



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 18 August 2011

Subject: APPEALS BY THE MORLEY HOUSE TRUST INTO THE COUNCILS NON-DETERMINATION OF APPLICATIONS FOR RESIDENTIAL DEVELOPMENT, CONSERVATION AREA CONSENT FOR DEMOLITION, CHANGE OF USE OF ROSE COURT TO FLATS AND LISTED BUILDING APPLICATION FOR ALTERATIONS TO ROSE COURT AT LEEDS GIRLS HIGH SCHOOL, HEADINGLEY LANE, LEEDS 6

Electoral Wards Affected:

**Headingley
Hyde Park and Woodhouse**

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

The Panel is asked to note the following appeal decisions

1.0 INTRODUCTION

1.1 This appeal concerns proposals for residential development on the site of the former Leeds Girls High School site on Headingley Lane and Victoria Road, Headingley. The development proposed is partly new build and part conversion of the former school buildings, one of which, Rose Court, is Grade II listed. Perhaps the most contentious element of the proposals has been that part of the site (currently former tennis courts and grassed areas) is allocated as playing pitches in the Unitary Development Plan.

1.2 Members will recall that these applications were considered by West Plans Panel over the course of three meetings in August, November and December 2010. By the time of the meeting on 14 December 2011, the applicant had appealed against the non-determination of the applications and the Panel therefore made its decision on the basis of the determinations it would have made had it been able to do so.

1.3 The appeals were dealt with by a public inquiry which was held on 14-18 and 21-23 June 2011.

2.0 SUMMARY OF PANEL RESOLUTIONS AND THE INSPECTOR'S DECISIONS

a) Application 08/04214/OT - New residential development

2.1 The Panel resolved that the application would have been refused on grounds that, due to its scale, layout, density and impact and potential impact on trees it would have been harmful to the character of the area, the setting of the listed buildings and the character and appearance of the Headingley Conservation Area. In addition, the proposed development would incur the loss of open playing pitch land which makes a significant visual contribution to the character of the area contrary to national planning guidance set out in PPG17

The Inspector dismissed the appeal and refused planning permission

b) Application 08/04216/FU - Change of use and extension including part demolition of the main school building and stable block to 32 flats and 4 terrace houses

2.2 The Panel resolved that the application would have been refused on grounds that the 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 would consequently cause harm to the character of the Conservation Area. In addition, there is no acceptable scheme for the redevelopment of the site

The Inspector dismissed the appeal and refused planning permission

c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building

2.3 The Panel resolved that the application would have been refused on grounds that the demolition to the east of the retained section of building would cause 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 Inspector allowed the appeal and granted Conservation Area Consent

d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats

2.4 The Panel resolved that the application would have been approved

The Inspector allowed the appeal and granted planning permission.

2.5 **e) Application 08/04220/LI (Listed Building application for alterations of Rose Court to form 12 flats**

2.6 The Panel resolved that listed building consent would have been granted.

The Inspector allowed the appeal and granted listed building consent

3.0 ANALYSIS OF THE MAIN ISSUES

a) Application 08/04214/OT - New residential development

3.1 The Inspector's view was that the proposal would have a significantly harmful impact on the character and appearance of the Headingley Conservation Area and the setting of Rose Court. His principal reasons for dismissing the appeal were:

- The likely loss of trees, which contribute positively to the character and appearance of the Conservation Area resulting from construction of the western access road. This issue was also relevant to application b) below.
- The poor relationship of Block 9 (see plan) to the main school building.
- The bulk, height (four storeys) and prominence of Block 15.
- The failure of Blocks 17-19 to do justice to the setting of Rose Court or maintain the perceived openness of the site.

