



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 16th August, 2012
at 1.30 pm

n.b. No site visits prior to today's meeting.

MEMBERSHIP

Councillors

J Akhtar
M Coulson
J Hardy
J Harper (Chair)
C Gruen
C Towler
J Walker

J Bentley

P Wadsworth
R Wood

T Leadley

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</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>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</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>RESOLVED – 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>LATE ITEMS</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>DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To confirm as correct records, the minutes of the meetings held on 13 and 26 July 2012</p>	1 - 10
7	Horsforth;		<p>APPLICATION 12/02620/FU - ZETLAND VILLAS, 85 LONG ROW, HORSFORTH</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for a single storey side extension to garage.</p>	11 - 16

Item No	Ward	Item Not Open		Page No
8	Headingley;		<p>APPLICATION 12/01236/FU - LEEDS GIRLS HIGH SCHOOL, HEADINGLEY LANE, HEADINGLEY</p> <p>To consider the attached report of the Chief Planning Officer for an outline application including layout, scale and means of access for 53 dwellings and full application for conversion and extension of the main school building and stable block to form 36 dwellings.</p>	17 - 42
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as 13 September 2012 at 1.30 p.m.</p>	

PLANS PANEL (WEST)

FRIDAY, 13TH JULY, 2012

PRESENT: Councillor N Taggart in the Chair

Councillors J Akhtar, M Coulson, J Hardy,
T Leadley, P Wadsworth, C Gruen, Towler,
J Walker, J Bentley and R Wood

21 Election of Chair

Councillor N Taggart was elected as Chair for the meeting.

22 Declaration of Disclosable Pecuniary and Other Interests

Councillor J Akhtar declared an interest in Agenda Item 6, Leeds Bradford International Airport as he had previously been involved in a campaign regarding pick up/drop off arrangements at the airport.

Councillor P Wadsworth declared an interest in Agenda Item 6, Leeds Bradford International Airport due to his position on the Airport Consultative Committee.

23 Apologies for Absence

Apologies for absence were submitted on behalf of Councillor J Harper.

24 Application 11/03934/COND - Leeds Bradford International Airport

The report of the Chief Planning Officer reminded Members of the application to discharge condition 14 of the Forecourt Management Plan for Terminal Extension at Leeds Bradford International Airport, Whitehouse Lane, Yeadon. The application had previously been discussed at the meeting of plans Panel West held on 14 June when it had been deferred to allow officers to negotiate improved pick up and drop off proposals at the airport.

Members attention was brought to the revised proposals for pick up and drop off at the airport as detailed in the report. Revised plan drawings and photographs were displayed. The following issues were highlighted:

- Routes in and out of the airport were explained. The revised proposals would mean that there was no longer a need to travel through the long stay parking area.
- Comparison to arrangements at other airports in the UK.
- Increased activity at the airport – reintroduction of the Heathrow link and Monarch Airlines using the airport would increase the demand for car parking.
- The need for improved signage in and around the airport. New signage was unlikely to be agreed with the Department for Transport
- There would be no free provision on the forecourt.

- Representations received regarding the application including those of local Ward Members.
- Traffic enforcement on Whitehouse Lane – there were recognised problems with parking and movement and enforcement would be carried out. Existing regulations allowed vehicles to stop on Whitehouse Lane and discussions were being undertaken to determine whether the Traffic Regulation Order could be modified.
- Works had commenced for restrictions on Victoria Avenue.
- From a highways perspective, it was felt that the revised proposals offered an improvement in terms of directing traffic off Whitehouse Lane and the need for improved signage was reiterated.

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

- Current restrictions on Whitehouse Lane allowed passengers to be dropped off and picked up but vehicles were not allowed to wait. Further to concerns regarding the dropping off and picking up on Whitehouse Lane, it was reported that this was why the Traffic Regulation Order was being reviewed
- In response to concerns that the proposals would not offer enough space, it was reported that there would be opportunity to review this further through the Surface Access Strategy.
- Access for disabled people.
- Signage inside and outside the airport grounds. Members were shown examples of what could be displayed on road signs.
- Concern that the revised proposals still did not address the issue of traffic circulation around the airport.

It was proposed to move the Officer's recommendation.

RESOLVED – That Members agree to discharge condition 14 of planning permission 08/06944/FU subject to the provision and retention of the free 1 hour pick up and drop off area being provided as now proposed with a direct vehicular access from the current long stay exit and defined pedestrian route to the terminal building with appropriate signage on Whitehouse Lane and within the airport cartilage. The works must be implemented within 3 months of the date of this resolution (with the exception of the signage on Whitehouse Lane) and these proposals be retained until such time as alternative arrangements can be agreed in writing by the Local Planning Authority through the review of the Masterplan and Surface Strategy for LBIA.

That the detailed approval of the alterations to the access, signage, pedestrian walkway route for the revised 1 hour free dedicated area for passengers dropping and picking up as shown in plan CTDAAJP007/FMP/001, the details of the other signage within the site regarding for provision for customers who are disabled and the timing of the implementation of the works be deferred and delegated to the Chief Planning Officer.

25 Date and Time of Next Meeting
Thursday, 26 July at 1.30 p.m.

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PLANS PANEL (WEST)

THURSDAY, 26TH JULY, 2012

PRESENT: Councillor J Harper in the Chair

Councillors M Coulson, J Hardy, T Leadley,
P Wadsworth, C Gruen, C Towler,
J Bentley, R Wood and M Harland

26 **Declarations of Disclosable Pecuniary and Other Interests**

Councillors J Hardy and P Wadsworth declared an interest in Agenda Item 8, Garages to rear of 15 Silk Mill Gardens, due to their positions on the West North West Homes ALMO.

Councillor J Bentley declared an interest in Agenda Item 8, Garages to rear of 15 Silk Mill Gardens due to previous involvement with objectors to the application.

Councillor P Wadsworth declared an interest in Agenda Item 11, Gable House, Rawdon as he was known to the applicant. He withdrew from the meeting for the discussion and voting on this item.

27 **Apologies for Absence**

Apologies for absence were submitted on behalf of Councillor J Walker. Councillor M Harland was present as substitute.

28 **Minutes - 14 June 2012**

RESOLVED – That the minutes of the meeting held on 14 June 2012 be confirmed as a correct record subject to the following amendments:

Minute 12 – Declarations of Interest

- To include personal and prejudicial declarations from Councillors J Hardy and P Wadsworth in respect of Minute 18 – Silk Mill Gardens due to their positions on the West North West Homes ALMO.

Minute 15 – University of Leeds, Bodington Hall, Otley Road

- That Councillor J Bentley's vote against the recommendation be recorded.
- To amend first bullet point to read 'Retention of the playing fields and whether these were included in the site'.

Minute 17 – Leeds Girls High School

- To amend third bullet point to read 'Section 106 agreement for affordable housing – Some Members had previously indicated a preference towards the purchase of HMOs in the area'.

29 Application 10/04924/FU - Former St Joseph's Convalescent Home, Outwood Lane, Horsforth - Appeal

The report of the Chief Planning Officer informed Members of the appeal decision against the refusal of full planning permission for a replacement part2, part3 and part 4 storey care home with 34 self contained flats, 39 dementia/respite/nursing care rooms, chapel, lounges, dining area, activity rooms and function room with car parking and landscaping at the former St Joseph's Convalescent Home, Outwood Lane, Horsforth.

Members were reminded of the planning history of the site and the Panel's most recent refusal due to the impact on the conservation area and the impact of the proposed dementia block. The application had received a unanimous refusal from the Panel and this view was supported by the Inspector following the appeal.

Members welcomed the decision of the appeal and in response to a question, it was reported that the Council had not applied for costs as it was not felt that the applicant had acted unreasonably.

RESOLVED – That the report be noted.

30 Application 12/01295/FU - Garages to rear of 15 Silk Mill Gardens, Cookridge, Leeds

The report of the Chief Planning Officer referred to an application for a pair of domestic garages to the rear of 15 Silk Mill Gardens, Cookridge, Leeds.

The application had previously been considered at the June meeting of Plans Panel (West) when it had been deferred for further consideration regarding access to the site. Further legal advice had been taken since that meeting and it was now reported that the application should be considered in relation to planning terms only and that issues surrounding access could not be used as grounds for refusal. The applicant had clarified that the garages would be for domestic use for storing vehicles and would be let to local users.

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

- Entrance/exit to the site.
- Inclusion of the condition that required the retention of existing boundary planting.

RESOLVED – That the application be approved subject to conditions detailed in the report and an additional condition concerning the retention of the hedge to the boundary as referred to in the report.

31 Applications 12/02326/FU and 12/02465/LI - 87 Otley Road, Headingley, Leeds

Draft minutes to be approved at the meeting to be held on Thursday, 16th August, 2012

The report of the Chief Planning Officer introduced an application and listed building consent for the change of use of a shop (Class A1) to financial and professional services (Class A2) with associated alterations to the listed building at 87 Otley Road, Headingley.

Photographs of the building were displayed.

The following issues were highlighted in relation to the application:

- The applicant was likely to use the premises as a letting agency.
- The application had been referred to Panel due to representations from Ward Members and local interests. There had been nine letters of objection and concern regarding the large number of letting agencies in the area. This did not constitute grounds to refuse the application.
- The building had not been identified as primary or secondary shopping space.
- The application was recommended for approval.

