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**PLANS PANEL (WEST)**

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Meeting to be held in Civic Hall, Leeds on  
Thursday, 12th January, 2012  
at 1.30 pm

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**MEMBERSHIP**

**Councillors**

N Taggart (Chair)	B Chastney	P Wadsworth	T Leadley
J Akhtar	J Matthews	R Wood	
M Coulson			
K Groves			
J Hardy			
J Harper			

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence</p>	
6			<p><b>MINUTES - 8 DECEMBER 2011</b></p> <p>To confirm as a correct record, the minutes of the Plans Panel West meeting held on 8 December 2011</p>	3 - 12
7	Bramley and Stanningley;		<p><b>APPLICATION 11/03417/FU - SPRINGFIELD MILL, STANNINGLEY ROAD, STANNINGLEY, PUDSEY, LS13 3LY</b></p> <p>To receive a report of the Chief Planning Officer regarding a full planning application for a detached retail unit with car parking.</p> <p>(report attached)</p>	13 - 28

Item No	Ward	Item Not Open		Page No
8	Headingley;		<p><b>PRE-APPLICATION PRESENTATION - PREAPP/11/01241 - LEEDS GIRLS HIGH SCHOOL, 31 HEADINGLEY LANE, HEADINGLEY, LS6 1BN</b></p> <p>To consider a report of the Chief Planning Officer and receive a pre-application presentation on the proposals for a residential development at the site of the Leeds Girls High School, 31 Headingley Lane, Headingley, Leeds.</p> <p><i>This is a pre-application presentation and no formal decision on the development will be taken, however it is an opportunity for Panel Members to ask questions, raise issues, seek clarification and comment on the proposals at this stage. There is no opportunity for public speaking about the proposals outlined in the presentation.</i></p> <p>(report attached)</p>	29 - 42
9			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>To note the date and time of the next meeting as Thursday, 2 February 2012.</p>	

To:

Members of Plans Panel (West)  
Plus appropriate Ward Members and  
Parish/Town Councils

**Chief Executive's Department**  
Democratic Services  
4<sup>th</sup> Floor West  
Civic Hall  
Leeds LS1 1UR

Contact: Andy Booth  
Tel: 0113 247 4325  
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Andy.booth@leeds.gov.uk  
Your reference:  
Our reference: ppw/sitevisit/  
2011

Dear Councillor

**PLANS PANEL (WEST) – SITE VISITS – THURSDAY, 12 JANUARY 2012 AT 1.30 pm**

Prior to the next meeting of Plans Panel West there will be site visits in respect of the following;

- 1                    10.40 - **Application 11/03417/FU** – Detached Retail Unit with Car Parking at former Springfield Mill site, Stanningley Road, Bramley (Meet on Stanningley Road at front of site if travelling independently) Leave 10.55
  
- 2                    11.10 On site – **Pre Application presentation** for residential development, Conservation Area Consent for demolition, change of use of Rose Court Flats and Listed Building Application for alterations to Rose Court – Former Leeds Girls High School site, Headingley Lane, Headingley. (meet at access to site off Headingley Lane if travelling independently) Leave 11.50

Return to Civic Hall at 12.00 p.m. approximately

**A minibus will leave the Civic Hall at 10.20 am prompt.** Please contact Steve Butler Area Planning Manager (West) Tel: (0113) 2243421 if you are intending to come on the site visits and meet in the Civic Hall Ante Chamber at 10.15 am

Yours sincerely

**Andy Booth**  
**Governance Officer**

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# Agenda Item 6

## PLANS PANEL (WEST)

THURSDAY, 8TH DECEMBER, 2011

**PRESENT:** Councillor N Taggart in the Chair

Councillors J Akhtar, B Chastney,  
M Coulson, K Groves, J Hardy, T Leadley,  
P Wadsworth, C Fox, M Hamilton and  
E Nash

### 80 **Late Items**

The Panel received a supplementary agenda which included the report for Agenda Item 13, Applications 11/04253/FU and 11/04253 – Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall

### 81 **Declarations of Interest**

Councillors Chastney and Akhtar declared a personal interest in Agenda Item 7, Application to Register Land as a Town or Village Green at Butcher Hill West Park due to their membership of the North West Inner Area Committee.

Councillor Fox declared a personal interest in Agenda Item 8, Stonebridge Mills, Stonebridge Lane, Wortley and Agenda Item 13, Commercial Road/Kirkstall Hill/Kirkstall Lane, Kirkstall as he had a family member who was a Tesco shareholder. He also declared a personal and prejudicial interest in Agenda item 11, The Tannery, Leeds Road, Otley as he knew the applicant.

### 82 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Harper, J Matthews and R Wood.

Councillors E Nash, M Hamilton and C Fox were in attendance as substitute Members.

### 83 **Minutes - 10 November 2011**

**RESOLVED** – That the minutes of the meeting held on 10 November 2011 be confirmed as a correct record.

### 84 **Matters Arising**

With regard to a previous decision of the Plans Panel West in respect of a Town or Village Green application at Yeadon Banks, it was reported that the decision had been the subject of a High Court challenge and Judicial Review. The landowner had argued that the application was retrospective in nature, that legislation was grotesquely unfair to landowners and should not be relevant until 20 years after the provision of the relevant act i.e. 2020. The

Draft minutes to be approved at the meeting  
to be held on Thursday, 12th January, 2012

landowner had also challenged the decision through Human Rights legislation as they felt there was no fair balance in the landowners interest. A strong judgement had been made against these appeals and they had been dismissed, it was also requested that the landowner met the Council's costs in this case. The landowner had indicated that they would further appeal to the Supreme Court and had until 30 December 2011 to do so. Part of the land in the application was owned by the Council.

It was also reported that the Chancellor had announced that the Leeds City Region Rail Growth Pack had been approved. The new stations at Kirkstall Forge and Apperley Bridge would now go ahead along with the development of twelve hundred dwellings and commercial developments at Kirkstall Forge. The development would support the creation of 2,500 to 4,000 jobs and lever in £350 million investment. It was hoped that the scheme would reduce congestion on the A65. It was anticipated that work would commence in the summer of 2013 with the station being ready for the end of that year.

**85 Applications to Register Land at Butcher Hill, West Park and Old Farm Drive, Leeds as Town or Village Greens Under the Provisions of Section 15(1) of the Commons Act 2006**

The report of the City Solicitor informed Members of three applications that had been submitted to the Council by Councillor B Atha and the Spennings Hill Resident's Association, Moor Grange Action Group, West Park Resident's Association, Kirkstall Crusaders, Hawkesworth Community Association and North West (Inner) Area committee (The Applicant) for the registration of areas of land identified by the Applicant to be Butcher Hill Playing Fields, West Park Playing Fields and land off Old Farm Drive (the application sites) as Town or Village Greens under the provision of section 15(1) of the Commons Act 2006.

The report advised Members of the relevant issues which should be taken into account in considering the applications and to seek a determination as to the procedure that should be followed in order to resolve the applications and in particular whether in the circumstances outlined whether non statutory public hearings should be held.

The applicant had maintained that the test had been met to register the areas of land concerned as a Town or Village Green and had provided evidence to support this, this was rebutted by the landowner. As it was clear there was a matter of dispute between the applicant and the landowner, the Panel was advised to decide whether to appoint an independent inspector to conduct an inquiry into the application.

Members discussed the possibility of the plans Panel conducting an inquiry into the applications. It was reported that this would require significant training for the Panel and hearings could be held over several days. There was also an issue of the Council owning some of the land and a perception of how this could be viewed. Further suggestions were made as to how the Panel could proceed with this matter and members were asked to vote on the following:



- To appoint an independent Inspector
- To defer the decision for further investigation into the implications of the Plans Panel (West) carrying out the inquiry.
- That the Plans Panel (West) carry out an inquiry into the applications.

Members were further advised that in these cases where distinct opposite views had been made, that an independent inspector should be appointed. It was also mentioned that Members would have to sit through all the evidence at all stages of the inquiry.

**RESOLVED** – That the Plans Panel (West) carry out an inquiry into the applications.

**86 APPLICATIONS 11/03820/FU, 11/03826/FU AND 11/03828/LI -  
STONEBRIDGE MILLS, STONEBRIDGE LANE, WORTLEY, LS12**

The report of the Chief Planning Officer provided the Panel with a position statement on an application for Stonebridge Mills, Stonebridge Lane, Wortley. The report had been deferred from the previous meeting to allow Members an opportunity for a site visit. The site visit had taken place prior to the Panel meeting.

Members were shown plans and photographs of the site and attention was brought to the listed buildings on the site. The Panel was informed of which buildings were earmarked for demolition and concern was expressed regarding the justification for the removal of listed buildings. Further issues highlighted in relation to the application included the following:

- Negotiations with Highways were ongoing.
- The possibility of having a bus lay by on Stonebridge Lane.
- Metro request for a hopper bus.
- Environment and Neighbourhoods had been consulted and would not object to 24 hour deliveries to the proposed supermarket.
- Members were asked to consider the heritage assets of the site. It was reported that the condition of some of the buildings on site had deteriorated and were in need of repair work.

In response to Members comments and questions, the following issues were discussed:

- Members were strongly of the view that listed buildings should be retained where possible. The scheme should come forward with a total package for the historic buildings on site including their reuse with viable uses and not just proposals to use some and seal and secure others.
- In the meantime existing buildings to be retained should be protected to prevent further deterioration.
- Reclamation and reuse of stone should any buildings be demolished.
- Ensuring the retained mill pond had value by the development of a management plan.

