerations

- 10.42 The proposal is considered acceptable in terms of the amenity afforded to future occupiers in relation to privacy, over looking and space about dwellings. The Outline application does not contain detailed floor plans of the proposed houses or apartments and as such Reserved Matters applications will assess the living conditions of individual units. Approval of the principle of residential development is being sought along with layout and scale. These considerations are considered to be acceptable in affording future occupiers with a satisfactory living arrangement. The private gardens to the dwellings are considered sufficient in size and usability to create decent family housing and meet the needs of future occupiers. The space about the dwellings

should not result in an over developed or over dominant relationship between buildings that could be detrimental to the amenity of future occupiers. Broadly the proposed layout is considered conducive to creating a good quality housing scheme that should add to the quality and variety of housing available in the area, and the development thus accords with the relevant UDPR policies which address residential amenity including GP5 and BD5. It is noted that whilst there are some compromises between retaining trees, creating the internal roads and siting the development plots; overall the scheme is not envisaged to be detrimental to local character. The applicant has stated that units will likely be three bedroom houses which supports the idea they will be suitable for occupation by families which should assist with addressing the imbalance in the population and housing mix in the area which delivers on a wider planning objective for this part of the City. A condition is proposed to ensure the dwelling are occupied as C3 dwellings and not permitted to change to HMOs without prior planning permission being granted.

- 10.43 The proposed apartments within the main school building and the proposed conversion within the school building to apartments are considered to afford future occupiers with an acceptable level of daylight, outlook, privacy and outdoor amenity space. The car parking provision of the main school building is located within easy access of the buildings proposed entrances. The car parking spaces for the future occupiers of the Rose Court building are slightly remote from the building but this on balance is an acceptable consequence of making on site amenity space for both future occupiers and members of the public to enjoy. The car parking spaces are considered acceptable in this instance. Overall the proposed residential redevelopment of the site is considered to be in compliance with UDP policies GP5, BD5, BD6, H4 and H15. In addition the proposal is considered to comply with the guidance within Neighbourhoods for Living SPG and the draft Headingley and Hyde Park Neighbourhood Design Statement.

Highway safety and car parking

- 10.44 The proposal has been assessed by the Highways Authority in relation to its impact on the surrounds street network and it is accepted that the site is suitable for residential redevelopment and the proposal can be accommodated within the highway network subject to the conditions attached to the report and the contributions towards public transport infrastructure, residents parking permits and off site highway works being achieved. The on site level of car parking is in accordance with the desire to deliver one space per unit within the main school building application. The ratio of car parking for the new build properties is higher than 1 space per unit but the spaces allocated for individual units is not always ideal, however officers recognise the sites constraints and have balanced out the amenity considerations of future occupiers with the need to protect trees, provide public open space and create internal roads. It is considered that given the sites highly sustainable nature and the measures proposed within the travel plan to reduce private car use and ownership the applications are in accordance with adopted guidance. On balance with highways considerations of the applications is considered to comply with UDP policies GP5, T2 and T24.
- 10.45 The applicants have submitted a Transport Assessment which considers the impact of the development against the traffic generated by the former school. Surveys were carried out by the applicant prior to the school closing down and these have been used to form a base from which to work. The applicants have acknowledged that the school had a different (pm) peak i.e. the school had a staggered finish between 3:20pm and 3:45pm and that the majority of pupil/parent trips would have dispersed prior to the general pm peak hour of 17:00 to 18:00hrs. Highway Officers have

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

Developer Contributions

Public Transport Infrastructure:

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

Affordable Housing:

- 10.47 Council policy requires that on sites where 15 or more units are proposed affordable housing will be required. In this location the Council's Affordable Housing Interim Planning Guidance indicates that 15% of the total number of units should be affordable. The proposal for the delivery of affordable housing is to secure a commuted sum equivalent to the provision of 15% of the total number of dwellings on site being provided. It is proposed to use this money to then purchase vacant former HMO properties in the locality that could be then transferred back into affordable housing for sub market sale or social rented accommodation. This approach would by proxy address some of the issues in the Headingley area with the over concentration of HMO and student accommodation. The approach differs from the normal approach which is to deliver affordable housing on-site. The applications will deliver the required number of affordable dwellings at 15 % of the total number (17 in total) in accordance with the SPD and policies H11, H12 and H13 of the adopted UDP. The off site commuted sum will be provided in accordance with the formula in the SPD as

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

It is requested that if the off site commuted sum fails to deliver on the aspiration of purchasing a suitable number of dwellings in the Area of Housing Mix due to cost implications of purchasing on the open market and altering existing properties to make them suitable for sub market resale then the Panel is recommended that provision should default to delivering the required 15% of affordable housing on site in accordance with the SPD on Affordable Housing. The wording for this would need to be considered within the Legal Agreement that is to be drawn up should Members accept the recommendation.