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

- There had been similar applications that had been recommended for refusal. These had been in defined shopping areas which were covered by policy that could be applied to the use of the properties.
- There would not be a requirement to apply for permission to revert back to Class A1 usage.

RESOLVED – That the application be approved subject to conditions detailed in the report.

32 Application 12/01481/FU - Land adjacent to 47 St Michael's Lane, formerly known as 45 St Michael's Lane, Headingley

The report of the Chief Planning Officer introduced an application for a part three, part four storey block of 41 studio flats with ancillary office space, landscaping and car parking at land adjacent to 47 St Michael's Lane, Headingley.

Members were shown photographs and site plans.

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

- The proposed scheme had been amended from an initial proposal for 45 studio flats down to 41. Part of the Section 106 agreement had been amended to reflect this.
- Additional representation received from local objectors.
- The proposals fell outside the Headingley Conservation Area.
- The site was previously used for industrial purposes.

- Members were informed of previous planning refusals at the site and existing permission that had been granted on appeal for another scheme on the site.
- Car parking provision met UDP guidelines and there would be no permits for residents.
- The footprint of the proposed development was similar to that of the proposals that had extant permission.

A local resident addressed the meeting with concerns regarding the application. These included the following:

- Concern that the development was too large for a narrow site.
- Concern regarding the potential for increased noise and disturbance, particularly with the roof terrace.
- Problems regarding litter and rubbish in the area which would be increased should this scheme be approved.
- There was already a significant amount of student accommodation in the area and there had been a decline in the number of students coming to the city.
- Strong objections had been received from 19 residents.
- The proposals would not provide high quality homes.
- In response to Members questions, it was accepted that the site needed filling but it was felt the proposals were too much for the space involved. Further concern was expressed over car parking provision.

The applicant's representative addressed the meeting regarding the application. The following issues were highlighted:

- The applicant had undertaken extensive consultation with local residents and Council officers.
- The Council's Design and Review Panel felt that it was a better design than the proposal that had extant permission.
- The scheme would direct students away from traditional student housing and release those properties back on to the open market.
- The objections only represented a small fraction of the local population and only 2 had been received from residents within 150 metres of the site.

In response to Members comments and questions, the applicant's representative reported that the number of proposed flats had been reduced due to a change from cluster flats to studio flats. He also informed the Panel that the consultation had included writing out to 36 local residents, local interest groups and Ward Councillors. It was further reported that the proposed roof terrace had been assessed by noise consultants and had felt to be acceptable.

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

- A noise assessment of the proposed roof terrace had been carried out by Environmental Health officers.
- Policy on shared surfaces – this would not apply to the proposals as they would be private land.
- The number of allocated parking spaces came within guidelines.
- There would be no through access of the site.
- Suggestions that conditions should be attached to the use of the roof terrace, it was reported that there would be difficulty enforcing any conditions but noise levels could be monitored.
- The size of the proposed flats fell within housing standards.
- Concern regarding the lack of greenspace.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to conditions outlined in the report and an additional condition regarding acceptable noise levels to the boundary to ensure that the use of the roof terrace can be controlled to minimise noise disturbance to residents in the surrounding neighbourhood. Officers to consult Environmental Health to determine a suitable dba rating at the boundary.

33 Application 12/02118/FU - Gable House, 11A New Road Side, Rawdon, Leeds

The report of the Chief Planning Officer presented an application for the change of use of a house to a dental practice at Gable House, 11A New Road Side, Rawdon, Leeds.

The application had been referred to Plans Panel at the request of a local Ward Councillor over concerns regarding the lack of off street parking and it had been further requested that Members should undertake a site visit.

Members were shown photographs of the property and surrounding area, including a nearby public car park, and it was reported that the property itself did not provide parking at the maximum level that the UDP would recommend. It was also reported that the property fell in a commercial area flanked by a medical practice and a school and was not ideally placed for use as a dwelling. Photographs of the public car park showed that only 5 out of 20 available spaces were being used in a photograph taken during mid morning and it was only at school opening and closing times that there were pressures on parking space. It was therefore felt that there was sufficient nearby parking and not sufficient grounds to refuse the application.

RESOLVED – That the application be approved subject to conditions detailed in the report.

34 Date and Time of Next Meeting

Thursday, 16 August 2012 at 1.30 p.m.

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Originator: M Walker
Tel: 2478000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 16th August 2012

Subject: APPLICATION 12/02620/FU - Zetland Villas, 85 Long Row, Horsforth, LS18 5AT - Single storey side extension to garage

APPLICANT	DATE VALID	TARGET DATE
Mr D Newbury	13.06.2012	08.08.2012

Electoral Wards Affected:

Horsforth

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
GRANT PERMISSION subject to the following conditions:

Conditions

1. Time limit
2. Plans to be approved
3. Justification

Reasons for approval: The application is considered to comply with Policies GP5, BD6 or N19 of the Leeds Unitary Development Plan (Review 2006), not cause harm to the character or appearance of the original house, street scene, wider conservation area nor to residential amenity and, having regard to all other material considerations, it is considered that the proposal is acceptable.

1.0 INTRODUCTION:

1.1 Under the terms of the officer/member delegation agreement, all applications submitted by a member of Planning Services staff (as in this case) must be brought before members.

2.0 PROPOSAL:

2.1 The applicant seeks planning permission for the erection of a single storey side extension to the existing detached garage located to the side of the host dwelling.

2.2 The existing garage is constructed from stone, has a metal door set within a timber frame and a pitched roof of rosemary tiles. A black timber fascia is set underneath the line of the tiles.

2.3 The extension is proposed to be 1.5 metres in width, 5.05 metres deep and would feature a 2.5 metre high flat roof.

2.4 A timber infill panel is proposed to replace the existing garage door.

2.5 The applicant proposes the use of timber panels and glazing set within a timber frame.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located within the Horsforth Conservation Area. The site falls within character Zone 3a as identified in the conservation area appraisal. The house is identified as a positive structure within the Conservation Area. The house is also within Character Area 1 in the Horsforth Design Statement.

3.2 The main dwelling is an Edwardian semi-detached stone house. The house and garage are set back from the road and views of the house are softened and filtered through garden planting. The rear garden is screened by close boarded timber panel fencing.

3.3 The surrounding area is typified by Victorian and Edwardian stone houses, a mix of dwelling types including terraces, terraced cottages, semi-detached and detached dwellings.

3.4 The garage is set to the south of the house and is of a traditional form. It is constructed of stone walls with a rosemary tile pitched roof. It has a metal door set within a wooden frame. A black painted timber fascia is set underneath the line of the roof tiles.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Reference: 27/208/02/FU
Address: Zetland Villas 85 Long Row Horsforth 2415 3881
Proposal: Change of use involving new roof extension & conservatory to existing garage to form one bedroom dwelling

Refused on : 7th November 2002 on grounds of adverse impact on the character and appearance of the Horsforth Conservation Area, a loss of a tree and loss of amenity to a neighbouring property and inadequate means of access.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre application advice was provided to the applicant on how to best design the garage extension to best fit the outbuilding and wider conservation area under enquiry PREAPP/12/00142. Officers advised the applicant to lower the height of the proposed roof to better conceal the extension from wider views.
- 5.2 Revised plans were submitted for consideration by the Conservation Officer who concluded that the revised design was acceptable. The extension was noted as being subservient to the garage and would not impact on the special interest of the principal positive building on the site. The Conservation Officer also commented that the materials used should also ensure the character is sympathetic to the existing buildings and would not compete with them.
- 5.3 An application based on that advice was submitted on 13.06.2012.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 No responses from neighbours or the general public have been received.

7.0 CONSULTATIONS RESPONSES:

Statutory & Non-Statutory Consultations:
None

8.0 PLANNING POLICIES:

- 8.1 The development plan comprises the adopted Leeds Unitary Development Plan (Review 2006).
- 8.2 Leeds Unitary Development Plan (Review 2006) Policies:
Policy GP5: General planning considerations
Policy BD6: General planning considerations
Policy T2: Refers to parking provision
Policy N19: Refers to development within Conservation Areas
Policy BC7: Refers to the use of local materials
- 8.3 Leeds City Council Householder Design Guide Policies:
Policy HDG1: General planning considerations
Policy HDG2: General planning considerations
- 8.4 Horsforth Conservation Area Appraisal and Action Plan

8.5 Horsforth Design Statement

8.6 SPG 13 – ‘Neighbourhoods For Living’

9.0 MAIN ISSUES

- i) Design and Character / Conservation Area
- ii) Overlooking
- iii) Parking

10.0 APPRAISAL

10.1 Design and Character / Conservation Area

As discussed, the proposed extension has been designed to have only a very minimal profile within the wider street scene. Suitable materials have been proposed to contrast the stone exterior of the building rather than produce an extension that appears pastiche in relation to the existing garage. The proposed use of timber paneling is considered acceptable as it would be in keeping with existing fencing and would allow the limited viewable height of the extension to blend with the panel fencing when viewed from outside the application site.

10.2 Overlooking

Glazing is proposed to the side and rear elevations of the extension and both elevations face into the applicant’s rear garden space with around 18 metres separation between the rear elevation and the rear application site boundary, a boundary which is protected by walling and planting. The side elevation of the extension faces onto the main house and therefore there is no detriment through overlooking.