- Highways issues – Members were shown details of access to the site and proposed road layouts.

**RESOLVED** – That the report be noted.

(Councillor Taggart declared a personal interest in this item due to his position as Chair of the West Yorkshire Joint Services Committee as representations had been made by the West Yorkshire Archaeology Service. Councillor Hardy also declared the same personal interest as a substitute Member of the West Yorkshire Joint Services Committee).

**87 Applications 11/04253/FU and 11/04253 - Commercial Road/Kirkstall Lane/Kirkstall Hill, Kirkstall**

The report of the Chief Planning Officer provided a position statement on the application for the redevelopment of land surrounded by Commercial Road, Kirkstall Lane, Kirkstall Hill and Beecroft Street in Kirkstall. It was proposed to demolish all the current buildings on the site and these would be replaced with a new supermarket, three storey car park, 7 smaller retail units, a new community centre and a replacement Post Office Workers Club. There would also be a play area to the front of the site.

Members were shown site plans and photos of the site and a model of the proposed development was on display at the meeting. Further issues highlighted included the following:

- Entrances to the site – there would be vehicular entrances at Commercial Street and Kirkstall lane (servicing entrance).
- The scheme would introduce significant highways changes – Commercial Road would be widened to 3 lanes to allow access and new traffic signals would be installed. Kirkstall Hill would also be widened with traffic lights installed and Beecroft Street would become one way out onto Commercial Road but would be widened from its junction with Sandford road up to the junction with Kirkstall Hill. Concerns had been received from Highways regarding the capacity of the local road network to deal with the traffic but a full response to the traffic impact was awaited.
- Impact of a high building development with a small footprint and the impacts on views from Kirkstall Abbey, Beecroft Street and within the wider area given its hillside location.
- Consideration of materials to be used on the proposed development.
- Concern that the size and scale of the proposals together with the associated highways works would create a retail island. Further information would be brought on the likely retail impact.
- The proposed development would create approximately 400 jobs and be a significant regeneration scheme for the area on a largely vacant site.

Members were asked for their initial views on the proposals. The following issues were discussed:

- Highways concerns – roads in the area were already at a saturation level with congestion at junctions and the proposals would bring more traffic into the area. Highways would be able to provide more analysis and assessment of impact in due course.
- Concern that the proposal was not fitting for the area and was more suited to an out of town development. Comparisons were made to a similar development in Batley where the additional retail units had remained empty. Whilst Members were keen to see something happen on this site and were aware of the physical challenges in bringing a scheme forward on the site, there was a general consensus that the scheme presented due to its size, scale and impact would be out of character and detrimental.
- Concern about pedestrian access arrangements.
- Concern regarding the siting and detail of the Children's play area.
- Concern of some Members about the demolition of the existing terrace of commercial premises on the Commercial Road frontage..

**RESOLVED** – That the report and discussion be noted.

(Councillor Nash declared a personal interest as she was a Member of the Co-Operative Retail Group).

**88 Application 11/01860/FU - Carlisle Road/New Street Pudsey**

The report of the Chief Planning Officer informed Members of an application to demolish some existing industrial buildings on an industrial site and replace them with 23 dwellings which would range in size from 2 to 4 bedrooms at Carlisle Road/New Street, Pudsey.

Members were shown site plans and photographs of the site. Members had visited the site prior to the meeting.

Further issues highlighted in relation to the application included the following:

- The design of buildings would be simple to reflect current small buildings and materials would include red brick at the bottom and rendering above. Discussions were ongoing regarding the possible reuse of the stone from the mill building.
- The land was not allocated for residential use in the UDP. The site had been marketed for commercial usage since 2006 and no interest had been received.
- It was not financially viable to convert the mill building into flats.
- Adjoining industrial buildings – discussions would be held with Environmental Health and the Applicant regarding the impact on the new development of the adjoining business and what mitigation measures may be required.
- Reference to Section 106 agreements and provision of greenspace contribution, affordable housing, bus stop upgrades and Metrocards for residents..

In response to Members comments and questions, discussion focussed on the surrounding industrial properties. Further discussion with Environmental Health would consider the possibility of noise disturbance to any new properties and what mitigation was necessary – this may necessitate some change to the layout or more robust boundary treatment. It was reported that there had not been any complaints or objections from existing properties about the 24 hour operation of the existing business adjoining.

**RESOLVED** – That the application be deferred and delegated to the Chief Planning Officer after further consultation with Ward Members and subject to the submission of a noise report and satisfactory resolution of any issues arising including adequate mitigation and the signing of a Section 106 Agreement to cover:

- Funding for offsite greenspace (£64,570.02)
- Provision of 3 affordable houses on site (2 submarket (plots 12 and 16) and 1 social rent (plot 4))
- Funding for upgrades to two bus stops (£6,000) and metrocards for first 3 years from occupation
- Conditions included in the report and any others considered necessary.

**89 Leeds Bradford International Airport - Monitoring Report of Night Time Aircraft Movements, Noise Levels and Air Quality**

The report of the Chief Planning Officer reminded Members of the previous monitoring report when there had been two breaches of the planning condition relating to night flying and aircraft noise.

It was reported that during the last monitoring period (March to October 2011 inclusive) there had been no further breaches. Members were also informed that a test flight was planned for the new B777 plane that would be used by PIA and was to be introduced in 2012. This would be quieter than the existing plans that was used.

**RESOLVED** –

- (1) That the report be noted in relation to the night time movements, noise and air quality movements. Members also advised that as aircraft technology evolved, aircraft noise should continue to reduce.
- (2) That continued support for the approach of officers in seeking to resolve any future issue of PIA breaches by continued dialogue rather than formal action at this stage, given that no breaches had occurred in the last eight months, be agreed.
- (3) That a verbal update on the introduction of the B777 aircraft for PIA flights be given at a future Panel meeting.
- (4) That Members be updated and a further report on the night time movements, noise and air quality monitoring be reported in six months time.

**90 Application 11/04581FU - St Ann's Lodge. St Ann's Lane, Burley**

The report of the Chief Planning Officer informed the Plans Panel of an application for the change of use of a former hostel into student

accommodation. There were no physical alterations proposed to the property both externally and internally. The application was solely concerned with the use of the building. The application had been brought to the Panel following objections from local Ward Members.

Members were shown site plans and photographs. Further issues highlighted in relation to the application included the following:

- There were trees covered by Tree Protection Orders (TPOs) in the grounds.
- The building was in a residential area.
- Further objections had been received from the HMO Lobby and local residents.
- The property was not suitable to be converted for family use.
- It was over 35 metres from the nearest residential properties.
- The application was recommended for approval as it met all criteria of Policy H15.

In response to Members comments and questions, the following issues were discussed:

- The property was previously used by the YMCA and was mainly used for short term lets and had a high turnover of occupants.
- Further to objections it was not contrary to Policy H15 as all criteria had been met. The Panel was informed of the criteria involved.
- Members generally felt that the building was better being put back into use.

**RESOLVED** – That planning permission be granted subject to conditions outlined in the report.

**91 Applications 11/04382/FU and 11/04383/CA - The Tannery, Leeds Road, Otley**

The report of the Chief Planning Officer referred to previous applications that had been considered by the Panel and reminded Members of the decision to refuse planning permission in June. At that meeting, Members had also discussed other options and had voted in favour of supporting the full demolition of the Tannery building should an acceptable alternative scheme be proposed.

The application consisted of 10 houses in 3 blocks to replace the Tannery building. This would include two rows of 4 terraced properties and 2 adjoining town houses. Members were shown site plans and photographs of the site.

Further issues highlighted in relation to the application included the following:

- The building was within the Otley Conservation Area but was not listed or listable.

- Reference to previous applications included those that supported some retention of the building.
- Representations against and in support of the application.
- Re-use of stone from the building in the new development and landscaping works.
- Proposed contribution for Metro.
- Retention of the Otley Town Council plaque.

The applicant addressed the meeting. The following issues were highlighted:

- Active marketing of the site had not proved successful.
- The building was in an unlettable condition.
- Otley Museum had rejected an offer to take the building on.
- It would cost too much to bring the building back into a useable condition.
- The proposals for family housing were sympathetic to the area.

Members briefly discussed the proposals and the use of stone as opposed to red brick was suggested along with alterations to the positioning of the front doors on the two adjoining properties.

An objector to the application addressed the meeting. The following issues were highlighted.

- The Tannery was a historic building and was the first distinctive landmark when travelling into the Otley Conservation Area.
- Part of the building was still in use and alternative ways of utilising the building could be investigated.
- Access to the site.
- Members had previously agreed demolition subject to a high quality scheme. It was not felt that red brick would be appropriate and the conservation area was defined by stone buildings.

In response to Members comments and questions, further discussion was held regarding the use of materials with further emphasis being placed on the use of stone and for slate roofs.

**RESOLVED** – That approval be deferred and delegated to the Chief Planning Officer subject to the signing of a Section 106 agreement before the 16 January 2012 to ensure the following:

- Greenspace contribution of £23,902.59
- Off site highways of £5,000
- Metro Card contribution of £4,700

Subject to conditions as outlined in the report and no further representations raising new material issues being received prior to the end of the further publicity period on 15 December 2011. Further consultation

to held regarding the use of slate and stone and positioning of doors and windows.

- 92**    **Date and Time of Next Meeting**  
Thursday, 12 January 2012 at 1.30 p.m.