Public Open Space provision

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

N2.1 Local Amenity Space

- 10.49 The indicative masterplan (ref. 2006-239/050) identifies three main areas of useable greenspace. Together these areas provide a total of 0.46ha greenspace. This satisfies the N2.1 requirement (0.468ha / 0.004 ha per unit), allowing for cartographic variation. So long as these areas are delivered as part of the development scheme, there will be no further requirement for an N2.1 contribution.

Equipped Children's Play

- 10.50 Given the nature and mix of development in the first instance provision should be made within the site layout for a LAP (Local Area for Play) playspace for younger children. The area immediately to the east of Rose Court may be an appropriate location, subject to design and surveillance considerations. If this is not achievable, a commuted sum payment of £35,528.98 is required for off-site provision at Woodhouse Moor.

Ford House Gardens

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

Health and Equality Issues

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

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

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

11.0 CONCLUSION:

- 11.1 The applications for the redevelopment of the Leeds Girls High School site have been considered against the relevant planning policy criteria and having regard to the receipt of public representations and consultations. The aim has been to deliver a high quality residential scheme that promotes a mixture of houses across the site to provide family accommodation. The site lies within the Area of Housing Mix which seeks to address the imbalance of the local community which this scheme is considered in part to be doing by providing housing suitable for occupation by families. It is considered that the proposed house types, layout, public open space areas and pedestrian footpaths and cycle routes along with the mix of accommodation proposed would accord with the wider aims of addressing this policy.
- 11.2 Overall, the proposed conversion of the listed buildings is considered to be acceptable in terms of the quality of accommodation for future occupiers. The conversion is considered to be sympathetic to the historical features of the heritage assets on the site, namely the retention of the front facade of the Main school building and the two listed buildings. The re-use of the vacant listed buildings will bring back into use buildings which have been assessed and listed for their architectural merit and/or their value to local history. It is considered that the proposed creation of areas of public open space on site will provide a good setting in which the listed buildings can be viewed by the public. The proposed change of use and conversion to residential apartments and town houses are considered to have satisfactory relationship to the setting and character of the listed buildings, Rose Court and Rose Court Lodge. In addition the proposed site layout is also considered to preserve the character and appearance of this part of the Headingley Conservation Area. Although the outline application does not provided full details of the scheme, it is considered that there is sufficient detail to enable consideration of the development, further details can be considered at Reserved Matters stage. Overall the applications are considered to comply with Section 72 of the 1990 Act (that development should preserve or enhance the character of the Conservation Area) and with the aims and objectives of PPS5, and the relevant UDP policies and Supplementary Planning Guidance relating to Conservation Areas and Listed Buildings.
- 11.3 The scheme has been carefully assessed by highway officers and the matters of on site car parking, public transport contributions, travel plan measures and mechanisms to reduce private car use have been appraised and overall it is considered that the site can accommodate the amount of development proposed and that the form and detail of development proposed is acceptable on balance and overall accords with the relevant highways policies contained within the UDP and the aims and objectives of PPG13.
- 11.4 The proposed Section 106 package delivers on the policy requirements of providing affordable housing (off site contribution in the first instance with fall back mechanism to deliver on site should the unique approach for buying existing HMO stock be unsuccessful). The delivery of public access to the open space within the site is also in accordance with policy and delivers a local benefit with access to greenspace. The public transport contributions and money for travel plan measures to promote sustainable forms of travel is also considered positive. The applicant has not accepted the request from Sport England to provide £92,419 (total contribution for the three applications) towards the enhancement of formal playing pitch provision in the locality. This request is considered on balance difficult to support given the Council does not

have a planning policy on which to make this request. As such Officers have not insisted upon this contribution.

- 11.5 After careful consideration of the material planning considerations, assessment of the applications in the context of the Development Plan and considering all representations received, on balance approval of all planning applications and associated listed building and conservation area consents is recommended.