3.2 However, the Inspector gave a clear indication that there were no planning reasons to refuse the application based on Leeds UDP policy N6 (protection of playing pitches) or PPG17 (protection of open space on health grounds). The Inspector also states that the principle of a housing development on the site (including that part of the site occupied by the former tennis courts) would be acceptable when considered against UDP Playing Pitches policy N6. The Inspector's reasoning however makes it clear that the potential for development would be limited on the area of the former tennis courts, and on which blocks 17 to 19 were proposed, because of the importance the Inspector placed on retaining the open character of this part of the site in relation to Rose Court and within the context of the wider conservation area

Tennis Courts

3.3 The Inspector determined that the first criterion of policy N6 of the Leeds UDP, which states that:

Development of playing pitches will not be permitted unless:

i) There is a demonstrable net gain to overall pitch quality and provision by part redevelopment of a site or suitable relocation within the same locality of the city, consistent with the site's functions

and the requirements of PPG17 had been met and as such the principle of a housing development on the site would be acceptable. In effect this means that there is no requirement for the tennis courts at the site to be protected for public or community use. The Inspector noted that the "*tennis courts were not of public value as a sports or recreational facility because there was no public access to them*" and that "*the recreational function, as it existed, has been satisfactorily replaced elsewhere*". The Inspector also reported that even if he were to put to one side his conclusions on the N6 and PPG17 issues that he would consider "*there is not a clearly demonstrable need for tennis courts in the vicinity and there seems no reasonable likelihood of the courts on the appeal site being acquired for use for tennis or other forms of sport or recreation*". On the health issues raised during the Inquiry the Inspector determined that "*the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community*"

The effect on the Conservation Area and the setting of Rose Court

The central access

- 3.4 Although it would breach the boundary wall and create a hard urban intrusion through the grounds of the school, it would enable a much better appreciation from public vantage points of the landscape quality of the grounds and would lead to amenity space which is accessible to the public, and is on balance acceptable.

The western access route

- 3.5 Although an existing route, to upgrade it to adoptable standards would involve the direct loss of some trees and jeopardise others and this would cause significant harm to the character and appearance of the Conservation Area.

Dwelling Blocks 2 and 3 (See attached block plan)

- 3.6 The Inspector noted that these houses would not themselves harm the character or appearance of the Conservation Area but the gardens were small and cramped and that this would lead to pressure for tree removal which would be harmful.

Dwelling Blocks 6, 7 and 8

- 3.7 The Inspector noted that these blocks are appropriate in principle

Dwelling Block 9

- 3.8 The Inspector noted that the illustrative designs do not persuade him that the right design quality could be achieved for the proposed 3/4 storey terrace. He goes on to state that there are *“too many imponderables to be able to accept an outline proposal with appearance reserved for future consideration”*.

Dwelling Blocks 10 to 15

- 3.9 The Inspector noted that these blocks pose a number of potential problems. Blocks 10-13 are very close to the canopies of important trees and could lead to pressure for their removal, or for lopping or pruning. The mass and height of Block 15 (4 storeys) would not be in keeping with the domestic scale of the housing on the opposite side of the street. The loss of trees would also leave this building very prominent in views from Victoria Road. The Inspector concludes that *“it seems inevitable that a building of this mass and height would detract from the character and appearance of the conservation area”*.

Dwelling Blocks 17, 18 and 19

- 3.10 The Inspector notes that the introduction of blocks 17-19 into *“what is a presently open scene would significantly alter for the worse the character and appearance of the Conservation Area and diminish the setting of Rose Court”*. The Inspector notes that although there have never been buildings in the original grounds of Rose Court this *“should not preclude development as a matter of principle – it does put constraints on what may be admissible”*.

Trees and Amenity Open Space within the scheme

- 3.11 The Inspector notes that *“there is no question that the retention of open spaces in front of the Main School Building, in front of Rose Court and to the east of Rose Court, and the retention of the important trees within those spaces, is a positive attribute of the proposals as a whole... So too is the public access to those areas and the ability to pass through the site between Victoria Road and Headingley Lane”*. In relation to the areas of open space proposed the Inspector was satisfied that this would satisfactorily cater for the residents of the development, but due to their limited size and intimate character would probably be perceived as semi-private, thus discouraging visits from further a field, and therefore afforded only

limited weight to the benefit of this, concluding that the benefits of the publicly accessible open space did not outweigh the other harm to the character of the Conservation Area resulting from blocks 17-19.