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**Leeds**  
CITY COUNCIL

Originator: Ian Cyhanko

Tel: (0113) 24 74461

## Report of the Chief Planning Officer

### PLANS PANEL WEST

Date: 12<sup>th</sup> January 2012

**Subject: PLANNING APPLICATION 11/03417/FU – Detached retail unit with Car Parking at former Springfield Mill site, Stanningley Road, Bramley, Leeds, LS13 3LY**

#### APPLICANT

Aldi UK

#### DATE VALID

16 August 2011

#### TARGET DATE

15 November 2011

#### Electoral Wards Affected:

**Bramley and Stanningley**

Yes Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER AND DELEGATE approval to the Chief Planning Officer, subject to the signing of a Section 106 agreement within three months from the date of the resolution to ensure the following: -**

- **Travel Plan, Travel Plan Coordinator and monitoring fee of £2,500;**
- **Store to be a discount supermarket only; and**
- **Local employment initiatives**
- **Public Transport Contribution of £52,903**

**and subject to the following conditions:**

1. **3 year time limit;**
2. **In accordance with the approved plans;**
3. **Restriction on good which can be sold, no tobacco, lottery, dry Cleaning, newspaper, magazines, in store counters etc**
4. **Area used by vehicles laid out, surfaced and drained;**
5. **Max gradients to areas to be used by vehicles,**

6. Car park to be completed prior to opening and retained thereafter
7. Details of cycle and motorcycle parking;
8. Visibility splays of 2.4m x 90m in each direction onto Stanningley Road
9. Travel Plan Measures;
10. Methods to be employed to prevent mud, grit and dirt being carried onto the public highway;
11. All off-site highway works completed before first occupation; (S278 agreement)
12. The access boundary treatment details to be submitted, including 1m max height of stone wall for 2m lengths at sides of access
13. Materials details and samples of external walling and roofing;
14. Details of surface materials;
15. Construction management plan;
16. Specific hour of construction;
17. Store Opening Hours; details to be submitted and approved by LPA
18. Store Delivery Hours only between hours of 07:00 and 21:00;
19. Delivery Scheme to be submitted and approved
20. HGV's over 7m in length to be made outside opening hours but not between 21:00 and 07:00
21. Details of plant to be submitted to, and approved by LPA, shall not exceed 5dB (A) below the lowest background (L90)
22. Full details of acoustic barrier along boundary opposite service yard
23. Provision of facilities for storage and disposal of litter;
24. Lighting Scheme;
25. Window Adverts;
26. Landscape maintenance and implementation;
27. Replacement planting within 5 years;
28. Root Protection of existing TPO trees (on adjacent land)
29. Boundary details;
30. Scheme to secure the car park outside opening hours;
31. Drainage details to be approved.
32. Surface water run-off rate;
33. Provision of oil interceptors;
34. Site remediation.
  
35. 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 Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies SA2, SA5, SP7, GP5, N12, N13, A4, BD5, BC7, N12, N39, LD1, S2, S5, T2 and T24.

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.**

## **1.0 INTRODUCTION:**

- 1.1 This application has been made following pre-application meetings and discussions with the Local Planning Authority and following a public exhibition and community consultation over the past year.
- 1.2 It is brought before Plans Panel due to the level of local representation produced and because the proposal does constitute out of centre retail development.

## **2.0 PROPOSAL:**

- 2.1 The proposal is the construction of a detached retail food store of 1448m<sup>2</sup> with an internal sales area of 990m<sup>2</sup> with 90 no car parking spaces and associated hard and soft landscaping. Aldi UK are a discount food retailer; they propose around 20 – 30 jobs (mixture of part and full-time).
- 2.2 The building proposed is of brick construction with a clad apex roof construction. Some glazing is also shown around the public entrance (south-west corner) and the southern elevation. Its height at the highest point of the roof is 7m, with a shallow sloping pitched roof.
- 2.2 The site would be accessed by a new access point onto Stanningley Road. The existing stone wall frontage onto this road would be retained but lowered, to afford views into the site.
- 2.3 A draft Section 106 'Heads of Terms' Planning Obligation has been produced which lists the production of a Travel Plan (which incurs a monitoring fee of £2500), a contribution to be made to Public Transport and to endeavour to make employment opportunities available via the Council's Jobs and Skills Services.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site, which is 0.65 hectares in area, is located on the northern side of Stanningley Road, to the west of the roundabout at Bramley Town End. Until 2007 there was a substantial complex of traditional industrial buildings on the site. These had become disused and derelict in their last years and were subject to vandalism. The buildings have been demolished in anticipation of redevelopment. Springfield Mills, (circa. 1880) occupied the eastern part of the site. Craven Mills occupied the remainder of the site. The

complex was accessed from Stanningley Road close to its junction with Ashby Avenue.

- 3.3 Springfield Mills, along the Stanningley Road site frontage, consisted of mainly single storey buildings of stone construction with pitched slate roofs. At the eastern end of the complex, the buildings were two storeys again of stone and slate construction. Attached to the rear of these buildings to the north east was a single storey brick building. The remainder of the site consisted of a series of sheds with asymmetrical pitches and roof-lights, which were about 1.5 storeys in height. There was also a substantial chimney within the site.
- 3.4 The adjacent Craven Mills, (circa. 1930), were more imposing. The main building is the 4-storey mill at the north east corner of the site facing onto Daisyfield Road and Windsor Court. The bulk of the building then reduced to 2 storey and then single storey along Daisyfield Road towards Ashby Avenue and down to 2 storeys and 1.5 storeys back towards Springfield Mill. There was a 4-storey tower in the middle which had telecoms equipment attached to the top of it. Craven Mills also had a large yard, which was open along the Ashby Avenue frontage.
- 3.5 The surrounding area is predominantly residential in nature. To the north is a modern residential development comprising 3 storey flats and 2 storey town houses at Windsor Court. There are substantial trees adjacent to the application site boundary within the rear gardens of the flats; these trees are protected by a TPO. To the east of the former Springfield Mills is a modern 2 storey flat development at Osbourne Court. Flat numbers 19 to 37 faced towards the stone two storey part of Springfield Mill, (known as Town End Works), which had windows on both floors facing the flats. There is a terrace of houses on the opposite side of Stanningley Road to the south with open space on either side. The terrace is 2 storey of traditional design with some dormers in the roof space. To the south west on the other side of Ashby Avenue is the rear of a 2 storey café at the Stanningley Road junction with 2 storey brick terrace houses behind.

#### **4.0 Relevant Planning History:**

- 4.1 08/03221/FU: Change of use of mill to offices and erection of 3 storey office block and part 3 and part 4 storey office block, with car parking. Refused on 'out of centre' and parking grounds. Dismissed at appeal in February 2009.
- 4.2 07/01516/FU: Change of use including part demolition of mill and 2 storey roof extension to 39 flats and erection of part 3 part 4 storey block of 21 flats and 3 storey block of 6 three bedroom terrace houses and 6 one bedroom flats on the combined Springfield and Craven Mills site. Approved March 2010.

- 4.3 06/04274/OT: Outline application to erect residential development on the Springfield Mills site only Approved 30 January 2007. All matters are reserved for future approval.
- 4.4 06/00579/FU: Demolition of mills, laying out of access road and erection of 58 flats in 3 blocks with car parking on the combined Springfield and Craven Mills site refused on 18 May 2006. The reasons for refusal concerned the proposed massing, the lack of an adequate building presence along the Stanningley Road frontage, the positioning of the development in close proximity to 19-37 Osbourne Court and the lack of useable amenity open space. An appeal lodged against this refusal was dismissed on 23 February 2007.
- 4.5 24/552/03/OT: Outline application to erect residential development on the Craven Mills site only approved 24th March 2004. This permission has since expired.

## **5.0 HISTORY OF NEGIOGATIONS**

- 5.1 Informal pre-application discussions were held with Officers in December 2010. This was followed up by further meetings which were held in June and July 2011. The design and highways issues were discussed at these meetings. The main issue surrounding this proposal is the fact the proposal is for retail development outside a specified centre. Discussions over the scope and catchment of the sequential test were also discussed.

## **6.0 PRE-APPLICATION COMMUNITY INVOLVEMENT**

- 6.1 Officers have been informed that a meeting took place between the applicants and Ward Members on 14<sup>th</sup> December 2010, and that Ward Members were invited to attend the public exhibition.
- 6.2 A public exhibition containing details of the proposal was held on 30<sup>th</sup> March 2011 at Bramley Working Men's Club, 91 people attended. Feedback Forms could either be filled in at this exhibit or posted back by using the supplied postage paid envelopes. A telephone enquiry line was also set up by Aldi to offer information to interested persons and answer queries.
- 6.3 According to Aldi, 153 responses were received to this consultation exercise. 92% of respondents supported the proposals and 8% were 'not in support'. Of this 92% level of support, 57% provided positive comments, 21% supported the proposals with reservations, and 22% indicated they were supporters but did not offer reasoning behind their support.