10.3 Parking

The proposal involves the conversion of the existing garage, which in tandem with the extension will provide the applicant with a habitable room. The conversion of the garage in isolation does not require planning permission (Permitted Development) however the property benefits from a wide and deep parking area to the front of the dwelling, suitable for parking a number of cars off street.

11.0 CONCLUSION

11.1 In conclusion, consideration has been given to all material planning considerations and all matters raised and it is considered that, subject to the appropriate conditions, permission should be granted.

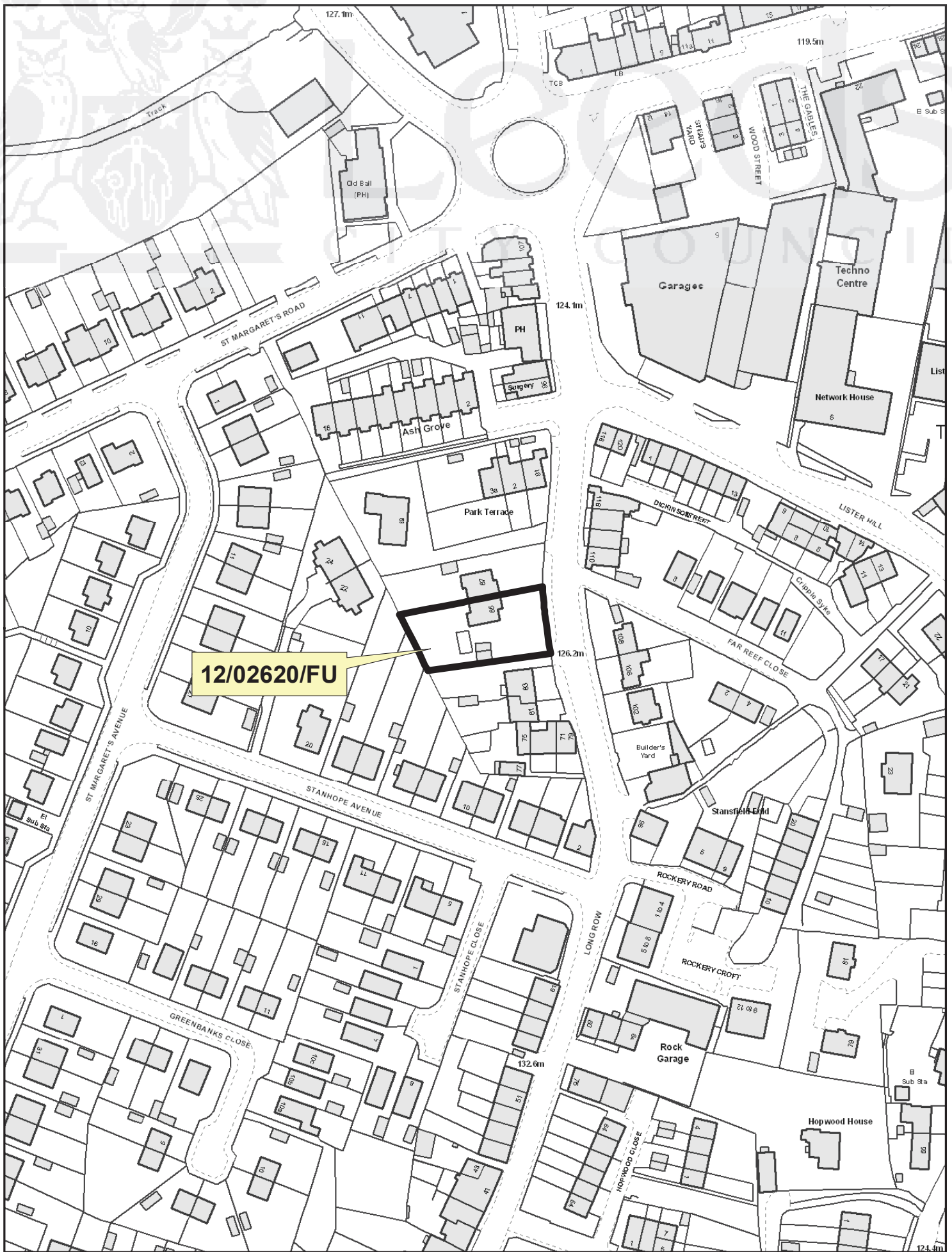
Background Papers:

Application files: 12/02620/FU

SPG13 – ‘Neighbourhoods For Living’, Horsforth Conservation Area Appraisal, Horsforth Design Statement

Ownership Certificate:

Certificate A signed by applicant



12/02620/FU

WEST PLANS PANEL

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Originator: Mathias Franklin

Tel: 0113 24 77019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 16 August 2012

Subject: APPLICATION NUMBER 12/01236/FU: Outline application including layout, scale and means of access for 46 dwellings and full application for conversion and extension of the main school building and stable block to form 36 dwellings at the former Leeds Girls High School, Headingley Lane, Headingley

APPLICANT	DATE VALID	TARGET DATE
Morley House Trust	20.04.2012	20.07.2012

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:

DEFER AND DELEGATE approval to the Chief Planning Officer subject to the completion of a Section 106 Agreement to be completed within 3 months of the date of Panel and to cover: Affordable Housing (5% if built in accordance with interim policy), On site greenspace laying out and 10 year maintenance and off site contribution for equipped children's play provision (£35,551.42), education contribution (£238,191.00) Public Transport Infrastructure contribution (£62,163.00), Travel planning measures and monitoring fee (£39,894.25 for metrocards and £100 per dwelling for other measures) and a bus stop contribution (£6,000.00).

Conditions:

1. Outline Planning Permission granted for 3 years
2. Reserved matters to be submitted to cover External appearance and Landscaping. Development to commencement within 2 years of the date of approval of the last Reserved Matter.
3. Phasing plan and details including affordable housing plan and a timetable for implementation
4. Full planning permission granted for 3 years for the conversion of the main school building and the stables block.

5. Approved plans list including Design Code.
6. Development to be carried out in accordance with the design code guidance.
7. Sample of materials, walls, roofing, windows, doors, surfacing to be submitted and approved.
8. Natural slate to be used on all roofs and no uPVC to be used on any doors, or windows notwithstanding the information in the approved design code.
9. Boundary treatments to be approved. No close board fencing to be used on properties visible from public areas.
10. Survey of gate piers, steps and railings, and other features of interest and scheme for the retention and restoration of these to be submitted and implemented and the removal of existing timber fencing on Victoria Road frontage.
11. Levels plan to be submitted and approved showing existing and proposed and off site datum points;
12. Landscaping scheme to be submitted to and approved in writing and then implemented in accordance with approved details and maintained thereafter.
13. Replacement tree planting scheme to be submitted and approved in writing including maintenance and management.
14. Protection of existing hedges, trees and shrubs not to be felled.
15. No change of levels within Root Protection Areas for lifetime of construction phase
16. Tree survey updated and approved prior to commencement of development
17. Pre-start meeting to agree protective fencing for tree scheme
18. No mechanical dig technique scheme for western access road and around block 10 and block 9 and to be submitted and approved prior to commencement of development.
19. Submission of desk study, site investigation and remediation statements
20. Any unexpected contamination or where development cannot proceed in accordance with approved Remediation Statement notify LPA.
21. Works shall be carried out in accordance with approved Remediation Statement and the developer shall confirm on completion of works that the development has been carried out in accordance with the approved Remediation Statements.
22. Prior to the commencement of development details shall be submitted to and approved in writing by the LPA of bat roosting and bird nesting (for species such as House Sparrow, Starling, Swift, Swallow and House Marten) opportunities to be provided within buildings and elsewhere on-site. The agreed Plan shall thereafter be implemented.
23. No site clearance, demolition or removal of any trees, shrubs or other vegetation shall be carried out during the period 1 March to 31 August inclusive unless otherwise agreed in writing with the LPA.
24. Replacement planting if trees die within 5 years of planting.
25. Demolition and construction including deliveries to and from the site should be restricted to 0800 hours until 1800 hours Monday to Friday and 0900 hours until 1300 on Saturdays with no operations on Sundays or Bank Holidays.
26. Development shall not commence until a scheme detailing surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme should be consistent with the recommendations of the three part FRA ref: LGHS FRA/FIinal Draft/53488 prepared by Faber Maunsell/ AECOM dated May 2007. The works shall be implemented in accordance with the approved scheme before the development is brought into use, or as set out in the approved phasing details.
27. Means of vehicular access to and from the site shall be as shown on the approved plan
28. The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority. The gradient of the pedestrian access shall not exceed 1 in 20 (5%).
29. The gradient of all drives shall not exceed 1 in 12.5 (8%).

30. Development shall not commence until details of the proposed method of closing off and making good all existing redundant accesses to the development site have been submitted to and approved in writing by the local planning authority. The approved works shall be completed before the development is occupied.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any provision in any statutory instrument revoking or re-enacting that Order, no vehicular access shall be taken from Headingley Lane.
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any provision in any statutory instrument revoking or re-enacting that Order, the garages hereby approved shall be kept available and used solely as garages for the parking of motor cars for the benefit of the occupant of the dwelling for the lifetime of the development.
33. Notwithstanding the approved details, before development is commenced full details of cycle/motorcycle parking and facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved cycle/motorcycle parking and facilities have been provided. The facilities shall thereafter be retained for the lifetime of the development.
34. Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.
35. Development shall not commence until details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking) have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided for the duration of construction works.
36. Development shall not commence until details of works comprising:
 - (i) a 'Residents Only' permit parking scheme on the highways within the development site;
 - (ii) the laying out of 2 'Car Club' parking spaces on the internal estate road and;
 - (iii) any necessary waiting restrictions on Victoria Road and Headingley Lane within the vicinity of the site,

have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be fully implemented prior to the occupation of 10% of the dwellings.