Background papers:

Application File

October Plans Panel West Position Statement

August 2010 Plans Panel West Report

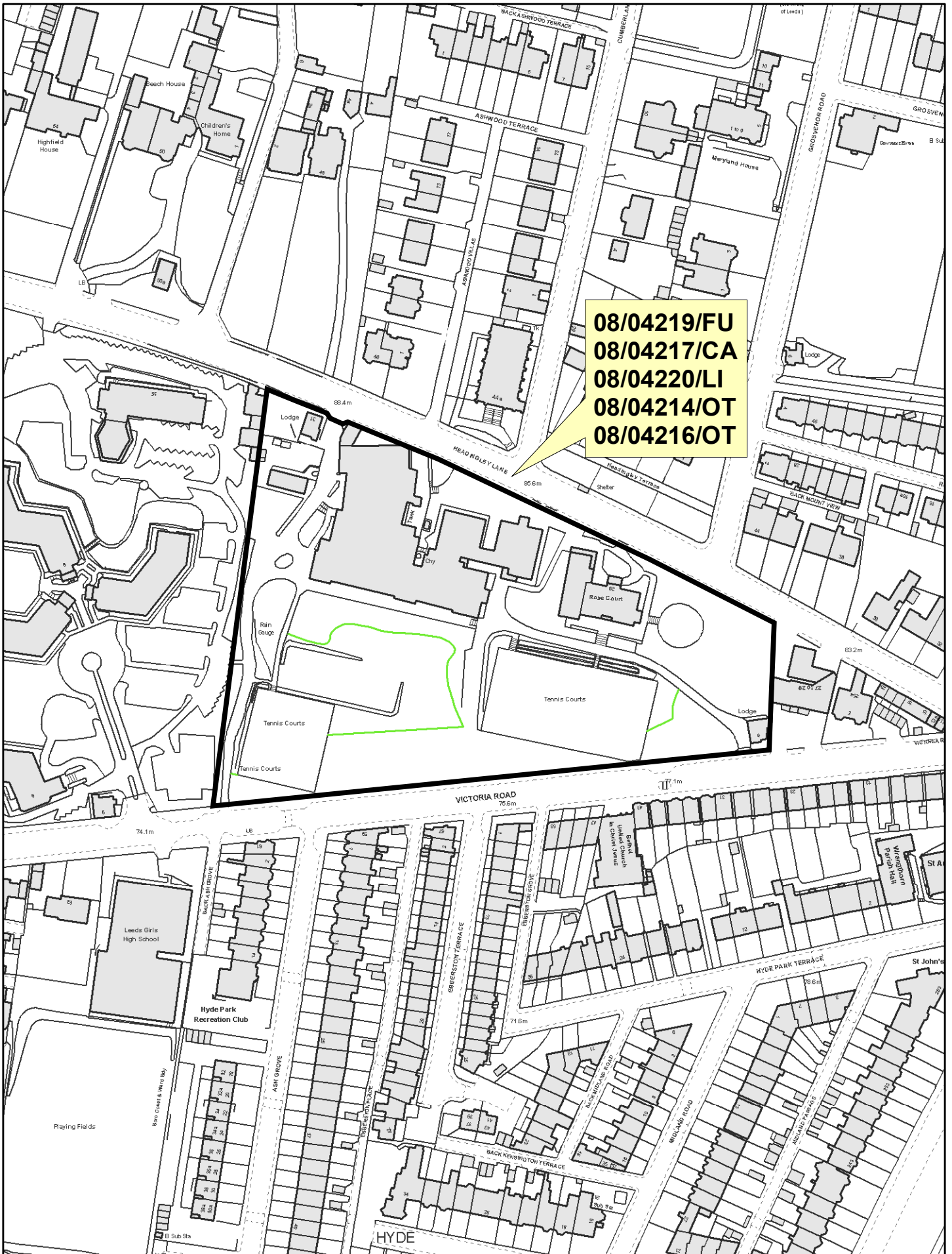
October 2010 Plans Panel West Report

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

	Location	Number & type	Area (ha.)	Availability to local community	
				Pre-Merger	Post-Merger
Facilities Lost to LGHS Development	LGHS	6 Tennis/Netball 1 Grass Hockey	0.94	No	No
Existing Facilities Retained	LGHS	1 Gym 1 Swimming Pool	0.2	No	Yes
	LGHS	Ford House Gardens	0.5	No	Yes
	GSAL	2 Rugby or Football	0.77	No	No
	GSAL	2 Rugby or Football	0.77	No	No
	GSAL	2 Cricket	2.21	Yes	Yes
	GSAL	Swimming Pool and viewing area	0.1	Yes	Yes
	GSAL	Cricket or Rigby	1.4	No	No
	GSAL	Athletics Track and Field	1.63	No	No
Existing Facilities Upgraded Post Merger	GSAL	Netball	0.005	No	No
	GSAL	Junior Sports Pitch	0.9	No	No
	GSAL	3 Cricket Nets	0.1	No	No
		Sports Hall including: 5 Basketball 2 Mini Basketball 6 Badminton 1 Five-a-Side Football 3 Squash Climbing Wall	0.172	Yes	Yes
	GSAL	4 Tennis 2 Netball	0.23	No	No
New Facilities Post Merger	GSAL	Junior Sports Hall: 2 Badminton 2 Basketball Wallbars	0.004	N/A	No
	GSAL	2 Netball	0.004	N/A	No
	GSAL	Trimtrail	0.006	N/A	No
	GSAL	3 Netball 1 Five-a-Side Football	0.015	N/A	No
	GSAL	8 Tennis 4 Hockey 4 Five-a-Side Football 2 Football	0.12	N/A	Yes
	GSAL	3 Tennis 2 Netball	0.017	N/A	No
	GSAL	1 Cricket or 2 Football or 2 Rugby or Five-a-Side Football	3.94	N/A	No