## **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 The application was publicised by 10 site notices which were posted adjacent to the site on 19<sup>th</sup> August 2011. An advert was also placed in the local press on 1<sup>st</sup> September 2011. Ward Members were personally informed of the application by e-mail.
- 7.2 In total the responses received to the application are highlighted below.
- 105 standard letters of support, which were sent to nearby residents by Aldi and then endorsed and forwarded on by residents.
  - Six individual letters of support (including one letter with 13 different signatures, and one letter with 30 different signatures).
  - One letter of objection
  - No comments have been received by Ward Members.
- 7.3 It is debatable how much weight can be attached to standard letters of support received, as ultimately they have been written by the applicant, although endorsed by local residents. Aldi collected a list of 'supporters' from their Public Exhibition, and once the planning application was submitted to the Local Planning Authority, Aldi wrote to these people asking them to formally support the application.
- 7.4 This group of 'supporters' were provided with a standard letter of support by Aldi, which was addressed to the Local Planning Authority along with a pre-paid envelope. The covering letter which was sent to local residents even suggested further points for local residents to raise, to add to these letters of support. The points raised in these standard letters of support are summarised below.
- Increased shopping choice
  - The proposal will enable local residents, many elderly to independently walk to the proposed store to get their own shopping. Bramley Shopping Centre is too far for many nearby elderly residents
  - The proposed store has level access and disabled parking
  - The proposal will be great for local people who do not own a car
  - The proposal sells food at lower prices
  - Other nearby supermarkets are inaccessible to some groups of people
  - The proposal will create job opportunities
  - The site is easily accessible and very convenient
  - The site is an eyesore and needs developing
  - The proposal will avoid the need for local residents to drive to other supermarkets
  - The proposal will be more useful than a development of flats – the area is saturated with flats many of which are empty
  - Will reduce the need on reliance on other, i.e to drive to other supermarkets
  - The car park should be closed when the store is closed
  - The proposal will improve the area
  - May increase passing trade on other local business's

- The design, proposed landscaping and planting etc is far better than living under the shadow of a large mill

7.5 The points raised in the individual letters of support and highlighted below.

- The proposal makes use of a empty site
- Other supermarkets are a bus ride away
- Aldi's offers a good range of products
- There are 2 sheltered housing schemes for elderly adjacent to this site. The proposal will be very accessible and convenient for the elderly.
- The proposal will support other local business's by providing a car park, and Aldi's do not sell similar products such as newspapers and tobacco.
- The proposal will vastly improve the appearance of this derelict site
- The proposal will relieve some of the parking pressures at Bramley Shopping Centre

7.6 The points of objection made are summarised as follows:

- The proposal is contrary to the national planning guidance of PPS4
- Leeds Retail Study 2011 identifies further capacity within Bramley Local centre, this proposal undermines this study
- Allowing this out of centre retail development undermines the Core Strategy
- The submitted Sequential Test fails to identify why this store can not be located within a allocated centre
- Approval of this application would set a precedent for unsustainable out of centre retail development
- The fact the site is not 'cleared' site is not a reason to dismiss other sites
- This proposal could be accommodated behind the existing Bramley Shopping Centre building
- This proposal would drive custom away from Bramley Town Centre
- Only adjacent residents would walk to this site, others (the majority of customers) would drive to it, this is not sustainable
- The development is cut off from residential development, this is not good permeability
- The proposal is likely to threaten highway safety
- The proposal could impact upon nearby local shops
- The proposal would result in the loss of a housing site. This can not be accommodated within Bramley town centre, like this proposal could
- The proposal may create jobs, however its location within a town centre would also create jobs
- There is some doubt over the authenticity over the letters of support which have been sent in on standard letters.
- Aldi have not offered options to local residents, an Aldi store in an town centre location would probably attract a similar volume of support.

## 8 CONSULTATION RESPONSES

### Statutory:

#### 8.1 Highways

No objection subject to standard conditions, including agreed off-highway works to be secured through a S278 agreement. The store being conditioned to be only occupied by a discount food retailer.

### Non-statutory:

#### 8.2 Sustainable Development Unit

No objections now revisions have been secured to the design of the proposal

#### 8.3 Architectural Liaison Officer

No objections, access to the parking area should be controlled when the store is closed

#### 8.4 Travelwise' (Travel Plan Officer)

The Travel Plan is acceptable. A monitoring fee of £2500 is required.

#### 8.5 Contaminated Land Officer

No objections to the proposal subject to a condition which places a duty on the applicant to submit a Remediation Statement.

#### 8.6 Access Officer

No objection, the proposal offers level access and an adequate level of disabled car parking.

#### 8.8 Environmental Health

No objections subject to conditions which limited the noise level from plant equipment

#### 8.9 Mains Drainage

No objections subject to conditions.

## 9 PLANNING POLICIES

9.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDPR). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development.

9.2 The relevant RSS policy is considered to be E2 which states that town centres should be the focus for offices, retail, leisure and entertainment.

#### 9.3 UDPR



GP5 – Detailed Planning Considerations  
 GP7 – Planning Obligations  
 N12 – Priorities for Urban Design  
 N13 – Design and New Buildings  
 N25 – Development and Site Boundaries  
 N39A – Sustainable Drainage  
 T2 – Transport Provision for Development  
 T7A – Cycle Parking Guidelines  
 T7B – Motor Cycle Parking Guidelines  
 T2C – Travel Plans  
 T2D – Public Transport Contributions  
 T24 – Parking Provision for New Development  
 S2 – Vitality and Viability of Town Centres  
 S4 – Retention of Retail Character  
 S5 – Major Retail Development Location (Sequential Test)  
 BD4 – Plant Equipment and Service Areas  
 BD5 – Amenity and New Buildings  
 LD1 – Landscaping Schemes

9.4 Leeds Local Development Framework (emerging)  
 Development Plan Document - Statement of Community Involvement (2007)

9.5 Supplementary Planning Advice  
 - Travel Plans (2011) – Supplementary Planning Document (draft)  
 - Public Transport Improvements and Developer Contributions (2008) -  
 Supplementary Planning Document  
 - Building for Tomorrow Today, Sustainable Design and Construction (2010) -  
 Supplementary Planning Document  
 - Sustainable Urban Drainage in Leeds (2004) - Supplementary Planning  
 Guidance

9.6 National Planning Policy Advice  
 - Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development  
 (2005)  
 - Planning Policy Statement 4 (PPS4) – Planning for Sustainable Economic  
 Growth (2009)  
 - Planning Policy Guidance Note 13 (PPG13) – Transport (2001)  
  
 - National Planning Policy Framework (draft)  
 - Ministerial Statement: Planning for Growth (March 2011)

## 10 MAIN ISSUES

- Principle of Development (Out of centre retail development)
- Design/ Appearance
- Impact on Residential Amenity
- Highway Safety
- Trees and Landscaping
- Economic Development and Planning Obligations

## 11 APPRAISAL

- 11.1 The principle of this proposal is concerned with retail development upon an unallocated site, which lies within a residential area. The proposal does constitute out of centre retail development. In policy terms, the starting point of this proposal is PPS4 'Planning for Sustainable Economic Growth'. Policy EC14 of PPS4 requires a sequential assessment for planning applications for main town centers uses that are not in an existing centre and are not accordance with an up to date development plan. It is considered that the applicants have successfully demonstrated there are no other available sites, located within town centre, or edge of centre locations within a 5 minute drive time from the site.
- 11.2 Local Plans have raised an objection to the principle of the proposal in this location, and have stated they do not consider the applicants have adequately demonstrated other more 'centrally' located sites are not available, which could potentially accommodate this proposal. Other sites which have been highlighted by Local Plans and which have been discounted by the applicants include the Morbaine site, Carr Crofts, Armley, and Waterloo Lane, Bramley.
- 11.3 The Morbaine site (Carr Crofts) in Armley, benefits from outline planning consent for a major retail development. This site is large, and could accommodate a supermarket, which has a floor space of circa 8 000sq m. This is considerably larger than this proposal, and would involve splitting the site. It is unlikely this would occur as the applicants have made 11 separate land acquisitions to form this one large site. This proposal is for one large supermarket, which aims to act as an anchor store to regenerate Armley Town Centre. Splitting the site, and reducing its size would make it less attractive to one of the major supermarket operators. It is not considered this is realistic option and therefore this site is not available for this development.
- 11.4 Other sites have been identified which lie to the rear of Bramley Town Centre, and lie within the boundary of Bramley Town Centre on Waterloo Road. These have been discounted by the applicants, due to their limited size and legal complications concerned with ownership and existing leases. These sites in Bramley town centre mean the format of the proposed Aldi store would need to be altered, It is also not considered realistic these sites are available in the short term. This has been confirmed by letters received from the agents acting for these landowners. Aldi have stated that part of their success lies with the format of the store, which allows them to buy quality goods in bulk. The format of the stores means they have to be of a certain size and layout in order to be efficient, and thus profitable. Aldi has stated other formats of the store have significantly reduced profitability and have failed. This assertion has been supported by previous appeal decisions for Aldi stores. It is considered these sites are unviable as a site assembly for an Aldi supermarket.

- 11.5 Although the proposal is located outside the boundary of Bramley town centre, it is not considered the proposal would harm the viability or vitality of this centre. The existing shopping centre is anchored by a Tesco store which is over-trading, according to Retail Impact Assessment which has been devised and submitted in support for another major planning application for a new supermarket in Kirkstall.
- 11.6 It is not considered this proposal would attract people away from the facilities at Bramley Shopping Centre. Aldi is essentially a specialist retailer which sells a limited range of basic food items. Aldi does not offer a 'one-stop-shopping experience', as items such as lottery, tobacco, newspaper and branded products are not available. Therefore customer will still need to visit other stores to gain access to these products.
- 11.7 It is important to note that the site lies in a fairly densely populated residential area, which is characterised by terraced properties. It is considered there is a large catchment of local residents who live within walking distance to the site who would shop at the proposal. This would lessen the demand for car travel to the proposal. The letters of support received, support the assertion that a large percentage of future customers would travel to the premises by foot.
- 11.8 The site lies within the Bramley ward, where the percentage of people owning no car or van is 40% (compared to 34% in Leeds, and 26% in England). It is important to note that the site lies adjacent to social housing for the over 55's. It is considered the proposal will improve social inclusion and accessibility to a foodstore. This is considered to be a benefit of the scheme, which outweighs any harm caused by the fact the site does not lie within an allocated town centre. A S106 agreement would ensure the proposal is only occupied by a discount food retailer, to ensure in the future it does not result in a out of centre retail store selling electrical items or clothing etc. The fact the proposal is to be occupied by Aldi, does impact upon the suitability of out of centre retail development in this location. It is therefore considered that the principle of this proposal for an discount food retailer only, in this out of centre location accords with the policy guidance of PPS4 and is acceptable in principle.