37. The Area of on site public open space shall be laid out in accordance with the approved plan and the connections to the off site highway network shall be completed in accordance with a scheme to be approved by the LPA detailing the timing of implementation.
38. Notwithstanding the Permitted Development Rights, planning permission shall first be obtained before any dormer, roof alteration, extension, outbuilding or means of enclosure is erected by any dwelling.

In granting part Outline part and Full planning permission for these developments the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and the content and policies within Supplementary Planning

Guidance (SPG) and The Development Plan consisting of the save policies of the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N6, N12, N13, N19, T2, T24, H4, H12, H13, H15, BD5, BD6, BC7, LD1
Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area Appraisal and Management Plan.

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

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel for a determination and with a recommendation to approve the application subject to planning conditions and the completion of a Section 106 agreement. Members will recall that a position statement was brought to Panel in June 2012 which sought to bring Members up to date with the contents of the latest and current planning application. The position statement report outlined a series of matters which officers considered needed to be resolved for the development to be acceptable. In summary the majority of the issues raised in the position statement report have been satisfactorily addressed and on balance officers feel they can recommend this application positively. This report will update Members of the post June panel discussions with the applicant and advise Members of the changes to the masterplan and design code documents.
- 1.2 Members of this Panel will recall they have discussed this site at length at several previous Panel meetings. The last time this site was discussed by Panel was on the 14 June 2012. Prior to that in January 2012 the developer delivered a pre-application presentation to Panel and Members saw a masterplan which had been revised in light of the dismissed appeal for Outline planning permission for residential development in 2011. Members noted both in June and in January that the masterplan they were shown had made some progress but there was still uncertainty over the level of detail being provided and members still thought the scheme need to evolve further before it could be acceptable.
- 1.3 To assist Members, appended to this report is a copy of the latest masterplan with the block numbers shown.

2.0 PROPOSAL:

- 2.1 The current masterplan proposes to build 16 new blocks on site and convert 5 existing buildings into dwellings and apartments. These blocks would be split into detached dwellings, semi detached dwellings or terraces of up to four dwellings. One block would also house up to four apartments. In total 46 new build dwellings would be created. The conversion and extension of the main school building would provide 32 apartments. The conversion of the stable block would also provide 4 dwellings. The conversion of Rose Court to 12 apartments was allowed on appeal and does not therefore form part of the current application. Members should note that the north west lodge building and the Rose Court Lodge located in the south east corner are already in residential use and comprise a total of 3 dwellings and

are outside of the considerations of this planning application. Both the conversion of the Main school building and Rose Court are unchanged from the previous application. In total there would be **94 dwellings (a reduction of 4 units from the June position statement panel report)**, built on site if the current application and the approved Rose court applications are combined. The previous refused application had **117 dwellings** in total (including the 12 apartments in Rose Court). The main reduction in the number of units relates to the removal of 15 apartments from the scheme which would have all been sited in the 4-5 storey block in the south west corner.

- 2.2 The design and appearance of the new build dwellings are to be dealt with at Reserved Matters but as the current application includes Scale and Layout the detail of the siting of the blocks and the heights of the blocks are important considerations in the determination of this application.
- 2.3 The new build blocks vary between two storey and three storeys in height and in addition some of these blocks also have accommodation in the roof.
- 2.4 The main changes between the current application and the previous application which was refused are:
- the removal of the 4/5 storey apartment block in the south west corner of the site adjacent to Victoria Road and its replacement with one 3 storey block.
 - The creation of block 19 (two storey block of either 2 apartments or 2 start homes) in the north east corner of the site next to the sunken garden by Rose Court
 - The creation of two blocks- 17 and 18 (4 dwellings in total of 2 storeys in height with only 2 levels of accommodation) either side of the new access road adjacent to Victoria Road in the centre of the site
 - The creation of a detached block of 4 terraced dwellings (No.9) sited midway between the Main School building and Rose Court. Previously this block was attached to the Main school building and would have provided 4 town houses.
 - The section 106 package will include 5% affordable housing which could be in the form of an off site contribution, On-site public open space and off site contribution for equipped childrens play provision, off site highway works and a contribution towards public transport Infrastructure in accordance with the adopted SPD and travel planning measures and associated monitoring fee.

3.0 SITE AND SURROUNDINGS:

- 3.1 The main school site is a 2.44 hectare site located off Headingley Lane. The site is triangular in shape with Headingley Lane to the north east, Victoria Road to the south and Headingley Business Park to the west. The site is within the Headingley Conservation Area and there are two listed buildings within the school site: Rose Court and the Lodge building (outside the planning application site)
- 3.2 The site is located in a predominantly residential area with densely populated areas directly to the north east, south and south west. To the west of the site is Headingley Business Park and to the south east, Hyde Park.
- 3.3 The main school building is a 3 - 4 storey red brick building which has undergone a number of structural alterations and extensions to facilitate the growth of the school. The building is located on the north western part of the site facing Victoria Road to

the south. Views of the building from Headingley Lane are obscured due to the topography and boundary treatment, whilst views from the south are interrupted by mature trees. The building is not listed but is a good quality building in the conservation area that makes a positive contribution towards the local character and appearance of this part of the Headingley Conservation Area.

- 3.4 Within the site are Rose Court and Rose Court Lodge, both listed buildings located to the eastern end of the site. Rose Court is set to the north eastern part of the site with landscaping to the front, whilst the Lodge is located in the south east corner of the site, adjacent to Victoria Road. Both buildings are built out of natural stone and have timber framed windows and doors and natural slate roofs.
- 3.5 The site also includes amenity areas constituting open space and tennis courts to the front of the main school building and car parking to the south of the site. The site also includes a large variety of mature trees both within the site and on the boundaries.
- 3.6 The site currently has two main access points, from Victoria Road to the south east corner of the site, adjacent to the Lodge and one to the North West directly onto Headingley Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history on the site is considered relevant:-

08/04217/CA seeks Conservation Area Consent for the demolition of a number of buildings used by Leeds Girls High School on the main school site. Allowed on appeal.

Applications 08/04219/FU and 08/04220/LI for full Planning Permission and Listed Building Consent for the conversion and extension of Rose Court to form 12 apartments. Allowed on appeal

Application 08/04216/FU for full planning permission for the conversion and extension of the Main School Building to form 32 dwellings and the conversion of the stable block to form 3 dwellings. Dismissed on appeal.

08/04214/OT: Outline Application for residential development. Dismissed on appeal.

July 2011: A public Inquiry was held following the refusal of Outline planning permission for residential development and also refusal of the change of use and extension of the Main school buildings and conversion of the stable block to apartments and dwellings. In total 5 applications were heard at appeal. 3 were allowed and 2 were dismissed. The Conversion of Rose Court and associated Listed Building application along with the Conservation Area Consent application were all allowed. The Outline application and the change of use of the Main School Building were both dismissed. The summary below of the Inspectors comments should help Members recall what the issues were from the previous applications and how the proposals have evolved into the current masterplan. The appeal masterplan is attached to the report along with a copy of the latest revised masterplan.

- 4.2 **a) Application 08/04214/OT Appeal Summary - New residential development**

4.3 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:

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

4.4 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

Tennis Courts

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

Development of playing pitches will not be permitted unless:

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

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

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

The central access

4.6 Although it would breach the boundary wall and create a hard urban intrusion through the grounds of the school, it would enable a much better appreciation from

public vantage points of the landscape quality of the grounds and would lead to amenity space which is accessible to the public, and is on balance acceptable.

The western access route

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

Dwelling Blocks 2 and 3 (See attached block plan)

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

Dwelling Blocks 6, 7 and 8

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

Dwelling Block 9

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

Dwelling Blocks 10 to 15

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

Dwelling Blocks 17, 18 and 19

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

Trees and Amenity Open Space within the scheme

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

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

- 4.14 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.
- 4.15 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.
- 4.16 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.
- 4.17 November 2010: Applicants appealed against non determination of 5 applications following Panel’s resolution of October 2010 to not support the officer recommendation to approve and the resolution was to refuse the Outline application and the Change of Use application for the Main School building. Members did not object to the change of use and listed building consent application to convert Rose Court to 12 apartments.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the current application the developer has consulted with the community and held a public exhibition to look at the appeal decision and to present options which they consider would overcome the reasons for refusal. The developer has also had several pre-application meetings with Officers to try and resolve the issues, this has been partially successful. The developer has also presented their revised masterplan to Panel in January 2012 which Members broadly thought was progressing in the right direction but still required further work.

6.0 PUBLIC/LOCAL RESPONSE AND CONSULTATIONS:

- 6.1 The application has been advertised via a site notice and an advert in the local newspaper. 16 letters of objection and 4 letters making other representations have been received. Including one from the Leeds HMO lobby, the Headingley Development Trust, Friends of Woodhouse Moor, the South Headingley Community Association and the Leeds Girls High School Action Group. A letter of objection has also been received from Leeds Civic Trust. The following issues are raised:

- S106 moneys should be used to buy vacant HMOs in the locality
- There is a demand for additional tennis courts in the locality.