b) Application 08/04216/FU - Change of use and extension including part demolition of the main school building and stable block to 32 flats and 4 terrace houses

- 3.12 The Inspector concluded that Conservation Area Consent was not needed for demolition of the extensions to the school building (the reasoning behind this is set out in the commentary on Application c). In assessing the character of the existing buildings, however, the Inspector concluded that it was in fact only the main 1905 school which was of merit. *“It dates from 1905 and might be thought not untypical of school building of that era”*. The Inspector also noted that *“its merit as a building is inextricably linked with its prominent position in a sylvan setting, a combination that marks it out as a positive and important contributor to the character and appearance of the Conservation Area”*. The 1930's extension he thought to be of limited merit, in part because of the unsympathetic third floor extension.
- 3.13 The Inspector concluded that the design of the extension to the main school building and the other elements of the scheme, such as the layout of car parking, were acceptable.
- 3.14 Whilst the Inspector thought the proposals acceptable in other respects, as with Appeal a), he concluded that the development would have a significantly harmful impact on the character and appearance of the Headingley Conservation Area by virtue of the loss of important trees which would be likely to result from the works to improve the western access road and dismissed the appeal on that basis.

c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building

- 3.15 The Inspector determined that Conservation Area Consent was not required for the demolition of the various extensions to the main school building. The Inspector cited the 1997 *Shimizu* House of Lords case as a result of which the demolition of an unlisted building in a conservation area is interpreted to involve ‘the total or substantial destruction of the building involved’. Although large parts of the school building were to be demolished under the appeal proposals, the Inspector held that *‘...conservation area consent is not required for the demolition of the various extensions to the main school building because they are parts only of the of the whole building and a large part of the original building would remain.’*
- 3.16 The Inspector did determine that conservation area consent was required for the demolition of the free-standing post-war school building immediately south of the lodge in the north west corner of the site. However, the Inspector noted that the building is of *“no architectural or historic interest, does not contribute in any positive way to the character and appearance of the Conservation Area and there can be no objection to its loss”*.

d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats and

e) Application 08/04220/LI - Listed Building application for alterations of Rose Court to form 12 flats

3.17 The Inspector noted that externally “*there would be no harmful alterations to the building*” and that internally “*the alterations would not significantly diminish the building’s interest*”. On balance he concluded that both appeals in relation to Rose Court should be allowed.

4.0 The appellant’s application for an award of costs

4.1 The appellant applied for costs from the Council on the basis that the City Council has acted unreasonably and caused the appellant to incur unnecessary and wasted expense. The appellant argued that officers had made a recommendation to approve the applications and Members were unable to articulated cogent reasons for refusal and putative reasons for refusal were thus trumped up (to substitute for the actual reason in Member’s minds for refusal i.e. loss of playing pitches which officers had advised could not be substantiated). In addition, the Council did not object to the Rose Court conversion proposals and should therefore have made an earlier decision to approve these. The case presented by the Council on tree loss had also altered from that set out in the Council’s reasons for refusal, causing additional work and expense.

4.2 The Inspector refused the claim for costs. He noted that although the tennis courts and UDP policy N6 were prominent in members’ minds, it is equally clear from the minutes of the meeting that members had other concerns about the proposals and that the reasons formulated by officers and put forward were not trumped up to substitute for a different objection.

4.3 It was only after the appeals had been lodged that members resolved that they would have approved the Rose Court proposals, furthermore it is also clear that members had concerns about the central access and that consideration of the proposals for the site as a whole was not unreasonable.

4.4 Whilst he thought that the Council’s reason for refusal as it related to loss of trees could have been expressed more specifically, he considered the concerns in this respect to be soundly based.