#### **Design Issues:**

- 11.9 The store has been located towards the western part of the site, with the parking area being located to the eastern side. The irregular shape of the site, means the building does not have a flat frontage which is parallel with Stanningley Road.
- 11.10 The siting of the proposed store has been subject of much negotiation with the Local Planning Authority. It is considered the proposed siting has been carefully considered and is the best solution for this site, given its constraints and the retail requirements of Aldi. The chosen siting allows the

delivery and service area to be discretely sited to the rear/ side of the building and allows for the parking area to have a frontage onto Stanningley Road, which will benefit from a high level of surveillance.

- 11.11 Only the front narrower elevation of the store has a glazed frontage. This is due to the internal layout of the store which only includes a small number of checkouts, and the requirement for shelving, which does not allow for a larger proportion of the external walls to be glazed. This siting avoids the longer 55m elevation (which only has high level glazing above the shelves) having a frontage onto Stanningley Road which would appear overly dominant and provide little interaction with the street scene. This siting is considered to provide an active frontage and reduces the dominance of the store onto the street scene. The car parking is situated to the side of the store making it visible from customers approaching the site in both directions from the east and west.
- 11.12 The majority of the residential properties in the immediate area of the site are constructed from red brick. The proposed food store will incorporate elements of glazing together with an oversailing canopy to signify the entrance to the store facing onto the primary elevations from which the public shall approach the store. High level glazing will flood light over the top of the sales area in a ribbon arrangement in line with the canopy structure and add interest to the long elevation facing the Parent and Disabled car park.
- 11.13 The elevations have been broken up with two contrasting types of bricks, which are arranged in panel sections with piers. Above the ground floor brick sections of the elevations is a rendered ribbon band which goes around the building, just below the eaves level. The affect of this, it is considered is to successfully break up the mass/ size of the building by adding a lightweight component, under the roof.
- 11.14 It is considered the proposal is of a quality design, which although simple, contains quality detailing features. The form of the building, and the fact it is only single storey in height means it will have a far less dominant impact on adjacent occupiers, when compared to the previous mill building. The scale of this proposal is considered to be in keeping with the residential character of this locality. For all of these reasons it is considered the proposal follows the policy guidance of N12 and N13.

### **Amenity Considerations**

- 11.15 The site does lie in an established residential area and is surrounded by residential properties to all sides. The siting of the proposed store places it in very close proximity to the properties which lie to the north on Ashby Terrace and Ashby Mount, and to the flats on Windsor Court which lie to the east. The car park lies directly adjacent to a development of flats, Osbourne Court which lies to the east.

- 11.16 The rear elevation of the proposed store, faces north onto Daisyfield Road. Opposite this, at a 13m distance lie the gable ends of the terraced properties on Ashby Terrace and Ashby Mount. This relationship is described as 'side and side' and it is not considered the proposal would have any adverse impact on the living conditions of the occupiers of these properties.
- 11.17 The service yard, and delivery point of entry into the store does lie opposite the side elevations of the 3 storey flats which are located on Windsor Court. This service area is located at the nearest point, 10m away from these flats. A 2m high acoustic fence is proposed along this boundary, in order to protect the amenity of these residents. The full details of this will be conditioned on approval. The side elevation of these flats faces onto this service area, which serves to minimise the impact of the proposal on the occupiers of these flats. Subject to a condition prohibiting deliveries to the store in the late evening and night time hours, it is not considered the proposal would have a significant impact on the living conditions on the occupiers of Windsor Court.
- 11.18 A 1m buffer strip of landscaping, and a 2m high fence is proposed along the eastern boundary of the site, adjacent to the parking area between this site and the adjacent flat development at Osbourne Court. It is considered this will protect the amenity of these adjacent occupiers. It is also important to note that the proposal has its only access into the site from Stanningley Road, therefore the adjacent residential streets such as Ashby Avenue and Daisyfield Road would not experience higher levels of traffic.
- 11.19 The development which is the subject of this proposal falls in an area which suffers crime in line with the National Average for England and Wales. As out of town car parks can attract anti social activities, consideration should be given to a means of securing the car park outside opening hours to prevent misuse of the facility. A condition is imposed to control this. In view of all of these issues it is not considered the proposal would have an adverse impact on the living conditions of nearby and adjacent residents, particularly when considered against the previous use of the site.

## **Highways**

- 11.20 Highways have raised no objections to the proposal. The application was supported by a full Transport Assessment and Travel Plan. The proposal includes 90 car parking spaces. This includes disabled parking space and Parent and Child parking spaces which are located nearest to the site entrance. Highways have stated this level of parking is only acceptable as the proposal is for a discount retailer, and this needs to be secured through a S106. There is no concern with regards to the proposed means of access subject to a condition which lowers the height of the stone boundary wall by 1m for 2m at each side of the access, to ensure visibility on leaving the site, onto Stanningley Road which is a strategic route.

- 11.21 A S278 agreement is required, and a condition to implement these off-site highway works prior to the occupation of the supermarket is recommended. These off-site highway works include TRO parking restrictions along Stanningley Road, Ashby Avenue, and the junction with Billingbark Drive/ Stanningley Road, and the building out of this junction, to improve visibility.
- 11.22 The submitted Travel Plan is considered to be acceptable, and the layout of the building has been amended to include showering facilities for staff who wish to cycle to the premises. The £2500 Travel Plan monitoring fee will be secured through the S106 agreement. The proposal includes cycle parking at the front of the store. The duty to ensure these cycle spaces are provided and retained will be conditioned on approval. A Public Transport contribution is also sought, this sum is £52,903 and includes a 10% deduction given the previous trip generation on the site and out of peak hour trips.

### **Tree and Landscaping**

- 11.23 The site is vacant at the moment and devoid of any trees and vegetation. The proposal includes a landscaping scheme which includes planting trees along the site boundaries, and a landscaping buffer. It is considered the proposal would improve the appearance of the site by increasing the amount of soft landscaping on the site when compared to its previous and existing form. A condition regarding root protection for the TPO trees in the adjacent site will be imposed on the approval of this application to ensure they are adequately protected throughout the construction period.

### **Economic Development and Planning Obligations**

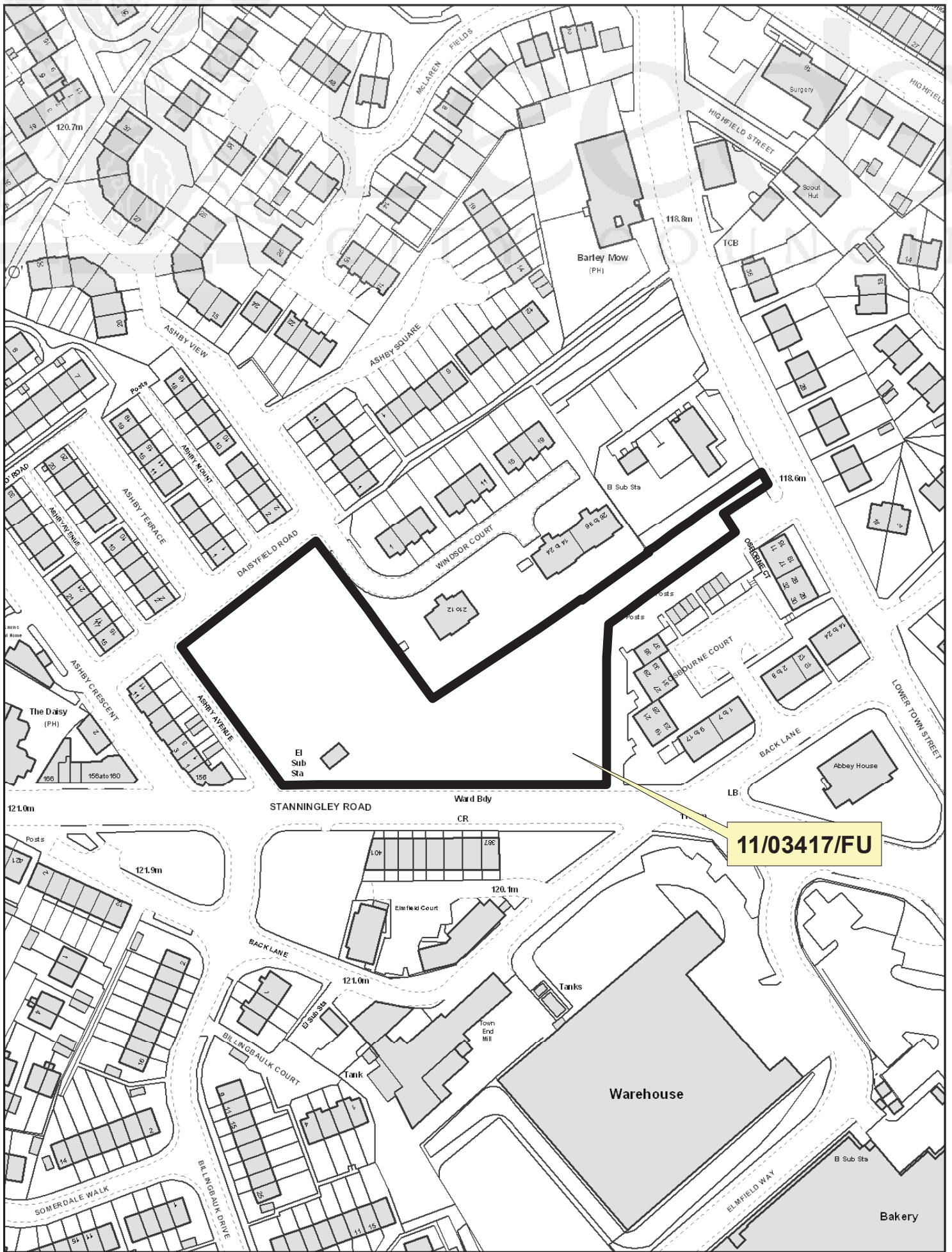
- 11.24 The proposal would amount to a development intended to create between 20 - 30 jobs, split between part and full time positions. Up to 100 positions during the construction phase are also anticipated by Aldi. This in an area which suffers higher than average (national and local) unemployment and deprivation. The applicants have entered into discussions with the Council's Employment and Skills Service who have in principle confirmed their agreement to work with Aldi to promote and secure positions for local residents. Aldi in turn have suggested that this could be controlled through a Section 106 Agreement and have listed this as a 'Heads of Terms' matter for consideration.
- 11.25 This offering is in no doubt a positive consideration and in current economic conditions should be given appropriate weight where PPS4 and guidance in the National Policy Framework very much advocate the importance of job creation and general economic related development. Indeed the Ministerial Statement has highlighted that sustainable economic growth should be given important consideration amongst other relevant considerations and that appropriate weight is given to the need to support economic recovery.