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

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



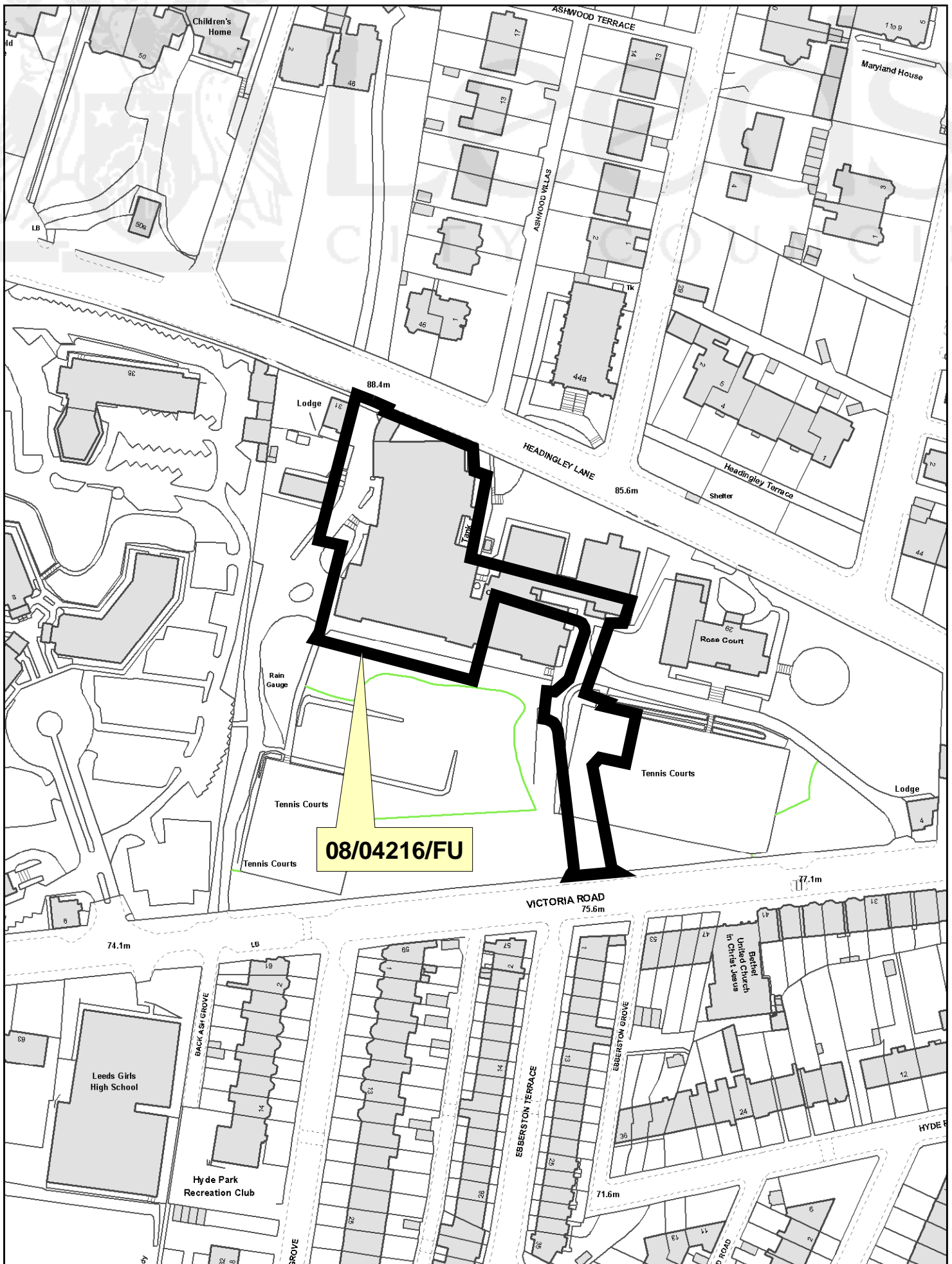
WEST PLANS PANEL