- Sports facilities would benefit local primary schools
- New masterplan is an improvement over previous scheme but is still too intensive
- Over development in south west corner restricts views into the site
- Increase in traffic in the area
- Lack of parking on site
- Objection to the size and scale of the gatehouses either side of the new access road which obstruct views of the listed Rose Court Building.
- The public open spaces aren't well designed
- More should be done to improve public access
- The scheme would be improved if blocks 10,11,12,13,15 and especially blocks 16 (and 17 and 18 if these are retained) to two storeys
- The development is contrary to Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area Appraisal and Management Plan
- Use of artificial slate on the Main School building extension is not acceptable.
- Extent of demolition of the Main School Building is not acceptable at the entire 1905 building should be retained
- No sustainable design and construction is referenced
- Likely impact on important trees from construction and future development pressures
- Lack of space for waste and bin storage on site
- Loss of tennis courts needed by the community
- Hyde Park and Woodhouse and Headingley need an additional 8 or 9 tennis courts, the area around the site within a one mile radius needs 17 courts and Leeds University needs an additional 16 courts.
- Leeds Civic Trust notes that the scheme is an improvement on that rejected by the Inspector at appeal. However, a clearer pedestrian route through the site is needed; the 'gatehouse' buildings to either side of the new Victoria Road access need to be a pair of small lodges and not the 6 dwellings proposed. The design should also make clear what the impact of gardens and garden boundaries would be on public views across the site.
- LGHS Action Group notes the new road will cause tree root damage and risk losing more trees than proposed. The two gatehouses proposed are inappropriate to the views, setting and layout of the site. Block 19 should be family housing not flats. Block 18 obstructs the views of Rose Court. The heights of the 3 storey blocks are too high and not in keeping with the heights of other residential properties in the area. They also consider the scheme is too dense.

6.2 Councillor Illingworth has also made the following objection to the application:

“The Health and Social Care Act 2012 (HSCA) became law on 27 March. This recent legislation has important implications for Local Authorities, and for Town and Country Planning processes. These issues are not presently reflected in the officers’ report to the Plans West Panel.

Very briefly, the Council now shares responsibility for Public Health. HSCA provides as follows at section 12

6.3 *12 Duties as to improvement of public health*
Page 26

After section 2A of the National Health Service Act 2006 insert—

“2B Functions of local authorities and Secretary of State as to improvement of public health

(1) *Each local authority must take such steps as it considers appropriate for improving the health of the people in its area.*

(2) *The Secretary of State may take such steps as the Secretary of State considers appropriate for improving the health of the people of England.*

(3) *The steps that may be taken under subsection (1) or (2) include—*

(a) providing information and advice;

(b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way);

(c) providing services or facilities for the prevention, diagnosis or treatment of illness;

(d) providing financial incentives to encourage individuals to adopt healthier lifestyles;

(e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment;

(f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement;

(g) making available the services of any person or any facilities.

(4) *The steps that may be taken under subsection (1) also include providing grants or loans (on such terms as the local authority considers appropriate).*

(5) *In this section, “local authority” means—*

(a) a county council in England;

(b) a district council in England, other than a council for a district in a county for which there is a county council;

(c) a London borough council;

(d) the Council of the Isles of Scilly;

(e) the Common Council of the City of London.”

- 6.4 Please note the use of the word “must” above, which has significant legal implications.
- 6.5 Development of the former Leeds Girls High School land would have significant direct effects on Public Health, and also on the Council’s ability to fulfil its duties under HSCA. The site is located in an area with a high population density, which includes a significant South Asian component, and an acknowledged deficiency in recreational open space. Local child obesity rates are among the highest in Leeds. Many adults, particularly those with a South Asian ancestry, die prematurely from the effects of obesity, diabetes and cardiovascular disease.
- 6.6 The clear advice from the National Institute for Health and Care Excellence (NICE) is that increased physical activity in the general population is an important part of the solution to these problems. The LGHS site includes several N6 designated playing pitches, the only such land in the immediate locality, and the only practicable locations to provide these facilities for several local primary schools.
- 6.7 The Council has recently conducted a PPG17 survey of recreational land, which accurately identifies the locations of recreational open space. This analysis did not include the *accessibility* of such open space, much of which is in private hands and is not presently available to the public. The accounting boundaries for the PPG17 survey subdivide the most deprived areas of Leeds. When these factors are taken

into account the deficiency of recreational open space in the vicinity of the former LGHS site is even more severe than was previously recognised.

- 6.8 In these circumstances the omission of Public Health from the planning officers' report is a serious deficiency, and I hope that a further report can be brought forward to address these important issues as rapidly as possible".
- 6.9 Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species. The protected species survey has identified that bats, a European protected species may be affected by this application. The applicant is currently preparing a bat survey to address this consultation comment.
- 6.10 Travelwise: The text of the travel plan is acceptable, and is the same as that agreed prior to the recent public inquiry. The action plan (attached) and agreed layout plan need to be appended to the document before it is accepted. City Car Club has confirmed that are happy with the proposed car club location. The layout plan needs to show all the cycle parking locations (both long and short stay).
- 6.11 Contaminated Land Team: The Preliminary Investigation Report (DS) recommends that intrusive investigation be carried out.
- 6.12 Environmental Health: No objection subject to a condition to control construction and demolition works and an air quality report to be submitted. The applicant is currently preparing an air quality survey to address this consultation comment.
- 6.13 Environment Agency: No objection subject to a condition to deal with surface water drainage and run off and SUD's.
- 6.14 Mains Drainage: No objection subject to conditions to deal with surface water drainage.
- 6.15 Highways: No objection in principle but have requested revised layout plan to deal with minor details of car parking arrangements, visibility splays, turning heads, carriage way widths, bin and cycle storage. Welcome the planned closure of the vehicular access on to Headingley Lane and its retention as pedestrian, cyclist and emergency access only. New Generation Transport Team consultation response to follow. The applicant is currently preparing a revised masterplan to address this consultation comment.
- 6.16 Sport England: No objection in principle but they have made a non statutory objection and requested 2 of the tennis courts be retained and made available for community use. They have also requested that a contribution towards sport provision by provided be the applicant. The applicant has declined this request. The Council does not have a planning policy basis on which to request this contribution. Members should note that this contribution was not offered during the previous application or the Inquiry and was not a reason for refusal of either.
- 6.17 Metro: Metro requests that the developer should fund a Bus Only Travel Card for each resident. The current price to the developer is £39,894.25. This includes a 10% fee for the administration of the scheme.

6.18 The Victorian Society: Note that this revised scheme has been prepared taking into account all the Inspector's comments from the recent enquiry report. The open view now proposed for the house Rose Court is welcomed. However the relationship of townhouses C3 and C8 to the oval Rose Court garden proposed is very unsatisfactory and it is considered that these two houses should be omitted; C1/C2 and C4/C5 would remain and provide a suitable entrance to the site from Victoria Road. They remain concerned at the density of the development, even though slightly reduced from the enquiry scheme, and at the inevitable contribution of the scheme's occupants to the intense traffic problems in the vicinity.

7.0 PLANNING POLICIES:

7.1 The Development Plan for Leeds currently comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.

7.2 Within the adopted UDP Review (Sept 2006):

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

7.3 Supplementary Planning Guidance

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11:Section 106 Contributions for School Provision;
- SPG13: Neighbourhoods for Living;
- SPD Public transport improvements and developer contributions;
- Street design guide SPD, and
- Travel plans SPD (Draft).
- Headingley and Hyde Park NDS
- Headingley Hill, Hyde Park and Woodhouse Conservation Area Appraisal which states as the opportunities for enhancement:

‘The key opportunity for enhancement is the reuse of the Leeds Girls High School site by the retention of the original main school building and other ‘positive’ buildings and features and the removal of unsympathetic 20th century buildings. The restoration of the garden setting of Rose Court, sympathetic new build in a landscape setting retaining existing trees and open views to Victoria Road and Cuthbert Broderick’s United Reformed Church on Headingley Lane, together with public access linking Headingley Lane with Victoria Road, should be key elements of any proposed scheme’.

7.4 Government Guidance

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 204 refers to the CIL tests which all Planning Obligations should be assessed against. Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

7.5 Paragraphs 69 and 74 deal with matters relating to health and well being and existing recreation facilities. Paragraph 74 states that: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Paragraph 75 promotes creating new accesses and rights of way and also seeks to enhance existing rights of way.