## **CONCLUSION**

- 12.1 Although the proposal does constitute out of centre retail development, given the unavailability of other more 'central' sites and the benefits of providing a new discount retailer in this location, redeveloping a vacant site and providing new jobs, whilst providing an increased in retail choice and competition, the proposal is on balance considered to be acceptable.

### **Background Papers:**

File Planning Application 08/03221/FU



# WEST PLANS PANEL







Originator: Mathias  
Franklin  
Tel:0113 2477019

## Report of the Chief Planning Officer

### *PLANS PANEL WEST*

Date: 12 January 2012

**Subject: PRE-APPLICATION PRESENTATION BY THE MORLEY HOUSE TRUST 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

YES

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 contents of the report and comments are invited. Specifically on the following issues:

1. Highway proposals
2. Masterplan layout and effects on listed building and conservation area
3. Impacts on trees
4. Residential amenity, in particular garden sizes
5. Level of detail required when planning applications are submitted

## **1 INTRODUCTION**

- 1.1 Members will recall that in August 2011, officers presented a report to Panel detailing the outcome of the appeals at the former Leeds Girls High School site. The appeal concerned 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 was 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 had 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 the planning and listed building consent 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. The summary of the Panel's resolution and the Inspectors decision on the appeals is listed below in section 2 of this report.

## **2. CONCLUSIONS ON THE APPEAL SCHEME**

- 2.1 Overall, the principal of residential development of the site was accepted by the Inspector 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.
- 2.2 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.
- 2.3 Members can review more detailed comments about the Inspectors findings into the appeal and further analysis in the appendix attached to this report.
- 2.4 Members are now being asked to consider the revised masterplan which has been prepared by the developer following the appeals. This is a pre-application presentation so Members can comment upon this revised masterplan. The developer has engaged with officers, ward councilors, the Leeds Girls High School Action Group and has also held a community exhibition in December 2011 prior to submitting this masterplan. This is considered to be a positive approach by the developer.
- 2.5 Officers have had an opportunity to look at the masterplan and have provided the developer with initial views and comments upon the layout. Officers comments upon the masterplan are expressed within the appraisal section of this report.

## **3.0 DECEMBER 2011 MASTERPLAN PROPOSALS**

- 3.1 The revised masterplan which is the subject of this pre-application presentation comprises the following layout.
- 3.2 Within the Main School Building and within Rose Court the proposed alterations, demolition and extension to convert these buildings to apartments is unchanged from the previous applications, comprising 12 apartments within Rose Court and 32 apartments in the Main School Building. In addition the existing stone built Stable

block is still proposed to be converted into 4 dwelling houses. It is envisaged that the developer will again submit separate Full planning applications for the Change of Use of these existing buildings.

- 3.3 The main new build development in the grounds of the site comprises 18 new build blocks of 49 town houses of a mixture of 2/3 storey, 3 storey and 3/4 storey town houses. In addition the existing Lodge located in the north west corner of the site is proposed to be converted into 2 dwellings. It is likely that an Outline application will be resubmitted for this element of the development with details of Access, Siting and Scale applied for. A table comparing the number and mix of dwellings proposed in the current masterplan with the previous applications is shown below.
- 3.4 The revised layout also proposes three points of access from Victoria Road including the new central access point but also now retains the vehicular access from Headingley Lane which would serve 5 dwellings. The apartments of Rose Court would have an access from the existing eastern access point (an existing school entrance by the lodge building) with the remainder and majority of the development being accessed from the new access mid way along Victoria Road and also the existing western access onto Victoria Road which would be upgraded for its first section but remain as a private drive thereafter.
- 3.5 The western part of the site is proposed to be developed, with 2/3 storey and 3 storey terraced houses along the western boundary of the site and a cul de sac of 3 storey terraced houses served from the adopted section of the western Victoria Road access. Between this new cul de sac and the Main School building is an area of landscaped open space.
- 3.6 A row of 3 terraced houses is now proposed to either side of the new central access road from Victoria Road. These terraces would be 2/3 storey in height and would have gables facing Victoria Road.
- 3.7 In the North East corner of the site adjacent to the Sunken Garden of Rose Court is proposed a 2/3 storey block comprising 2 semi-detached dwellings. This area was left open in the previous appeal scheme.
- 3.8 The central area of public open space has been increased from the appeal scheme by relocating the previously located terraced properties proposed in front of Rose Court.
- 3.9 The current masterplan proposes serving 7 townhouses off a private drive from Victoria Road via the existing western access road.

<b>Planning Applications</b>	<b>2008 application masterplan</b>	<b>2011 pre-application masterplan</b>
Main School Building (Conversion and extension)	32 apartments and 4 townhouses in the stable block	32 apartments and 4 townhouses in the stable block
Rose Court (conversion)	12 apartments	12 apartments
Rose court lodge (existing)	1 dwelling	1 dwelling
Main School site (new build) Outline application	51 townhouses and 15 apartments in one 4/5 storey block in SW corner	49 Townhouses
North West Lodge (conversion)	2 dwellings within the existing lodge building proposed	2 dwellings within the existing lodge building proposed

<b>Total number of units</b>	<b>117</b>	<b>100</b>
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3.9 The current masterplan has changed the mix of house types from the previous application. There are now no apartments proposed in the new build areas of the site and there are now 49 townhouses (reduced from 51) proposed. Overall there has been a reduction of 17 units from the previous application.

#### **4.0 HISTORY OF NEGOTIATIONS**

4.1 since the appeals were determined the developer has met with officers to discuss the implications of the Inspectors Decision Letter. They have also held similar discussions with the Headingley Ward Councillors and Members of the Leeds Girls High School Action Group. This community engagement is welcome. Following these discussions the developer has pursued further community engagement with a presentation and exhibition at the HEART centre in Headingley on the 6<sup>th</sup> December.

4.2 On the 13<sup>th</sup> December 2011 the developer supplied a masterplan to officers which the developer considered responded to the Inspectors Decision Letter, the Panel's reasons for refusals and also met with the community's views on how the site should be redeveloped and masterplanned. Officers have not been provided with copies of the responses made by the community or the Action Group to the presentations made by the developer.

4.3 Officers provided a detailed response to the revised masterplan following which a further revised plan was submitted on the 19<sup>th</sup> December. The appraisal section below details officers' comments on the latest masterplan which is before Members for a pre-application presentation.

#### **5.0 ISSUES FOR CONSIDERATION**

##### **5.1 Highway and Parking Matters**

##### 5.2 Access from Headingley Lane

The retention of vehicular access onto Headingley Lane to serve blocks 1 and raises strong highway safety concerns relating to poor visibility, width, kerb radii, and gradient from this junction onto a main arterial route. The turning head shown is also inadequate and the footway is not connected through to Headingley Lane. In addition retention of this access for vehicular traffic would be harmful to the protected NGT route which is also contrary to UDP policy. Although proposed to be a private drive there will be a demand to use this access for servicing (and potentially parking) for plots HIJK which are officially served from a different route (without level access). Furthermore, the benefits of closing off this access to all but cyclists and pedestrians was a strong positive material consideration that the previous scheme had in its favour. Panel Members may recall that they previously welcomed the closing off of this access to vehicles.

5.3 The proposed turning head in front of blocks 2 and 3 as shown would in addition not be sufficient to accommodate a refuse vehicle.

##### 5.4 Western access from Victoria Road

At the Victoria Road end of the western access the adoptable access road has been redesigned with a bend instead of a 'T' junction arrangement. The bend has not been designed in accordance with the Street Design Guide in that it requires a 14m

centreline radius with a 23m adopted forward visibility splay. This access route will need to be tracked and in view of the steep gradient it is highly likely that this will reveal that the carriageway will need to be wider on the bend. These changes would affect Blocks 14 and 15 to the extent that they are unlikely to fit onto the site given the proposed layout.