Scale 1/ 2000

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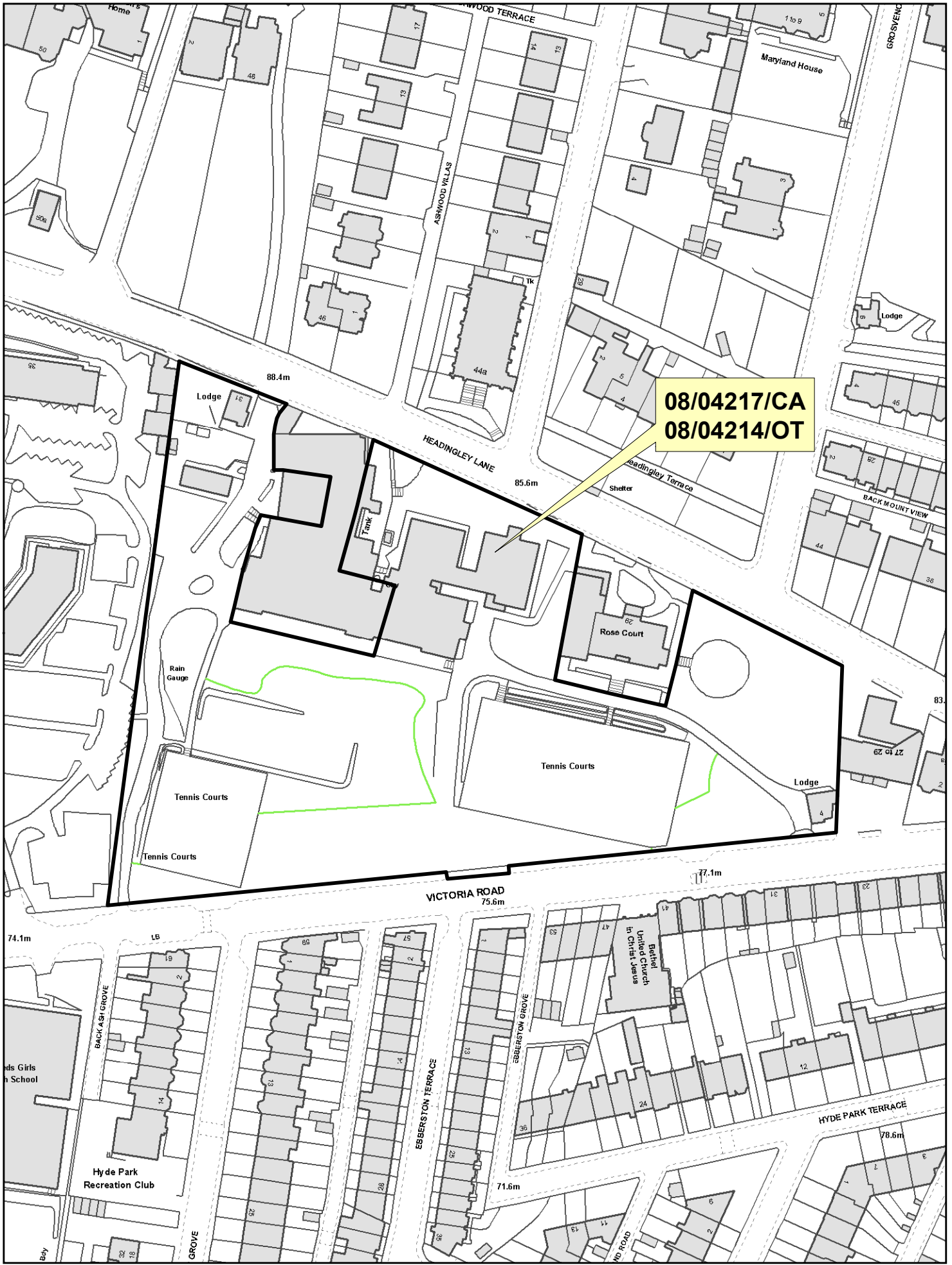
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WEST PLANS PANEL