Emerging Core Strategy

- 7.6 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy set sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.0 MAIN ISSUE:

- 8.1 Principle of the development
- 8.2 Masterplan Layout Changes;
- 8.3 The impact on the character and appearance of the conservation and the setting of the listed building Rose Court;
- 8.4 The impact on important trees;
- 8.5 Highway matters; and
- 8.6 The S106 package

9.0 APPRAISAL:

Principle of the development

- 9.1 The context for establishing the principle of the development was discussed in depth during the previous application and at the Appeal Inquiry in 2011. Substantial weight is afforded to the Inspectors appeal decision. Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise. The application site lies within Headingley and has an N6 designation within the UDP Review (2006). The site comprises a mix of both previously developed land and some areas of Greenfield land (the playing courts). The school and its grounds are vacant as a result of a merger and the relocation of Leeds Girls High School (LGHS) to the current Leeds Girls High School (LGS) site at Alwoodley Gates. Ideally the sites should retain their existing uses or conform to the predominant use of the immediate area. In principle, given the surrounding area is predominantly residential, a suitable family residential redevelopment on this sustainable site is considered acceptable. As the Headingley Conservation Area covers the Main School Site and there are two listed buildings on site and also buildings to be retained and converted which make a positive contribution to the character and appearance of the conservation area, a high quality development would be expected and needs to be delivered through the detail of the Reserved Matters applications for Appearance and Landscaping. The re-use of previously developed land and buildings in sustainable locations is a key driver of the new National Planning Policy Framework.
- 9.2 Sport England have accepted that the provision of new playing field facilities at the Alwoodley site is sufficient to meet the planning policy criteria of NPPF and their 'exceptions' policy relating to the development of playing pitches. Officers have also judged that the proposed development also meets the criteria of policy N6 of the UDP in justifying the loss of designated protected playing pitches. The assessment that the

playing pitches at Alwoodley meet the criteria in both replacement of quality and quantity of playing pitch provision is a contentious matter given the sites are about 5 miles apart but it is also important to note that the playing pitches at the Headingley site have never been publicly available facilities and as such it is accepted that they are not a loss of provision to the local community. It is considered that as the Leeds Girls High School was a private school not a community school its relocation to Alwoodley is still considered to be within the locality which meets with the policy tests on replacing both qualitative and quantity playing pitches in the locality. The development of housing on the former playing courts at the site has been tested both through Counsel opinion who concluded that the UDP policy N6 designation was now obsolete as the replacement facilities at Alwoodley Gates met the needs of the former school. In addition this view was also discussed by the Inspector who concluded the same outcome as Counsel's opinion during the appeal Inquiry in 2011 (See Planning History above). Accordingly the principle of the development accords with UDP policy H4 and N6 and the National Planning Policy Framework. This appraisal will outline the changes to the masterplan that have taken place since the June Panel position statement. It is considered that all other matters have been addressed and there are no objections to the scheme in relation to matters of highway safety or off site highway impacts or in relation to the impact on residential amenity arising from the development.

- 9.3 It is agreed that in this part of the City there is a deficiency in sports facilities and pitches and that public open spaces promotes exercise to the benefit of both individual and public health. It is also noted that there is a significant number of residents of Asian background living in the area near to the application site and a proportion of these ethnic groups suffer from high cases of diabetes and cardiovascular disease.
- 9.4 It is not considered that these health problems can be directly related to the provision of playing fields and the potential loss of the Leeds Girls High School site. Already, there is significant playing field provision in the area (eg at Woodhouse Moor) and the tennis courts at the High School have never been available for public use. It is therefore concluded that there is no evidence of a direct relationship between the health problems experienced by these ethnic groups and the potential loss of the privately owned playing fields within the High School site itself. This view was echoed by the Planning Inspector in his findings of the appeals in 2011 when he stated "*the tennis courts have never been available to the public and so their potential loss to development of the site cannot in itself be harmful to the health and well-being of the community*".
- 9.5 It is considered that the development proposals comply with the aims of the 2012 Health and Social Care Act referred to by Councillor Illingworth in that the public will have access into a site which it previously did not. As part of the planning process the developer will provide and maintain an area of the site as public open space. This will afford existing and future residents with new recreation space. In addition the creation of footpath and an adopted cycle way link from Headingley Lane through the site to Victoria Road will also promote cycling and walking. The development proposals will also require the contribution of equipped children's play provision which will be provided off site but within the locality. This equipment involves a separate process to determine exactly where it will be spent and provided.

Masterplan Layout Changes

9.6 Overall the masterplan is considered to have developed to a form that is acceptable. The main changes are considered to have overcome the previous reasons for refusal and addressed the comments from the Planning Inspector. The changes to the masterplan include the removal of terraced housing from in front of the listed building Rose Court. The separation of the proposed extension block linked to the Main School building and the creation of a free standing block located mid way between Rose Court and the Main School building. The removal of the 4/5 storey block of apartments in the south west corner and its replacement with a single block of one three storey unit is also a positive development. Overall the reduction in the number of units from the appeal scheme to the current application is welcome. The creation of more dwellings suitable for occupation by a family is also welcome. The detailed elements discussed at the June Panel meeting that required action following comments received from the Panel are addressed in the paragraphs below.

Western access road

9.7 During the appeal and previous application the applicant had not done site investigation works to establish where the tree roots of trees located adjacent to the existing western access road could be and whether upgrading the road to an adoptable standard would harm the trees around the western access road. The Inspector dismissed the Appeal on this potential harm. The developer has now undertaken site investigations in order to establish whether the western access road could be constructed to a suitable standard without impacting on the important trees which the Inspector considered should be retained. In light of these investigations Officers are comfortable that the improvements required to bring the western access road to a condition where the Council can adopt the road can be achieved without compromising the trees. Members will recall they were broadly supportive of the principle of the use of the existing access road on the western boundary subject to the detailed design not impacting on the trees. The use of specific planning conditions requiring hand digging techniques in the location of the middle section of the western access road should enable this road to be upgraded without harming important retained trees. The Western access road will then be adopted by the Council and thereafter maintained.

Design coding

9.8 One of the main issues that was discussed at the previous June Panel by members was the content of the design code and the amount of design information produced. The design code post June Panel has now been developed in response to this concern. A design code should provide a set of definite instructions, rather than general guidance or advice. The document now has been changed from the very general discussion document that was produced at the beginning of the pre-application discussions to a Design Code which now is clear about what the Reserved Matters application should be based upon. The important new build blocks 19 and 9 which are located next to the listed building, have been developed so that a future house builder should be clear about what is expected at Reserved Matters stage. The images within the design code of the overall height, general form and fenestration detailing have been developed for these blocks as they are very important to get right given their context. Overall, the Design and Access statement on design now provides a design code which officers consider can form part of the approved documents list.

Block 10

9.9 Despite repeated requests to improve separation between block 10 and trees 40, T46, T47, T48 & T51 little has changed in this regard. The developer is of the opinion that the appeal decision did not explicitly refuse the appeal on the impact of this block on the trees but the Inspector did express serious concerns about the relationship of the block to the trees. If the applicants' agricultural specialists' advice regarding reduced

rooting volumes beneath the existing western carriageway is correct it is likely that rooting volume from the above trees will be so much greater in the open soils in the area of block 10. However, as with the western access road there may be specific planning conditions that can be imposed to try to ensure that the construction of block 10 can take place without seriously harming the trees around the block. Members may recall they were concerned about this block at the June Panel meeting. Following the June meeting. Through a series of negotiations with the developer after the June Panel meeting officers have accepted that they cannot insist upon this block being reduced by one unit to protect the trees given the Planning Inspectors previous comments and the potential for planning conditions to protect the trees to be utilised. Therefore and very much on balance and taking into account the other changes made to the masterplan post June Panel officers are recommending that the application be approved with block 10 unaltered.

Blocks 17-18 (Gatehouses)

- 9.10 At the pre-application stage officers had suggested the idea that a pair of 'lodge gate houses' could be created by the new access road which might be an acceptable form of development. Officers consider that the size and siting of the proposed 'lodge gate houses' which was discussed at the pre-application stage should be similar in scale to the existing lodge in the south east corner and the gatehouse in the north west corner of the site. Following the June Panel meeting further work was undertaken in relation to these blocks. The developer has reduced the total number of units down from 6 to 4 and has revised the plan to confirm that only two levels of accommodation will be recreated in these blocks so that the potential for them to be converted to three storeys in later life has been removed. The scheme as currently proposed now has improved the Victoria Road frontage and has improved the rear courtyard parking and garden arrangements.

Block 19

- 9.11 This is one part of the application which at the pre-application stage no consensus was reached on. At the June Panel meeting Members will recall they expressed some concerns over the size and scale of this block and expressed concern there was a lack of information about how this block would look and what its impact would be. It was considered that a single house with a square footprint may be acceptable but the principle would have to be established by the detail. Officers advised the developer that we saw this house existing like a garden building, which puts limitations on the size and also influences the eventual design. The proposal as shown to the June Panel was to put a block with 4 apartments inside adjacent to Rose Court. This block has now been revised to a smaller footprint which is approximately 9metres by 9metres and 6.8metres from ground to ridge of roof in height and could contain either two flats or two starter homes. The reduction in the blocks size will allow for some more replacement tree planting than previously envisaged and also reduced the amount of car parking by one space. Overall this revised block is considered to preserve the setting of the listed building and does not compete with Rose Court. Accordingly this element of the proposal is now supported.

Curtilages fronting onto Victoria Road

- 9.12 As part of the desire to improve the site's appearance and enhance the character and appearance of the site in relation to views into the site the existing timber fence on top of Victoria Road will be removed which will open up views of the rear gardens of blocks 13, 15, 16, 17 and 18. Close-boarded fencing is considered not appropriate in this context for rear gardens as currently suggested in the Design and Access Statement. Blocks 11, 12, 13, 15 and 16 have all moved from the previous appeal masterplan closer towards this boundary with Victoria Road. This has reduced the

area in which replacement tree planting can take place. As such it is therefore very important that suitable boundary treatments are shown on the masterplan to avoid situations where rear gardens are enclosed by timber fences which detract from the conservation area. It is suggested also that good quality hedgerows could be used to improve the screening of the boundary treatments in these prominent locations. A planning condition will be attached to ensure close board timber fencing is not used on properties that are visible from the public areas either off site or from within the newly created areas of public open space.