- 5.5 There is however no objection in principle to blocks 11,12,13,15 and 16 being served off an adopted stretch of the western access road subject to the above matters being resolved.

Access from Private Driveways

- 5.6 The amount of development (7 dwellings) served by the private drive heading north beyond block 14 is in excess of the maximum of 5 dwellings normally acceptable under the Council's adopted Street Design Guide SPD. The reason for this element of the policy is because of problems that can occur in the future such as maintenance, lighting, cleansing etc. Although the policy has not on every occasion been upheld on appeal, the Highway Authority has other concerns about the suitability of this access as proposed. It narrows to single track for part of its length and does not safely provide for pedestrians; and has a turning head at the end which would not enable refuse and service vehicles to turn.

Car parking

- 5.7 The current masterplan only provides 11 car parking spaces for the 12 apartments at Rose Court which is insufficient for the number of apartments being proposed. On the previous application there were 12 spaces provided and visitor parking was provided. Generally car parking is provided at a ratio similar to the previous application (slightly less than 2 spaces per each house and 1 space for each flat) which was accepted by the Highway Authority. It was noted however, that the car parking provision was low but this was due to the site being in a sustainable location and also because of the site's constraints.

**Members' are asked to comment upon the principle of retaining an access for vehicles from Headingley Lane.**

**Members' are asked to comment upon the proposal to serve 7 dwellings from a private drive - noting the issues at 5.6 in the report - off Victoria Road.**

**Members' are asked to comment upon the car parking provision generally across the site.**

**5.8 Development blocks – design, conservation and amenity considerations**

- 5.9 Block 18 is a row of three 2/3 storey terraced houses set between Rose Court and Victoria Road. The Inspector at paragraph 69 in his letter referred to “The oblique view from Victoria Road across open (not built upon grounds) towards Rose Court and the Main School Building [which] are significant contributors to the character and appearance of the Conservation Area – but they would be partially or wholly blocked by the proposed buildings. From around the new central road entrance to the site, the gable of block 18 would be prominent, even if one could see beyond it to the existing buildings, and the important existing sense of openness would be impaired.” Block 17 in the previous scheme is the equivalent of block 18 in the revised scheme but rotated through 90 degrees so that the long side elevation is on view not just the gable such that there would remain significant intrusion into the view of Rose Court from the new access. . It is fully appreciated that the revised scheme proposes to set aside a large open space between Victoria Road and

façade of Rose Court, but it is considered arguable that this compensates for the intrusion of block 18 into the important oblique view.

**Members' may wish to consider if development is appropriate in this (Block 18) location with particular regard to its impact on the setting of the listed Rose Court building**

- 5.10 Block 19 butts up to the Rose Court sunken garden and is a new location for a block from the previous application. It may be considered that there may be scope for this smaller bespoke property to be created (a single villa or possibly a 2 storey semi detached property). Although the masterplan shows a pair of semi detached properties of 2/3 storeys for this block officers have advised the developer they would want to have further discussions on the size, siting and design of any replacement building which requires the greatest sensitivity in its response to its context.
- 5.11 The resiting of block 9 (further away from the retained school building) is a response to the Inspector's comments and helps maintain the setting of the Main School Building. Further consideration needs to be given to how the proposed garden areas for each block will be treated however. Given the open nature of these gardens in relation to the site and the character of the listed buildings and the wider sites' setting, care will be needed when considering landscaping, boundary treatments and garden outbuildings. This issue could be addressed in the Design and Access Statement which will need to be very informed to help the Public and Members alike gain confidence in the future build quality of the site. This is very important given the developer proposes submitting an Outline application in a Conservation Area with a Listed Building on site. In general, officers would ask Members to note that at this stage we are responding to a 2-dimensional layout plan only and further consideration of scale, massing and design of the buildings is required and will need to be carefully explained by the developer with further drawings in due course.
- 5.12 The relationship between block 14 and block 11 should be carefully considered in relation to its potential dominance and scale. The Inspector considered this block at paragraph 65 of his report and was critical of its impacts on the character and appearance of the conservation area as it was linked to blocks 15 and 16 which were the apartment block. The Inspector did not make any comments on residential amenity which is the matter being raised here. Given that the last Masterplan was refused and we are dealing with a fresh pre-application proposal it is considered necessary to ensure that we promote a quality residential development that works in both preserving or enhancing the Conservation Area and provides future occupiers with a good level of residential accommodation.
- 5.13 Block 17 is a new block from the previous application. The northern most unit of the terrace is sited very close to the back of the proposed footpath on the central internal access road. This relationship maybe considered uncomfortable in street scene terms and is also likely to adversely affect the living conditions of the future occupiers. A smaller bespoke villa or pair of semi detached dwellings might be more appropriate in this location.

**Members' are asked to consider whether Block 14 has an acceptable relationship with the adjoining dwelling in Block 11 in terms of achieving satisfactory residential amenity**

**Members' views are sought on the principle of the siting of block 17 and its relationship to the access road**

**Members' views are sought on the principle of the siting of block 19 relative to the setting of the listed Rose Court building**

**5.14 Impact on trees**

- 5.15 In terms of block 10, as with the appeal proposal officers consider that the present proposal will prejudice long term retention of 3No. Beech trees T40, T46 & T51 and 2No. Sycamores T47 & T48. A single unit on or around this footprint would be more acceptable.
- 5.16 Officers also recommend that from a tree stand point a greater degree of separation is provided to the category "A" Beech tree T51 and its relationship to block 14.
- 5.17 Officers note that the resiting of block 9 is a response to the Inspectors comments; however, it is considered that this block may be unreasonably close to category "A" Lime tree T12. The footpath linkages to the south east of Block 9 take no account of level changes and therefore need rethinking. Careful attention will need to be had when dealing with levels, excavations and footing for this block and the nearby footpath to ensure that this important tree is unaffected as it should be retained because it makes an important contribution to the character of the Conservation Area.
- 5.18 The use of the western access road from Victoria Road to serve 7 dwellings in a private road arrangement would require the surfacing of this road to be made good or even re-laid. There are potential impacts from these engineering works on the root systems of important trees in this location. This was discussed in detail by the Inspector and he concluded to bring it up towards an adoptable standard would adversely affect the trees and this was in large part a reason for dismissing the appeal. The developer will need to fully explore what works are required to this section of the western access road and what effects these works would have upon trees in the vicinity. Members will be advised when this has been fully investigated.

**Members' comments on the impact of the proposed blocks 9, 10 and 14 upon the existing trees are requested.**

**6.0 Other matters and general comments**

- 6.1 Blocks 6, 7 and 8 have been amended in their layout and siting such that they are now sited in an identical position to the previous planning application. At the Inquiry it was noted that these blocks would generally have small gardens and were quite cramped but given they replaced existing school buildings of very poor architecture and also which were 4 storeys in height this layout arrangement was accepted as an improvement on the existing situation.
- 6.2 The increased public open space area in front of the listed building is also welcome. Subject to the removal of block 18 this would be considered to preserve the setting of the listed building.
- 6.3 The removal of apartments and replacement with townhouses in relation to the Outline application area is also positive. The omission of the 4/5 storey apartment blocks in the South west corner of the site near to Victoria Road is also welcome in

terms of design and appearance considerations. The current proposed block 15 needs to be shown to work in terms of visibility splays and also how it would sit in relation to the levels and excavations and will likely require one of the units to be removed but overall this is an improvement from the last application.

- 6.4 Neighbourhoods for Living SPG normally seeks two thirds gross floor area of proposed dwellings to be provided as usable outdoor private amenity gardens for future occupiers. Whilst each development proposal will require some flexibility to this approach, providing decent and usable gardens is an important component of creating good family housing. There is some concern that the current layout plan is providing large 2/3 storey and 3 storey houses with small gardens that are overshadowed by neighbouring buildings or trees and which may not provide adequate private amenity space and perhaps make the dwellings unattractive to families.

**Members' views on the small gardens generally proposed in this layout are sought**

**Members' views on the public open space provision are requested**

**Members' views on the housing mix as proposed are requested.**

**Members' views on the level of detail they would wish to see as part of the revised application are requested**

## 7.0 Conclusion

- 7.1 Officers consider that this masterplan has made some progress from the previous appeal scheme but the revisions raise other, new issues which need to be reconsidered. It is welcomed that the developer is engaging positively with the community at this pre-application stage.
- 7.2 Members are requested to give careful considerations to all the matters raised in this report in order to provide the developer with appropriate advice as to how to proceed.