Scale 1/1500

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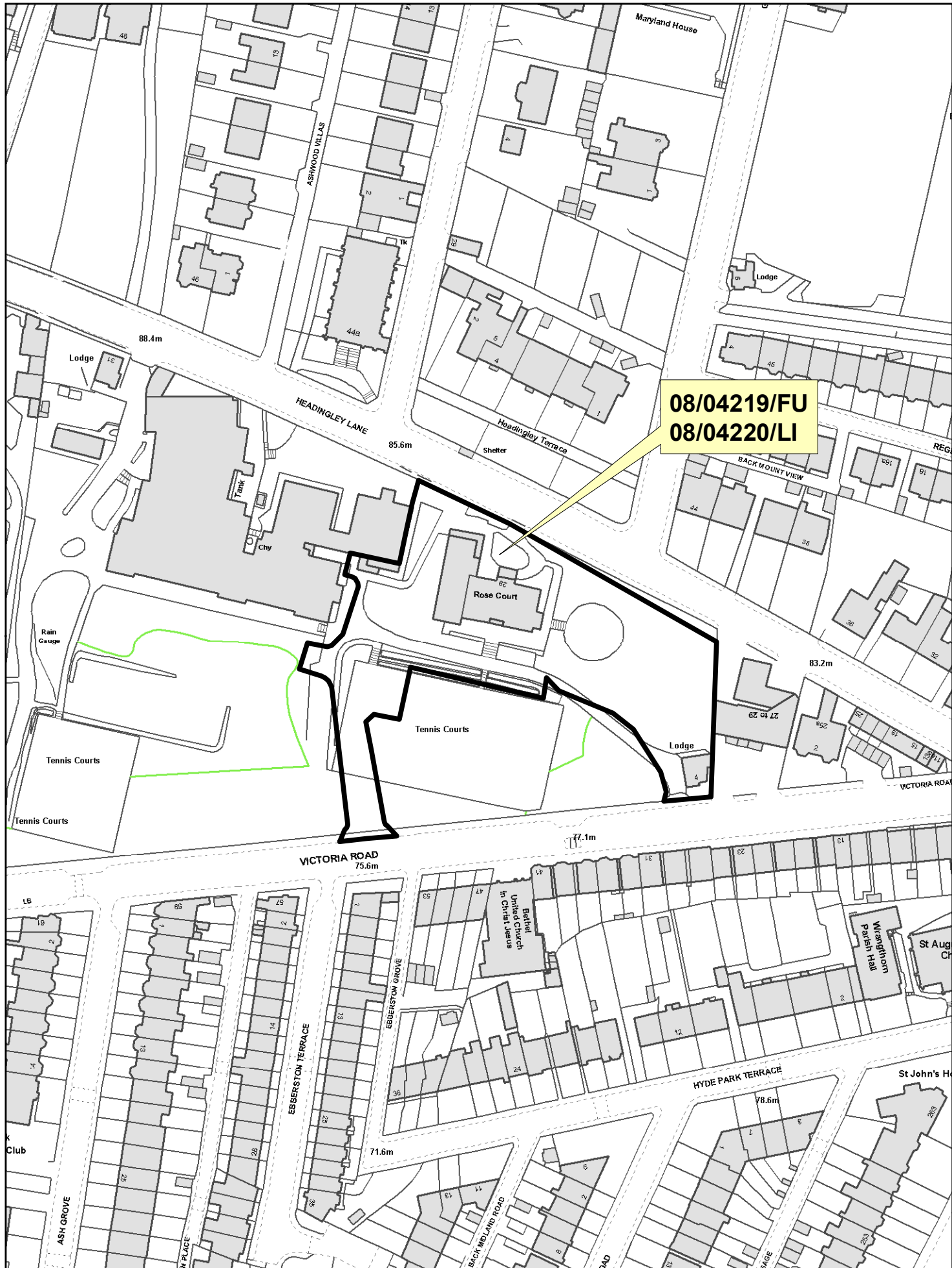




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WEST PLANS PANEL





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WEST PLANS PANEL