The impact on the character and appearance of the conservation and the setting of the listed building Rose Court

9.13 The development has been assessed against the criteria of the National Planning Policy Framework Paragraph 131 which refers to the requirement of Local Planning Authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

It is considered that the revised masterplan and design code will ensure that the impact of the development upon the character and appearance of this part of the Headingley Conservation Area is not harmed and that the heritage assets, namely the Main school building and the listed buildings and the mature trees on site which make a positive contribution to the character and appearance of the conservation area are preserved. Furthermore were possible these heritage assets will be enhanced by bring these currently vacant buildings back into beneficial use. Although some of the trees on site will be lost to the development proposals, the tree loss has been carefully assessed throughout this application and in light of the previous Inspectors' comments. Members will recall the discussions at previous Panel meeting about tree protection and tree retention but also about which trees will be lost to enable the development. Accordingly overall the revised masterplan layout proposal is also considered to preserve the setting of the listed building buildings and to have a neutral effect upon the character and appearance of this part of the conservation area.

Residential amenity considerations

9.14 The proposal is considered acceptable in terms of the amenity afforded to future occupiers in relation to privacy, over looking and space about dwellings. The Outline application does not contain detailed floor plans of the proposed houses or apartments and as such Reserved Matters applications will assess the living conditions of individual units. The principle of residential development is being sought along with layout and scale. These considerations are considered to be acceptable in affording future occupiers with a satisfactory living arrangement. The space about the dwellings should not result in an over developed or over dominant relationship between buildings that could be detrimental to the amenity of future occupiers. Broadly the proposed layout is considered conducive to creating a good quality housing scheme that should add to the quality and variety of housing available in the area. It is noted that whilst there are some compromises between retaining trees, creating the internal roads and siting the development plots overall the scheme is considered to fit within the site and is not envisaged to be detrimental to local character. The applicant has stated that units will likely be three bedroom houses

which supports the idea they will be suitable for occupation by families which should assist with addressing the imbalance in the population and housing mix in the area which delivers on a wider planning objective for this part of the City

- 9.15 The proposed apartments within the main school building are considered to afford future occupiers with an acceptable level of daylight, outlook, privacy and outdoor amenity space. The car parking provision of the main school building is located within easy access of the buildings proposed entrances.

Impact upon highway network

- 9.16 The proposal has been assessed by highway officers in relation to its impact on the surrounds street network and it is accepted that the site is suitable for residential redevelopment and the proposal can be accommodated within the highway network subject to the conditions attached to the report and the contributions towards public transport infrastructure, residents parking permits and off site highway works being achieved. The on site level of car parking is in accordance with the desire to deliver one space per unit within the main school building application. The ratio of car parking for the new build properties is higher than 1 space per unit but the spaces allocated for individual units is not always ideal, however officers recognise the sites constraints and have balanced out the amenity considerations of future occupiers with the need to protect trees, provide public open space and create internal roads. It is considered that given the sites highly sustainable nature and the measures proposed within the travel plan to reduce private car use and ownership the applications are in accordance with adopted guidance.
- 9.17 The internal road layout and the access points onto Victoria Road are the subject of detailed consideration in paragraph 9.7. However, the broad layout and access arrangements are acceptable and there are no serious concerns relating to highway safety.
- 9.18 The proposed internal footpaths and cycle routes are considered positive and should create a site that is integrated within the existing community and should promote sustainable forms of travel and add to local permeability.

Greenspace /Landscaping:

- 9.19 The proposed layout is designed to create two areas of public open space within the site that can be enjoyed by both future occupiers and existing local residents. The larger area in front of the listed building Rose Court helps contribute to its setting and retains the sylvan setting which the Planning Inspector referred to in his report. The areas are both sufficient in quality and size to accord with the policy requirements for delivering public open space within residential development sites and is envisaged they will make a positive contribution to the character and appearance of this part of the Headingley Conservation Area.

The proposed Section 106 package will include:

- 9.20 Affordable Housing: 5% of the total number of dwellings with a mix of property types and size subject to the development commencing in accordance with the interim affordable housing policy otherwise the development will provide affordable housing in line with the policy requirements at that time. All affordable housing should be sub-market tenure. On the previous application Members supported in principle that the Affordable housing contribution could be taken as a commuted sum and spent off-site to buy vacant HMOs in the locality and return them to affordable housing. Plans Panel

West did however reject this approach to affordable housing in a recent decision to approve a housing development at Tetley Hall in Far Headingley. Members will recall that at the June meeting some Members were concerned that using the contribution for an off-site purchase of vacant HMOs would not result in the provision of an equivalent number of properties as could be achieved on-site. Officers have had some advice from colleagues in the Housing Services section that they estimate that only one vacant HMO could be bought with the commuted sum generated from this application and returned to affordable housing use and thereafter retained as such. Accordingly Officers are advising that given this much reduced provision that this development should provide for on site affordable housing. It is also noted that with the changes in demographics and also with the changes to the Welfare system and housing benefit that smaller 2 bedroom units would be more practical and provide for a greater range of housing needs than larger former HMO properties.

- 9.21 A contribution towards upgrading existing bus stops in the locality £6000.00.
- 9.22 Travel Plan provisions (travel cards £39,894.25 and £100 per dwelling for other travel planning initiatives) and monitoring fee £2500.
- 9.23 Public Transport Infrastructure contribution in accordance with the SPD £62,163.00
- 9.24 Education contribution, Primary schools contribution £148,616.00 and Secondary schools contribution of £89,575.00.
- 9.25 On site public open space and 10 year maintenance to be laid out prior to first occupation and off site contribution towards equipped children's play provision £35,551.42.