Background Paper:

Appeal

08/04214/OT, 08/04216/FU, 08/04217/CA, 08/04219/FU, 08/04220LI

Appendix 1 (details of Inspectors decision letter)



## Appendix 1

### 1. SUMMARY OF PREVIOUS PANEL RESOLUTIONS AND THE INSPECTOR'S DECISIONS

- a) **Application 08/04214/OT - New residential development**
- b) 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.
- c) **The Inspector dismissed the appeal and refused planning permission**
- d) **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**
- e) 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.
- f) **The Inspector dismissed the appeal and refused planning permission**
- g) **c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building**
- h) 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.
- i) **The Inspector allowed the appeal and granted Conservation Area Consent**

- j) **d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats**
- k) The Panel resolved that the application would have been approved
- l) **The Inspector allowed the appeal and granted planning permission.**
- m) **e) Application 08/04220/LI (Listed Building application for alterations of Rose Court to form 12 flats**
- n) The Panel resolved that listed building consent would have been granted.
- o) **The Inspector allowed the appeal and granted listed building consent**

## 2. ANALYSIS OF THE MAIN ISSUES FROM THE INSPECTORS DECISION LETTER

- a) **Application 08/04214/OT - New residential development**
3. 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:
    - a) 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.
    - b) The poor relationship of Block 9 (see plan) to the main school building.
    - c) The bulk, height (four storeys) and prominence of Block 15.
    - d) The failure of Blocks 17-19 to do justice to the setting of Rose Court or maintain the perceived openness of the site.
  4. 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
    - a) The effect on the Conservation Area and the setting of Rose Court
    - b) The central access
  5. 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.
    - a) The western access route
  6. 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.

- a) Dwelling Blocks 2 and 3
7. 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.
- a) Dwelling Blocks 6, 7 and 8
8. The Inspector noted that these blocks are appropriate in principle
- a) Dwelling Block 9
9. 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”*.
- a) Dwelling Blocks 10 to 15
10. 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”*.
- a) Dwelling Blocks 17, 18 and 19
11. 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”*.
- a) Trees and Amenity Open Space within the scheme
12. 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.
- a) **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**
13. 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.

14. 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.
15. 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.

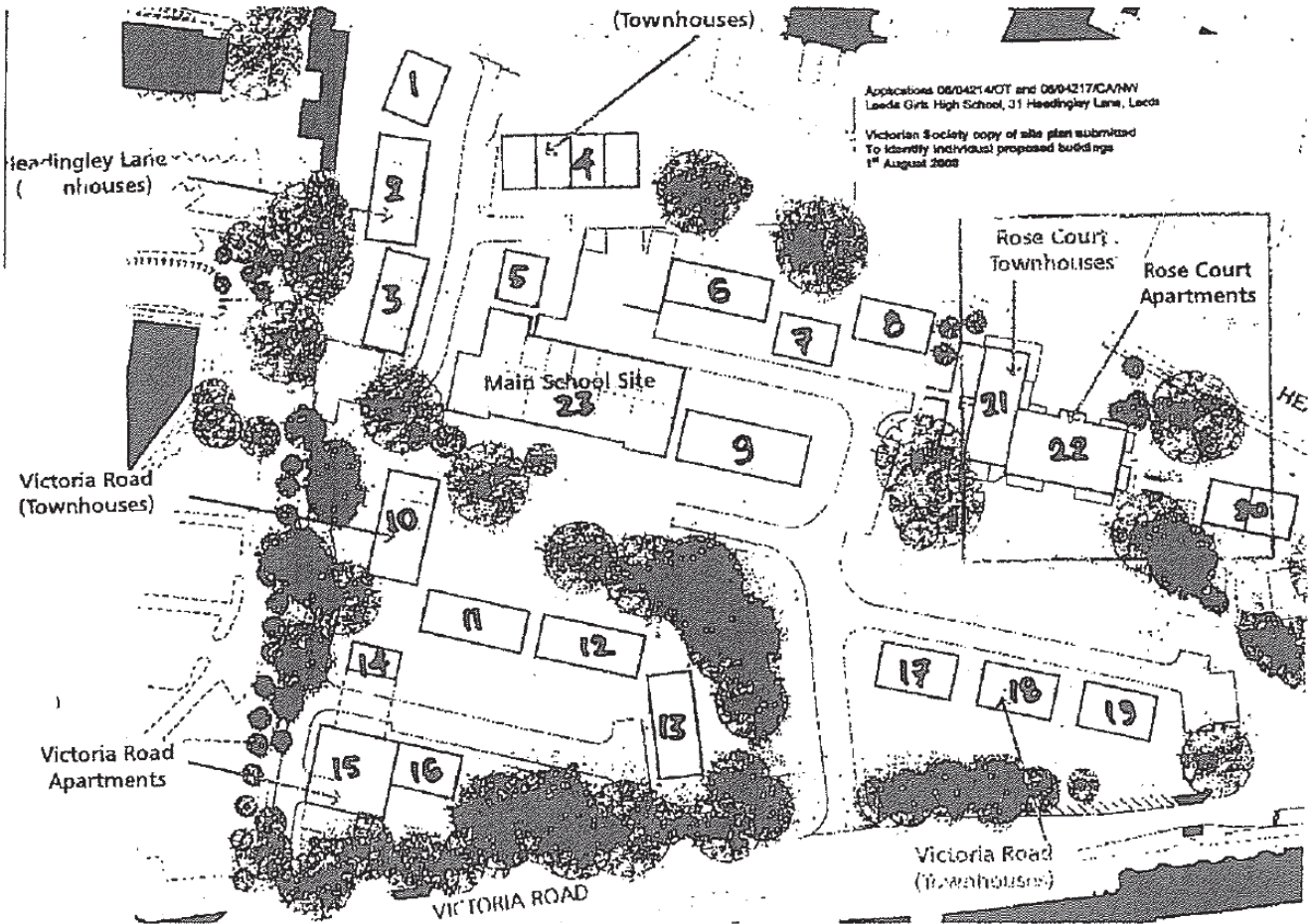
**a) c) Application 08/04217/CA - Conservation Area Consent for the demolition of rear and side extensions to main school building**

16. 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.'*
17. 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"*.

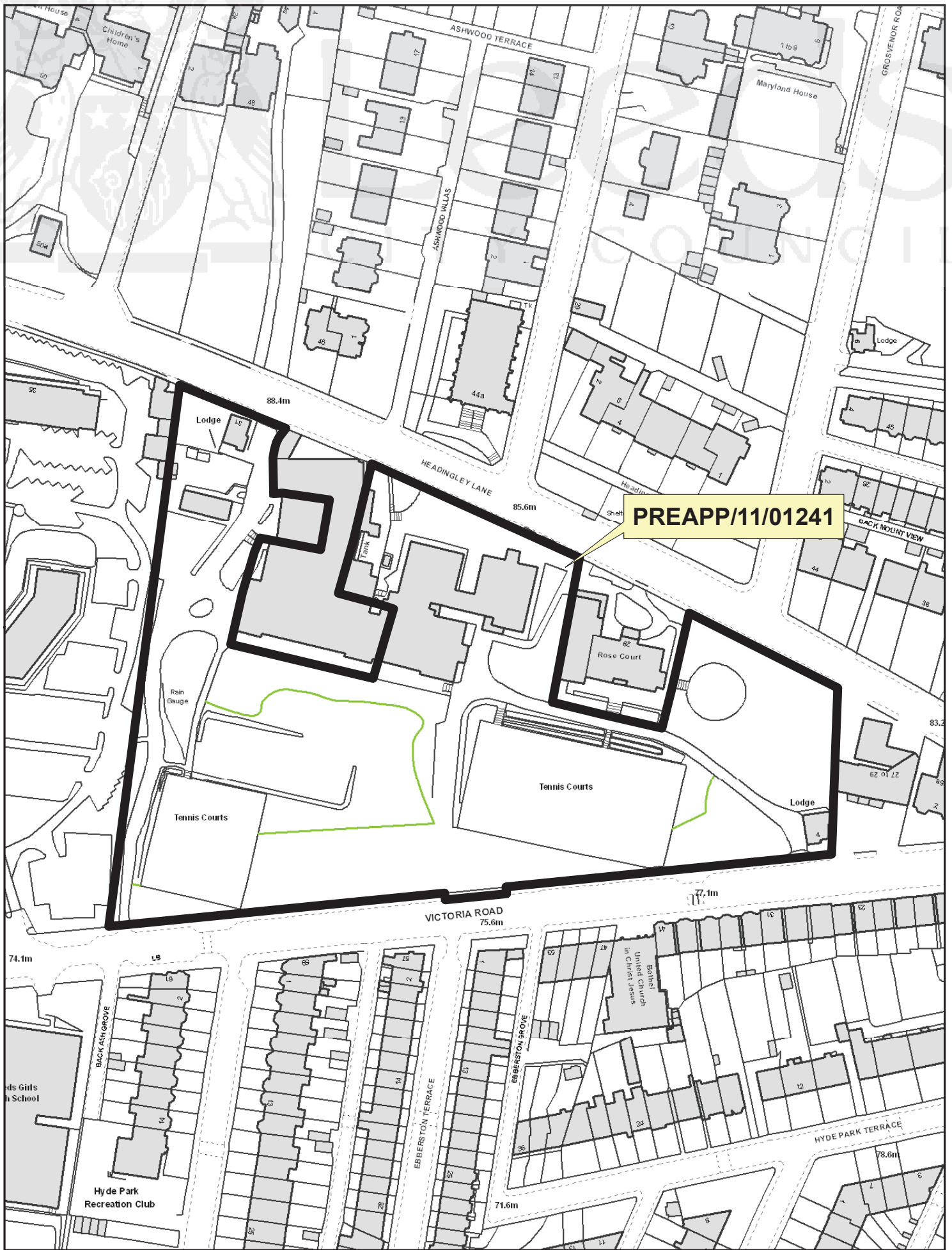
**a) d) Application 08/04219/FU - Change of use involving alterations of Rose Court to form 12 flats and**

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

18. 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.
19. **Block plan showing the main areas of proposed development from the appeal scheme**



20. (Members please note block 20 in the north-east corner was removed from the layout of the 2008 application in 2009 and was not part of the appeal scheme)



# WEST PLANS PANEL