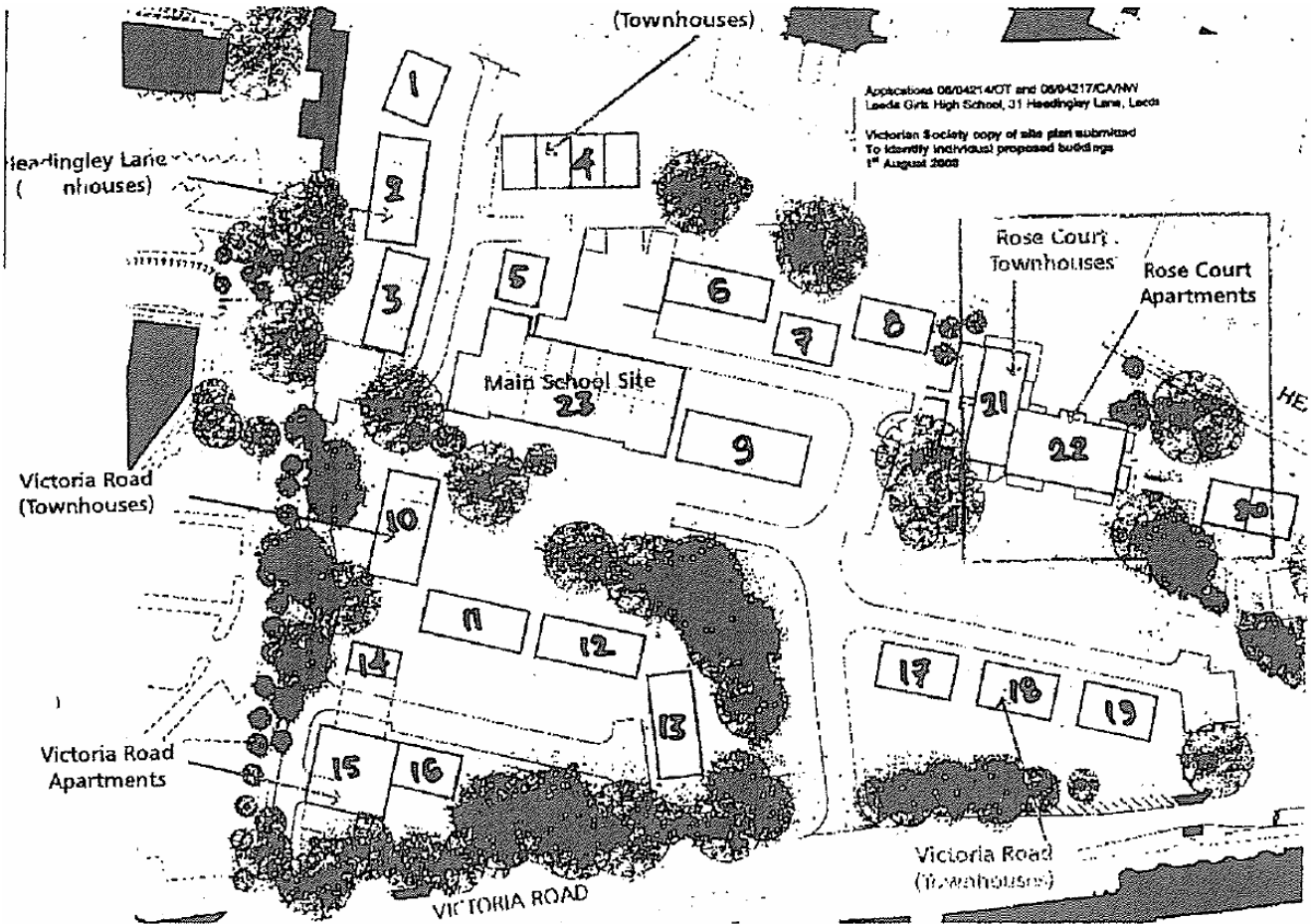
5.0 CONCLUSIONS

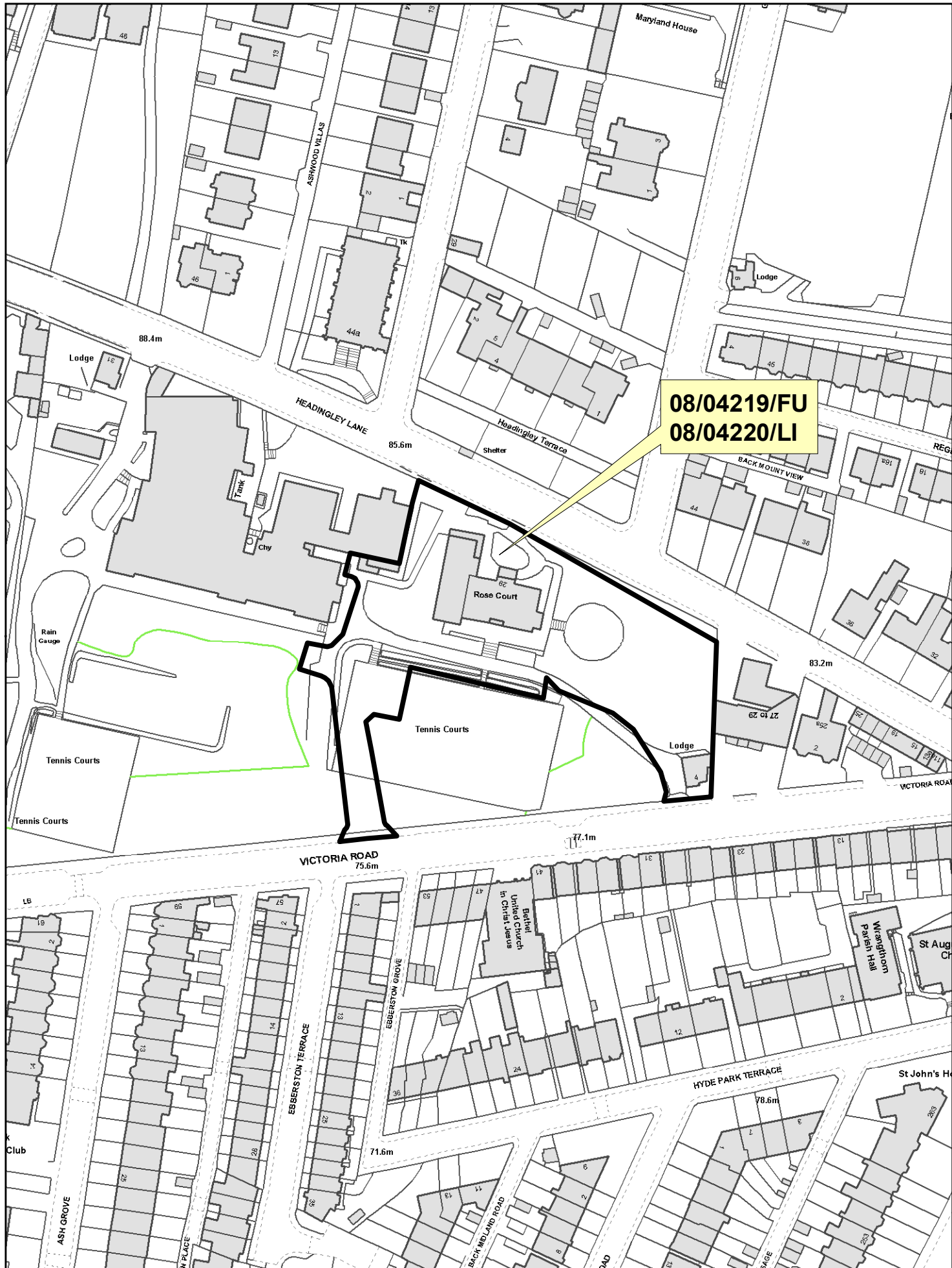
5.1 Overall, the principal of residential development of the site is accepted and the Inspector has supported the Council’s position in respect of this and the principal of development of a site partly allocated as N6 playing pitches.

5.2 It is clear however that the Inspector had very substantial reservations about the details of the scheme, in particular the impact of the bulk of development on views across to the listed building from Victoria Road, the scale of the 4 storey building, and the loss of trees entailed in bringing the existing western access up to an appropriate standard. It is inevitable that any scheme which seeks to overcome these significant objections will be very different from the refused scheme and would involve substantially less development of a very different character.

5.3 The Panel is advised that this report is a summary of the 19 pages of the Inspector’s decision and attempts to summarise the main issues. Some detail has to be omitted in a report of this length.

