



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 31st January 2013

Subject: Planning application 12/04556/FU: Demolition of existing buildings and erection of 24 no. bed Secure Children's Home with reception, admissions and administration area and associated secure perimeter wall/fence, landscaping, car parking and access at East Moor Secure Childrens Home, East Moor Lane and land off Tile Lane, Adel

APPLICANT	DATE VALID	TARGET DATE
Public Private Partnership Unit - LCC	01.11.2012	31.01.2013

Electoral Wards Affected:

Adel & Wharfedale

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Grant planning permission subject to the conditions specified below.

1. Standard 3 year time limit to Full permission
2. Development to be carried out in accordance with approved plans
3. Walling and roofing, window and surfacing materials to be submitted and approved
4. Tree protection conditions prior to the demolition
5. No works or development shall commence until a written arboricultural method statement for a tree care plan during construction is submitted and approved by the LPA.
6. Notwithstanding the submitted tree survey T10 shall not be felled unless agreed in writing by the LPA. The preferred option is for these trees to be managed and retained.
7. Submission and implementation of a landscaping plan
8. Landscape maintenance schedule
9. Tree replacement condition
10. No development, demolition or site clearance shall take place until a copy of the Natural England licence issued in respect of Common Pipistrelle bats has been

submitted to the LPA. The Mitigation Plan will include all the recommendations in para. 30 "Mitigation and Compensation" of the Bat Survey Report Ref. R-1392-01 by Brooks Ecological dated September 2012.

11. Submission and approval of surface water drainage details prior to commencement of development
12. Details of bin and cycle storage to be submitted and approved
13. Details of boundary treatments to be submitted and approved
14. Areas to be used by vehicles to be laid out, hard surfaced and drained
15. Notwithstanding the approved plans details of the access to the access road and car park access road to be submitted and approved
16. Phase 2 site investigation report
17. Amendment of remediation statement
18. Submission of verification statements
19. The off site highway works to Tile Lane including the footpath diversion shall be completed prior to the commencement of development.
20. Construction management plan to be submitted prior to the commencement of development with further details in accordance with the principle outlined in the Eastmoor Secure Childrens Home Framework Construction Management Plan.
21. Off site highway works for waiting restrictions to the bus turnaround and the site access road to be implemented prior to first occupation.
22. The hours of construction including deliveries shall be restricted to after 0800 hours and before 1800 Monday to Friday and after 0900 hours to before 1400hours on Saturday. There shall be no construction or deliveries on Sunday or Bank holidays
23. Hours of deliveries to be restricted 1800-0930 hours no construction or delivery vehicles to use Tile Lane and 1445-1530hours no construction or delivery vehicles to use Tile Lane.
24. Prior to first occupation of the building a noise survey shall be submitted and approved to cover the use of air source heat pumps and other forms of mechanical ventilation and extraction. Any recommendations for acoustic attenuation to protect neighbouring residential properties from noise shall be implanted prior to first occupation and thereafter retained
25. The development shall achieve a minimum of 'Very Good' BREEAM Rating with aspirations to achieve 'Excellent'
26. Prior to the commencement of construction of the development an updated Sustainability Statement following the guidelines of the Supplementary Planning Document (SPD) 'Building for Tomorrow Today' shall be submitted which will include a detailed scheme comprising (i) a proposal to use the Waste and Resources Programme's (WRAP) Net Waste Tool kit and an appropriate Site Waste Management Plan (SWMP), (ii) a pre-assessment using the BREEAM assessment method to the agreed BRE standard(s) (iii) an energy plan showing the percentage of on-site energy that will be produced by Low and Zero Carbon (LZC) technologies is at least 10% of on-site demand and a carbon reduction target and plan for the development to meet the 20% carbon emissions reduction target and approved by the Local Planning Authority and the development shall be carried out in accordance with the detailed scheme; and
 - (a) Prior to the occupation of the development a post-construction review statement for that phase shall be submitted by the applicant including a BRE certified BREEAM final assessment and associated paper work and approved in writing by the Local Planning Authority
 - (b) The development and buildings comprised therein shall be maintained in accordance with the approved detailed scheme and post completion review statement or statements

In reaching a decision the case officer dealing with the application has worked with the applicant/agent in a positive way to produce an acceptable scheme in accordance with paragraphs 186 and 187 of the National Planning Policy framework.

In granting permission for this 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 National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR) and the emerging Publication Draft Core Strategy Nov 2012 (DCS) .