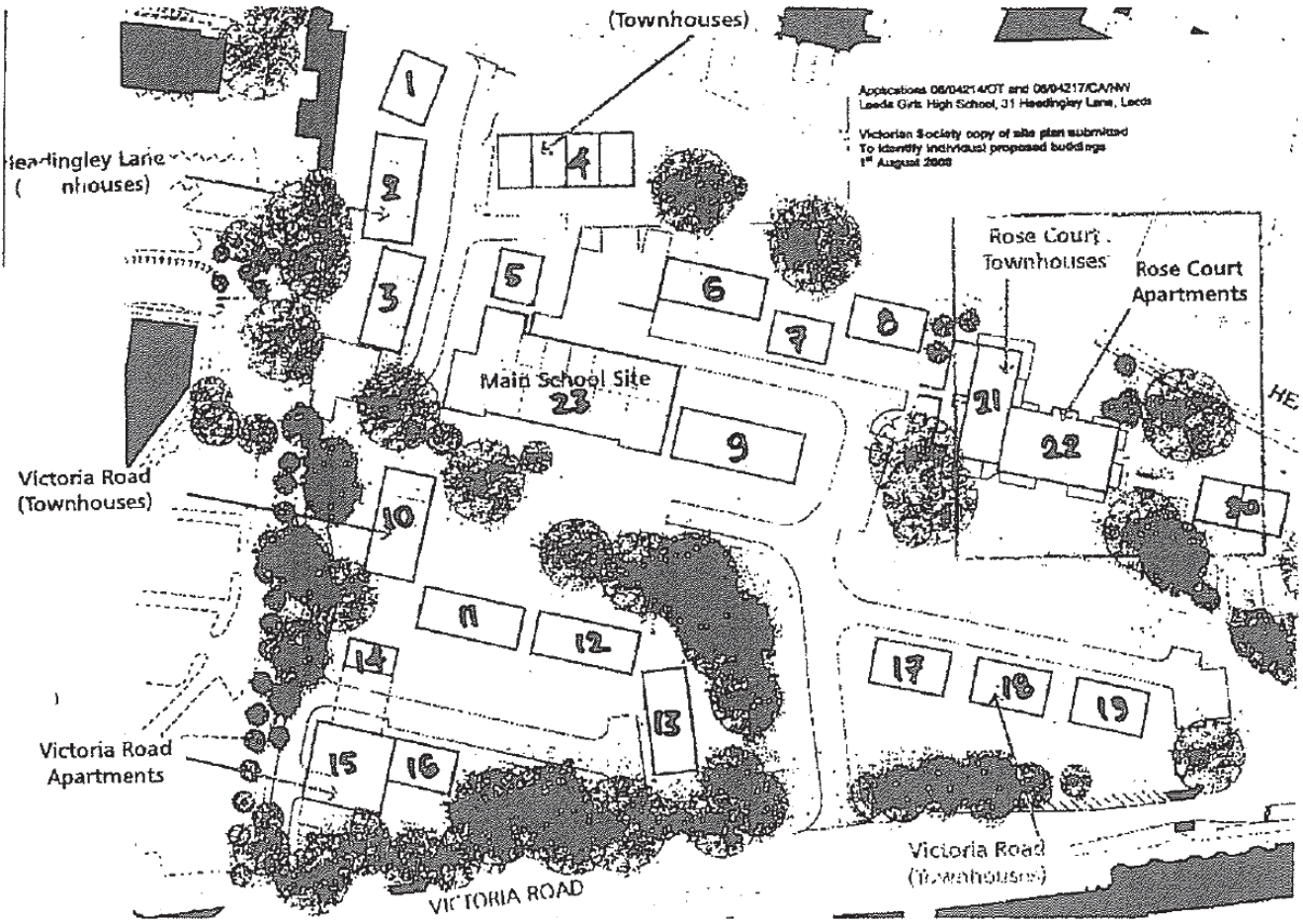
Conclusion

- 9.26 Overall Officers consider the revisions to the masterplan have addressed the matters arising out of the June Position Statement Report and have built upon the progress made since the previous refused application. The proposal is considered overall to have a neutral effect upon the character and appearance of the conservation area and the setting of the listed building. This finding is based on the positive elements of the development such as bringing back into use a listed building and a positive conservation area building and also providing a range of family housing in a sustainable location and providing public open space on a former private school site. Also the proposed Section 106 package will meet a range of Council objectives and complies with the CIL tests laid out. Less positively some of the good trees on site which make a contribution to the character and appearance of this part of the conservation area are lost and some views into the site will be affected by the construction of the new buildings on previously open areas of the site which also contributed to the character of the conservation area. Additional benefits of the development are the improvement in highway safety by removing the vehicular access onto Headingley Lane, improved connectivity and improved open space provision. Overall the proposal does comply with the relevant policies of the Development Plan. There are no other material considerations which outweigh this finding and therefore planning permission is recommended.

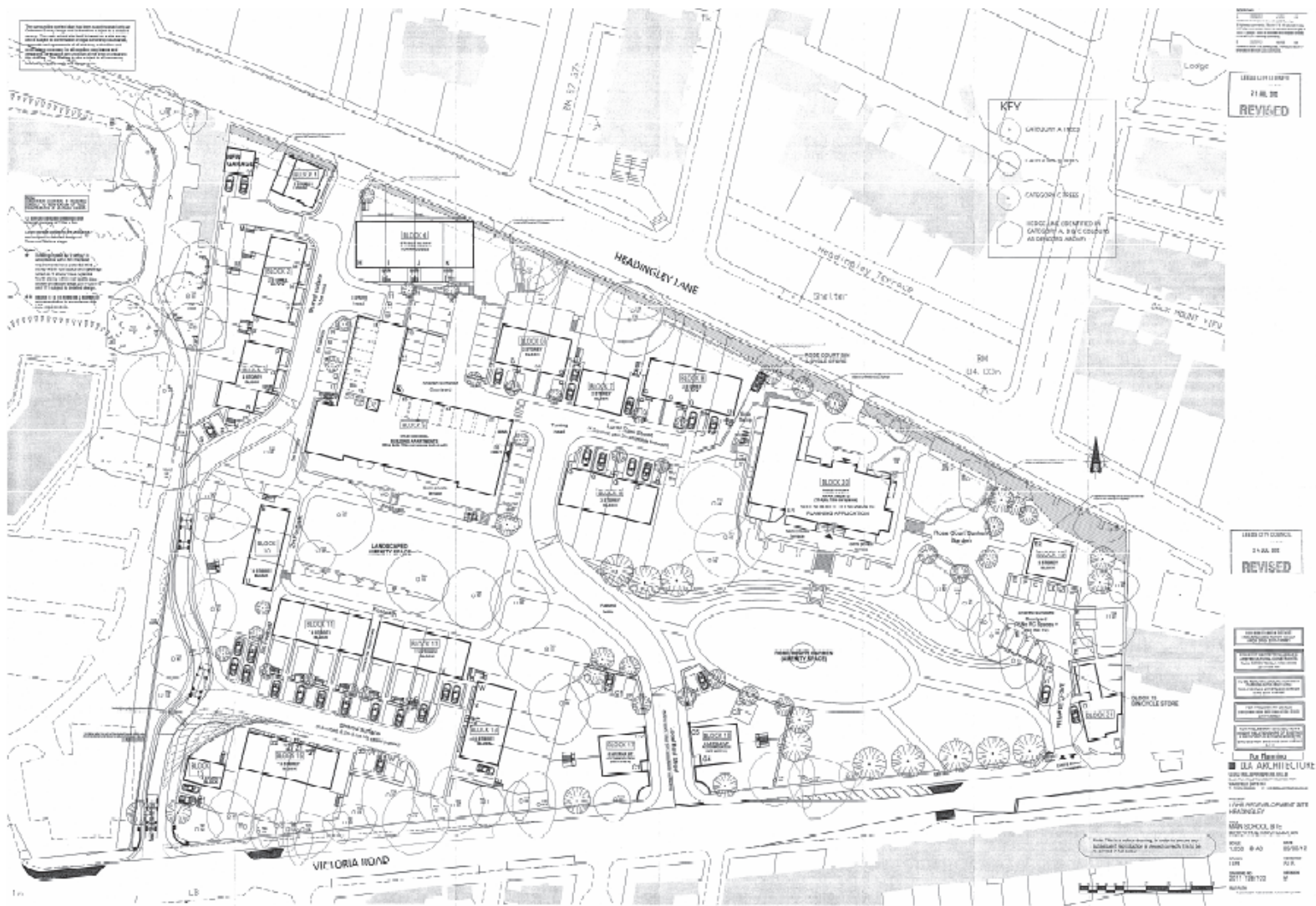
14 June 2012 Panel Report

Councillor Illingworth's email objection

Block plan showing the main areas of proposed development for the appeal scheme



Latest Masterplan for current application

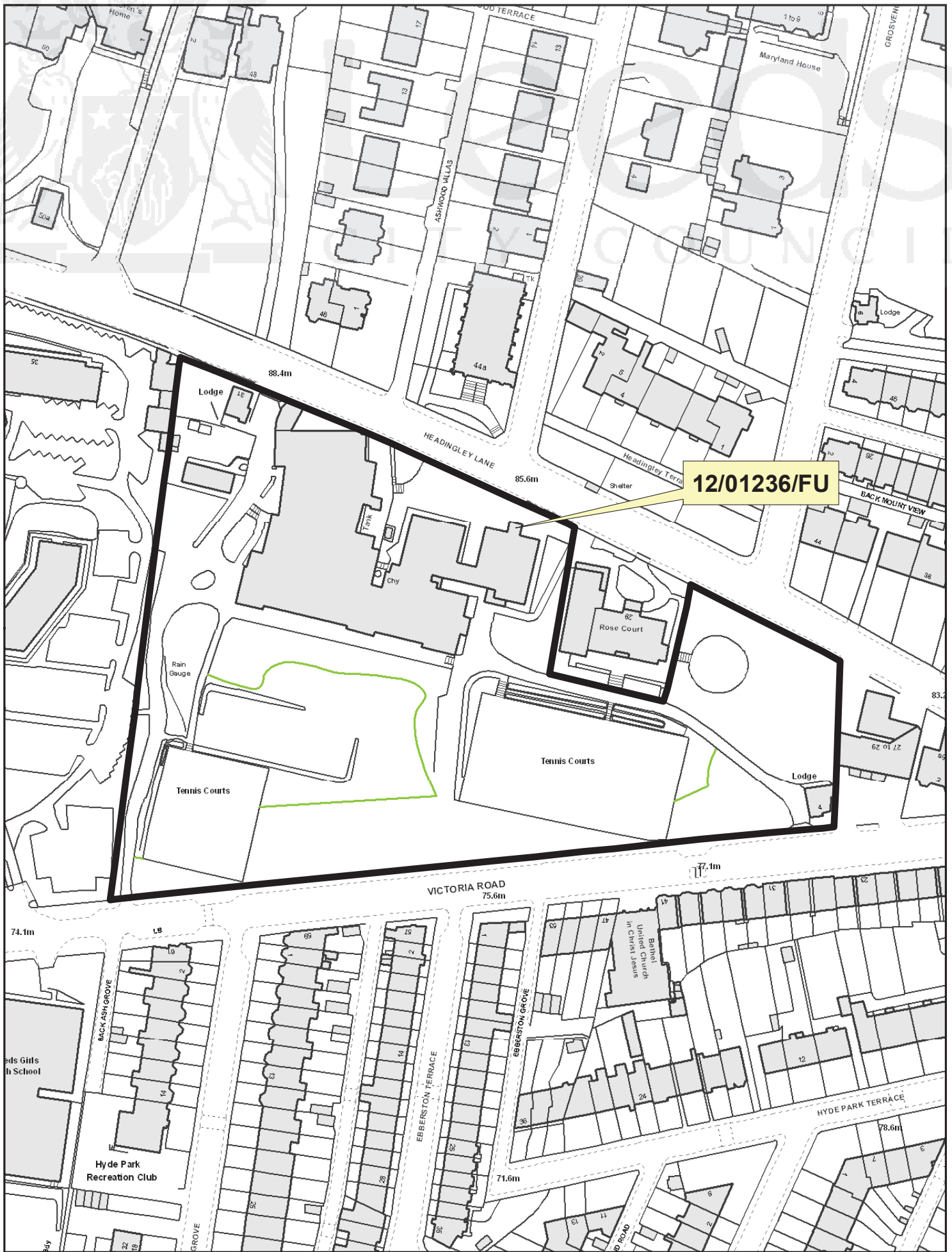


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