Block plan showing the main areas of proposed development

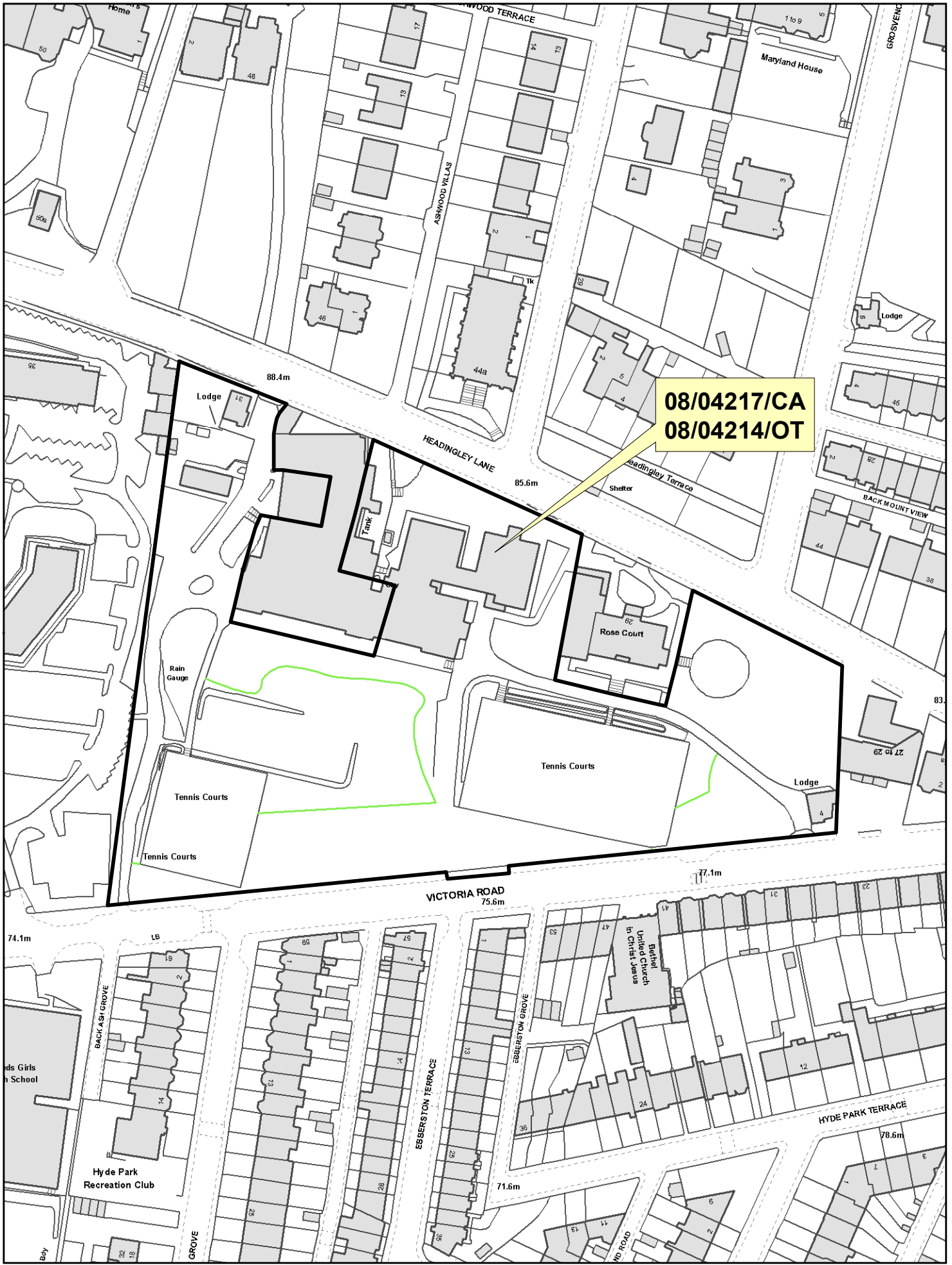




08/04219/FU
08/04220/LI

WEST PLANS PANEL

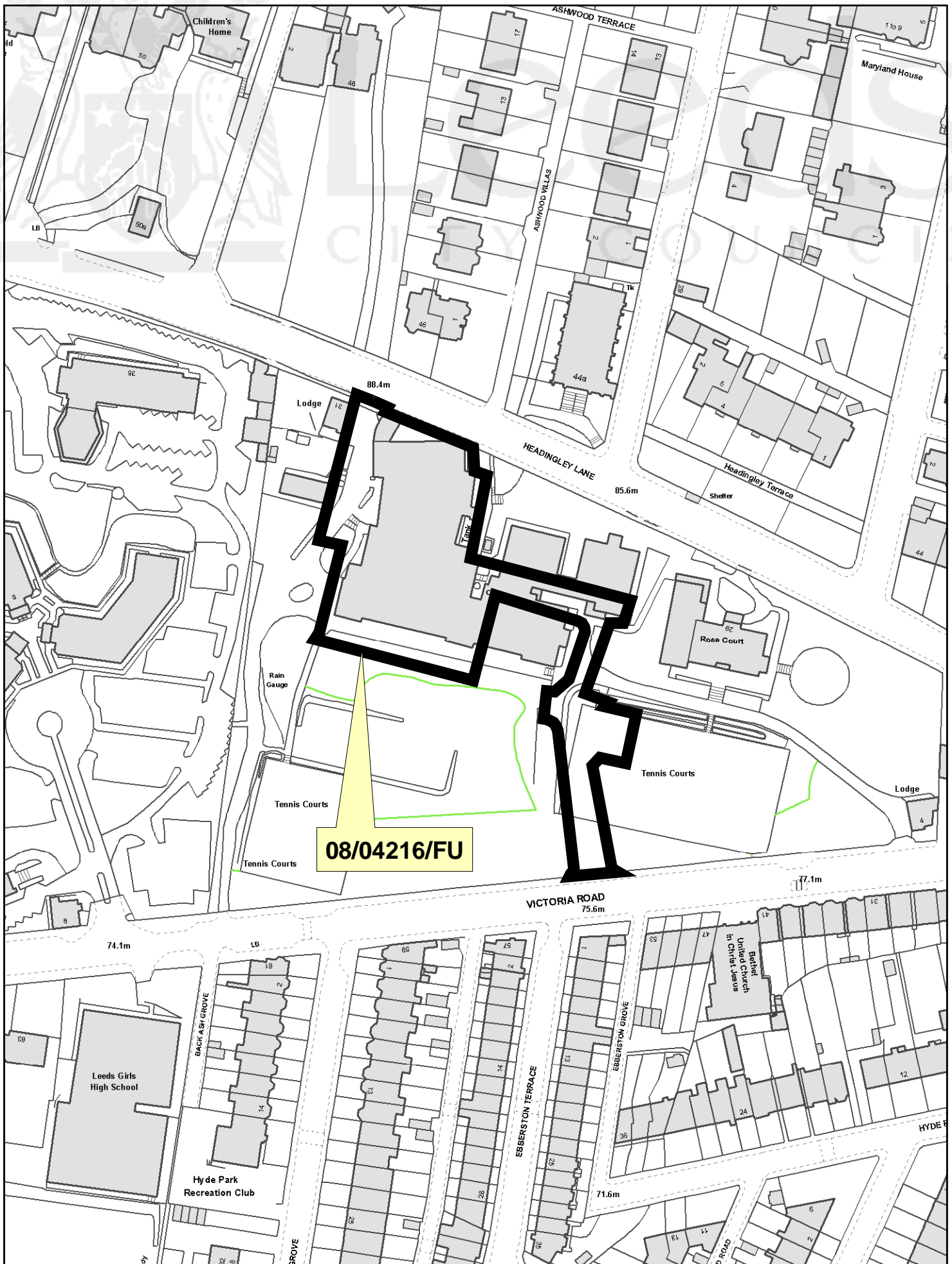




08/04217/CA
08/04214/OT

WEST PLANS PANEL



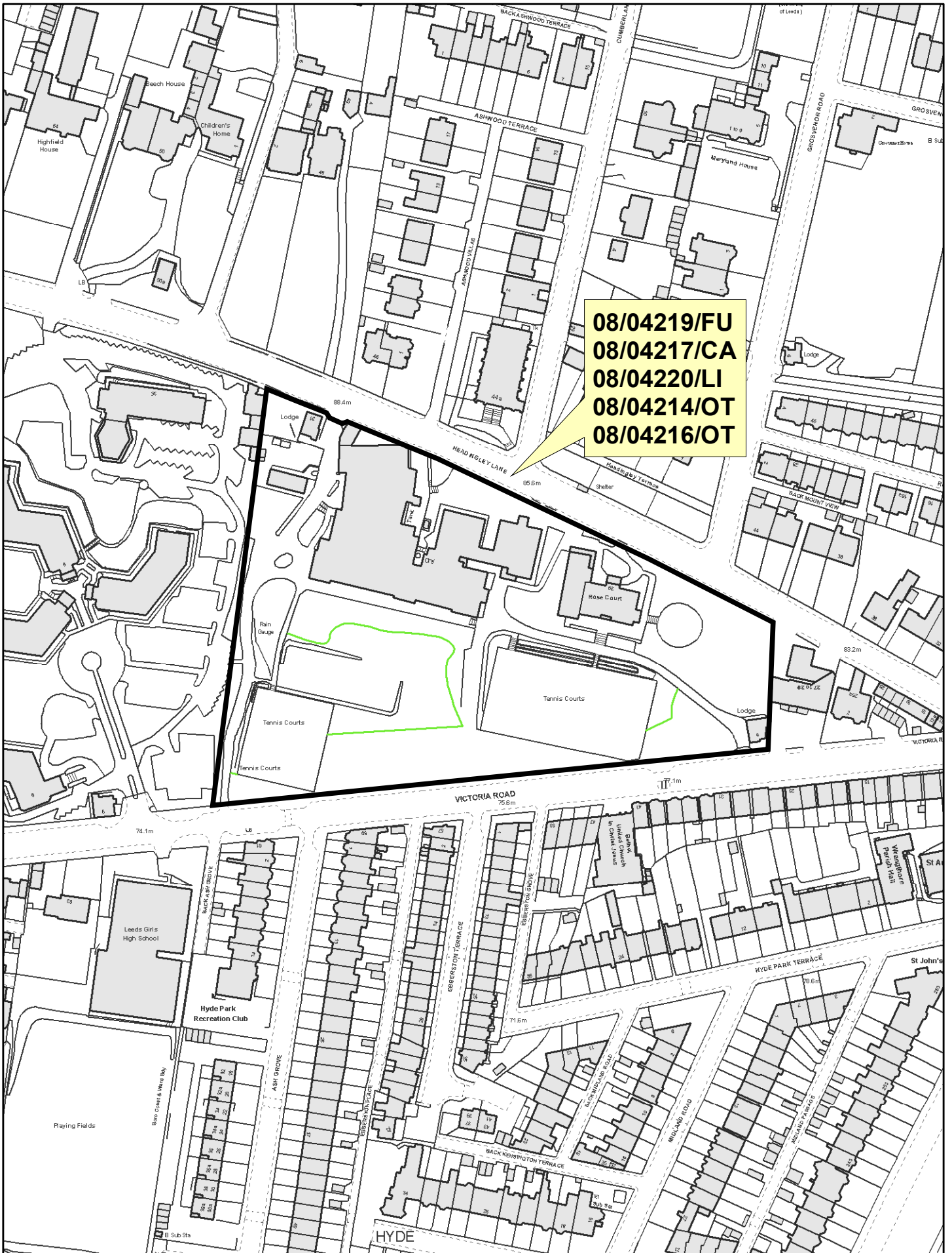


WEST PLANS PANEL

Scale 1/1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
 This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 (c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 (c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567





WEST PLANS PANEL



Scale 1/ 2000

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
 This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 (c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 (c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567