BD5: H3: LD1: GP5: N8: N12: N13: N32: N50: N51: T2: T24:
Neighbourhoods for Living

Adel Neighbourhood Design Statement

On balance, the City Council considers that there are material considerations to justify a departure from the Development Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel as the proposed development is on land allocated for housing in the RUDP. The proposals for the Secure unit represents a Departure from the Development Plan. The application is also brought o Panel due to the sensitive nature of the development.
- 1.2 By way of background Secure Children's Homes form part of the secure estate developed and managed by the Youth Justice Board (YJB) to accommodate 10-17 year olds committed to custody by the courts. The YJB aims to ensure that all boys aged under 15 and girls under 17 are cared for either in secure training centres or secure children's homes. The long term strategy for the YJB involves developing a secure estate which meets the aspirations of the Every Child Matters agenda, is child/young person centred and enables young people in secure accommodation to achieve their full potential through high quality care, educational opportunities and training leading to a reduction in re-offending.
- 1.3 Leeds City Council contracts with the YJB to provide secure accommodation for children through the existing Secure Children's Home at East Moor. It is a registered children's home, licensed by the DfE, regulated by OfSTED and managed by Leeds City Council through Children's Services. The YJB monitors performance through commissioning arrangements.
- 1.4 A proposal has been submitted to the Department for Education (DfE) to allow the City Council to replace the current East Moor Secure Children's Home. The key driver to replace East Moor is that the existing buildings do not meet the current standards set by OfSTED and the Youth Justice Board (YJB).

- 1.5 Leeds City Council have an opportunity to invest the capital grant from the DfE of £12.55m to rebuild a 24 bed Secure Children's Home within the defined timescales and funding profile.

2.0 PROPOSAL:

- 2.1 This proposal is for the replacement of the existing 36 bed Eastmoor Secure Children's Home on land to the immediate south of the existing centre with a 24 bed single storey unit. Although the majority of the building would be single storey the ground to roof level is 6 metres in height. The proposal does also include a two storey element, the administration block. The existing all weather playing pitch will remain as part of the new Secure Unit. The existing unit will then be demolished and the land grassed over as part of the final phase of development. Children's Services state they will then declare the land surplus to their requirements and the land can then be given over to Corporate Services who then can potentially use the land for housing. The former site will compensate for the land taken from the housing allocation to build the new unit.
- 2.2 Construction traffic for the secure unit will use Tile Lane. A plan has been prepared in consultation with local residents and officers to provide additional passing places, resurfacing, car parking and diverted footpaths along Tile Lane that will be maintained for the lifetime of the construction phase.
- 2.3 The applicants intend to retain the majority of the trees within the site except for those removed by the building footprint. Additional tree planting will be undertaken to screen the development. The perimeter fence round the building in the woodland areas will be low level fencing 1.8metres high. The main boundary treatment enclosing the outdoor play areas will be 5 metres in height and will be constructed of brick a 3metre base and 2 metres cladding above.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposed site is located in the settlement of Adel some 6km north of Leeds City Centre. The site forms part of an area which has previously been used as a school site and more recently as student accommodation by Leeds Met University. The site has been vacant for some time and is in need of redevelopment.
- 3.2 The site (including the whole former campus area) comprises of a number of buildings of differing uses and styles including houses, dormitories, school buildings and a church. The main school dormitory and the church have recently been listed as Grade II structures. The site is distinctive in nature, abutting attractive open countryside and containing mature woodland (some of which have tree protection orders), open areas and attractive landscape features.
- 3.3 To the north of the site lies the existing operational secure unit, to the east is woodland with residential properties fronting Spring Hill in the south east corner. To the south lies Tile Lane which is generally open and rural in nature although there is ribbon development along a small part of the road frontage. Beyond, and further south, lies East Moor School Farm with open countryside beyond. To the west also lies woodland cover which provides not only recreational space with paths and tracks but also acts as a buffer area between the site and residential development beyond.
- 3.4 The site slopes from the south west to the north east with a gradual variation in land levels of some 7m.

4.0 RELEVANT PLANNING HISTORY:

4.1 07/03001/FU - Laying out of access road, erection of 67 dwellings and landscaping. Approved 23.12.2008.

4.2 Pre-application presentation by the developer to Plans Panel West. September 2012.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant has been engaged in pre-application discussions with the Council since mid 2010. This extensive pre-application process has involved the developer working with the council, local residents and ward Councillors. The developer held 2 pre-application community consultation events prior to presenting the pre-application presentation to Plans Panel. Members may recall the September 2012 pre-application presentation by the applicant. Members commented on the principle of the development its overall design and appearance and broadly welcomed the development. The pre-application process has been positive and has been a good example of developers and local communities working well together.

6.0 PUBLICITY:

6.1 There have been 2 responses received to the publicity of this planning application. One letter is from the Residents of Spring Hill. The following issues have been raised:

- A footpath should be constructed adjacent to Tile Lane and should be retained as a permanent feature
- Winter parking spaces should be provided for the residents of Spring Hill as well as for those on Tile Lane
- Spring Hill should be resurfaced
- The building materials, particularly the roof material do not complement the local area
- The existing trees on site which have grown too tall should be cut down or lopped as they are causing nuisance to existing neighbours.
- More trees should also be planted to screen the development
- Spring Hill residents should be provided with fibre optic broadband
- Issues of light pollution should be addressed
- The proposed secure unit would due to its size, height and siting be over dominant to the properties on Spring Hill.
- Concerns regarding later stages of the consultation responses.
- Confirmation that the 6 foot wooden fence is to be retained.

7.0 CONSULTATION RESPONSES

7.1 **Highways:** No objection subject to planning conditions to control the construction phase use of Tile Lane.

7.2 **Environment Agency:** No objection subject to a planning condition to control surface water run off rates.

7.3 **Flood Risk Management:** No objections subject to a planning condition to control surface water run off rates.

7.4 **Land Contamination Unit:** No objection subject to conditions

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

The adopted Leeds UDPR (2006) Proposals Map identifies the site as a designated residential allocation H3 -1A.35. There are a number of relevant policies in the adopted Leeds UDP Review (2006) as follows:

BD5: New buildings should be designed with consideration of their own amenity and surroundings.

H3: Phase 1 (2003-2008) includes unallocated previously developed windfalls in the main urban areas.

LD1: Landscape schemes to provide visual interest.

GP5: Development proposals should resolve detailed planning considerations.

N8: Urban Green Corridor.

N12: Urban design: Spaces between buildings of importance, new buildings should be good neighbours and respect character and scale of surroundings.

N13: Building design should be high quality and have regard to character and appearance of surroundings.

N32: Green Belt.

N50: Sites of ecological and geological interest.

N51: Buffer areas.

T2: Development should not create problems of highway safety.

T24: Parking standards should be met.

8.2 Supplementary Planning Guidance / Documents:

SPG Neighbourhoods for Living.

Eastmoor Tile Lane Planning Brief.

Adel Neighbourhood Design Statement.

8.3 National Planning Guidance:

National Planning Policy Framework: Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development.

8.4 Emerging Core Strategy

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

8.5 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by

outstanding representations which have been made which will be considered at the future examination.

7.0 MAIN ISSUES

1. Principle of development
2. Urban Design issues
3. Landscape / tree issues
4. Highway issues
5. Neighbouring residents amenity
6. Other matters

8.0 APPRAISAL

Principle

- 8.1 The site forms part of the Housing Allocation identified under policy H3 of the adopted RUDP. The new secure unit would result in the loss of land that is allocated for housing. However the old secure unit which is to be demolished and the land grassed over is of a similar size and could be brought forward to compensate for the loss of the housing allocation site. In addition the creation of new purpose built accommodation facilities which meet with current education policy designed to help every child and young person is welcome. Furthermore the new secure unit is considered an improvement over the design and appearance of the existing unit which is considered poorly sited and related to the listed building. The principle of creating the new secure unit is considered acceptable on this basis.

Urban Design and Impact on the setting of the neighbouring listed building

- 8.2 The site is adjacent to Grade II Listed Buildings. The design of the development has been carefully assessed to ensure the impact it will have upon the setting of these Listed Buildings has been managed sensitively to preserve the setting. Although the new secure unit will introduce a large form of development close to the listed building it is considered the design, size and siting of the new building is an improvement upon the relationship of the old secure unit. The new secure unit will be sited further away from the listed buildings than the current secure unit. The new secure unit has been designed so as to not result in an over bearing or dominant form of development that competes with the listed building. This is within the context of the design requirements placed upon the secure unit from the Department of Justice and Department of Education. The secure unit has been sited to allow the building itself to provide the barrier between the listed building rather than using a high perimeter boundary treatment. The boundary treatment facing the listed building will be a simple mesh fencing 1.8metres high. Overall the new secure unit is considered to have a neutral effect upon the setting of the listed building.

- 8.3 The design for the secure unit accords with the Development Framework Plan for the East Moor site which was produced by the Council. The Plan provided the developers with guidance on the types of design the Council would consider appropriate for this location and also gave guidance as to the stand off distances from the listed building which the new secure unit should respect. The choice of materials used for the development is particularly important both for preserving the setting of the listed building but also to ensure future occupiers have a sense of place and the unit can sit comfortably next to a future housing scheme. The main material to be used is brick for the walls of the residential units, education units and for the administration blocks. The building incorporate some high level windows into external elevations for the

secure areas. Timber cladding is used on the administration block in locations to add variety and interest to the elevations.

- 8.4 Although the majority of the new secure unit will be single storey to meet with education policies the walls will still be 4.2 metres in height. Externally this will appear two storeys when taking into account the roof. The building needs walls this high because 4.2 metres is an internal height which prevents children from gaining access to the roof should one child stand on another's shoulders.
- 8.5 The pitched roofs will be constructed from powder coated steel which will be coloured grey. Roof lights will be inserted into the roofs.
- 8.6 The administration block will be a two storey building. Only staff will have access to the first floor of this building. As this block is not connected to the residential blocks this building will have opening windows which should soften its appearance and also provide good amenities for the occupiers.
- 8.7 Trees and Landscaping and biodiversity
- 8.8 Trees and the wider landscape setting are a defining feature of this site. The new unit requires the removal of a number of trees to facilitate its development. Overall this is considered acceptable because the majority of the trees are not good specimens and the trees which provide screening and a buffer to the neighbouring houses and wider green belt are being retained. Tree T10 which is a category A tree and is shown to be removed as it will be located in the new car park is requested to be retained. It is considered there is the possibility to keep this tree and re-provide the lost car parking to the north of the proposed car park. A verbal update will be brought to panel on the outcome of this negotiation with the applicant.
- 8.9 New tree planting is proposed as part of the application. The trees proposed will be planted all around the perimeter of the new secure unit. 36 trees are proposed to be planted around the site's perimeter. This extra tree planting should further add to the screening provided by the retained trees from neighbouring residents and should also further soften the impact of the secure unit on the listed buildings.
- 8.10 Previous site surveys have confirmed the presence of bat roosts in a number of buildings on site. Demolition of these buildings would result in the obvious loss of such roosts and replacements are therefore required. Circular 6/2005 provides advice on statutory obligations in the planning system on biodiversity, a planning condition has been attached to ensure that suitable roosts are re-provided and that surveys are carried out to protect bats.
- 8.11 Highways
- 8.12 A central issue with the proposed development will be the construction phase of the new secure unit. A framework construction management plan has been prepared to take account of the sensitivities of using Tile Lane as the access for construction traffic and deliveries. It is proposed to create temporary passing places and car parking spaces for existing residents of Tile Lane to mitigate the effects of the development traffic. Once the development is completed these features will be removed to preserve Tile Lane's rural character unless local residents request they are retained. Tile Lane does not have a footpath and pedestrians and car users currently share the highway. The introduction of construction vehicles requires that a safe footpath be created. The applicants are proposing to create the footpath in the farm fields that run parallel to Tile Lane. This footpath will be in place prior to the

commencement of development and the applicant has indicated that should residents wish it to be retained once construction has finished they will not remove it. In addition conditions are attached to ensure construction deliveries do not take place around school drop off and pick up times.

8.13 In terms of car parking numbers, it is accepted that the operations of the secure unit constitute a special case. It is not located in a sustainable location and as a result the majority of those travelling to the site will drive. It is not envisaged there will be any significant overspill parking on the access road or surrounding residential streets. The proposed secure unit will have a new car parking area created for visitors and staff which is considered sufficient to meet the new facilities parking demands. Subject to further discussions on T10 tree this car parking area is considered sufficient to meet the demands of staff and visitors. Overall the access arrangements are considered acceptable.

8.15 Neighbouring residents amenity

8.16 The proposed development is considered to be well sited and designed in relation to its impacts on the neighboring residents. The new secure unit will be about 43 metres from the properties on Spring Hill. Although there is a change of levels between the proposal and the neighbours the distance combined with the retained trees and new tree planting should ensure that there is no unacceptable over looking or dominance.

8.17 Other Matters

8.18 The issue raised by the objectors not covered above include requests for tree works to existing trees that have grown too tall or are impacting on a boundary wall and requests for improved broadband services and also requests that Spring Hill should be upgraded and repaired. All of these points are considered outside of reasonable, relevant and necessary tests applied to planning conditions. The applicant has stated they will fill in any pot holes and undertake limited resurfacing repairs to Spring Hill but this is not a requirement of the planning process. The issue with the existing trees that residents wish to see resolved is a private land owner matter as these trees are not related to the development.

8.19 Conclusion

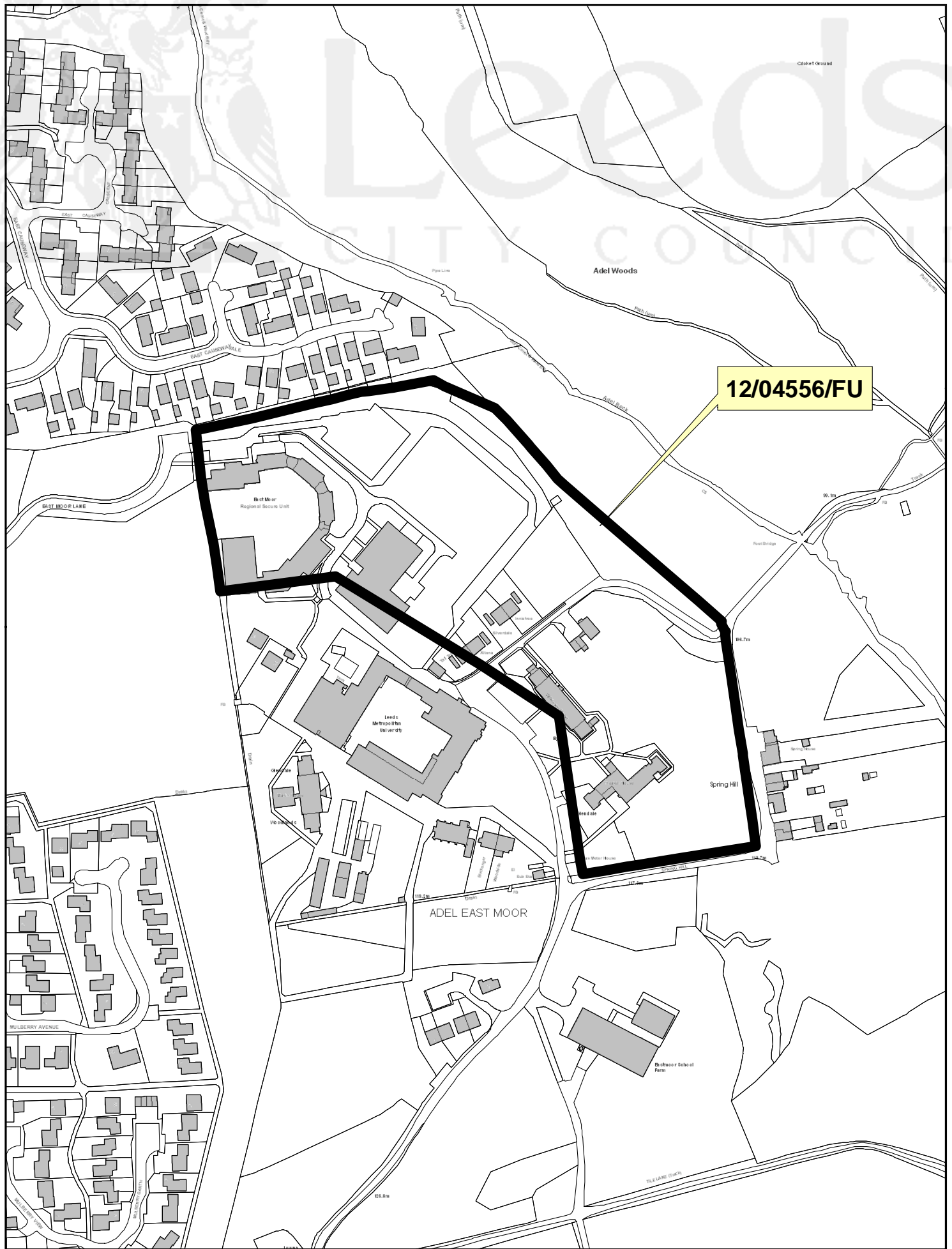
8.20 Overall the planning application is considered to present a positive form of development. The new secure unit will have a neutral effect upon the setting of the listed buildings. The temporary highway works to Tile Lane will mitigate the effects of the construction phase of the development and potentially leave a lasting benefit in the form of safe footpaths. The proposed planting around the building should improve the screening. The demolition of the old secure unit and the potential for the land to be given over to future housing development to compensate for the loss of the housing allocation by the new unit is also positive. The new facilities will provide future occupiers with accommodation and facilities that are up to date and in accordance with central government guidance which is also a positive development.

8.21 Overall the development is considered to comply with the aims and objectives of the Development Plan. There are no other material considerations that outweigh this finding. Approval is recommended.

Background Papers:

Application and history files.

Certificate of ownership



12/04556/FU

SOUTH AND WEST PLANS PANEL