



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

Date: 3rd October 2019

SUBJECT: 19/01267/FU - Retrospective application for the variation of condition 9 (Rockwood Road ginnel) of approval 08/04771/RM to open the gate 30 minutes prior to start of school day and close 15 minutes after start of school day; open 15 minutes prior to end of school day and close 75 minutes after end of school day – **Priesthorpe School, Rockwood Road, Pudsey.**

APPLICANT: Co-op Academy

Electoral Wards Affected:

Calverley and Farsley

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve subject to conditions

- 1 Plans to be approved
- 2 Agreed times for opening and closing gate
- 3 Off-site highway works (amendment to TRO)

1.0 INTRODUCTION:

- 1.1 This application seeks to retrospectively vary the opening and closing times of a school gate which links Priesthorpe School to Rockwood Road. The original application (08/04771/RM) approved on the 1.12.2008 related to a reserved matters application for refurbishment, including new entrance and extensions, to form activity hall, fitness room, P.E room and changing rooms, new art room and addition of 2 new canopies, to the school.

Planning condition 9 of the planning permission states:

'The gate at the ginnel off Rockwood Road shall be opened 30 minutes prior to the start of the school day and closed 30 minutes after the start of the school day as well as opened 30 minutes prior to the end of the school day and closed 30 minutes after the end of the school day. At all other times the gates shall remain closed and locked, unless otherwise agreed in writing with the Local Planning Authority.'

- 1.2 The proposed amended time is to enable the gate to be open 30 minutes prior to start of school day and close 15 minutes after start of school day; open 15 minutes prior to end of school day and close 75 minutes after end of school day.
- 1.3 The start of the school day is 08:30 Monday to Friday, the proposed variation would therefore mean that the gate is open from 08:00 until 08:45.
- 1.4 Based on information provided by the school on Monday, Wednesday and Friday, the school closes at 15:00 but runs DfE award schemes providing academic and extra-curricular activities which finish at 16:00 on these days the gate would open at 14:45 and close at 16:15.
- 1.5 On Tuesday and Thursday, the school closes at 14:30 but also runs DfE award schemes providing academic and extra-curricular activities which finish at 15:30. On these days the gate would open at 14:15 and close at 15:45.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises Priesthorpe School, an existing secondary school accessed off the Ring Road via Priesthorpe Lane. This large site of about 7.75ha forms a rectangular shape, with the school buildings on the northern half and playing fields on the southern half. The school buildings were originally constructed in the 1960's and are largely two storey, with a four storey tower block in the middle of the site.
- 2.2 The site is surrounded by residential development to the south, west and north (predominantly 2 storey semi-detached and detached) and open fields to the east. To the immediate west is Rockwood Road which is a residential street on which a secondary access into Priesthorpe School is located.

3.0 PROPOSAL

- 3.1 The proposal involves a variation of the opening and closing times of a school gate which connects Priesthorpe Academy to Rockwood Road.

4.0 HISTORY OF NEGOTIATIONS AND RELEVANT PLANNING HISTORY

- 4.1 Outline planning permission for demolition of the drama block and new extensions was given on 21st March 2007 (06/06173/LA) with subsequent reserved matters approved on 1st December 2008 under planning reference 08/04771/RM.
- 4.2 Following a number of concerns and complaints raised by Ward Members and residents relating to highway safety concerns and the alleged breach of condition 9 as described above, relating to the opening and closing times of the ginnel, the applicant has agreed to submit this application to consider the regularisation of this extended use.

5.0 RESPONSES FROM PUBLIC

- 5.1 The application has been advertised by site notices posted on the 19.3.19. At the time of writing 30 representations have been received, all are objections.
- 5.2 All three Ward Members have objected to the proposal. Cllrs Andrew and Amanda Carter have objected on the grounds of highway safety, conflicting vehicle movements and anti-social behaviour and that the school should effectively organise better its school day without adversely further affecting local residents. Pupils who leave after the end of the main school day should use the main access on the ring road and not inconvenience local residents beyond the already agreed hours of use. It is acknowledged that recently, and at some inconvenience to local residents, traffic regulation measures to alleviate waiting times on the Rockwood Estate have been introduced but these are only a partial solution. To open the ginnel for a longer period is unacceptable and it is considered only a matter of time before there is a serious incident.
- 5.3 Cllr Carlill has objected on the grounds that this is not an appropriate time to consider such an application. This exit to the school is not safe, either for local residents of Rockwood Road, or for pupils entering or exiting the school due to the severe amount of inappropriate parking, dangerous driving and anti-social behaviour that are completely unsuitable down such a small street. Residents already have to endure cars parked for up to 2-hours outside their houses, often blocking in residents driveways, and in some cases leading to threats of violence when asked to move to allow residents to exit their properties. There have been many reports of accidents and near-misses on this road involving both pupils and residents due to dangerous driving and lack of visibility, and at many times the police have had to be called to monitor the situation.
- 5.4 Cllr Carlill comments go on to suggest that the school have made little effort to play a part in solving these issues, or to communicate with residents ahead of this proposed change. Opening this ginnel for any longer in the day is completely unsuitable, and even without this variation being passed the school, the council and all partners have a responsibility to look to rectify these problems, either by identifying other access points to the school to spread the parking round the estate further, or by making safe the main entrance to the school to allow this to be used by parents for pick-up and drop-off.
- 5.5 In terms of resident objections these reflect the comments made by Ward Members and relate to issues concerning dangerous and inconsiderate parking, rubbish strewn on surrounding residents, rude and abusive behaviour, no consultation and poor public relations with the school, the use of the ginnel causes residents to be stressed and anxious, the use of yellow lines has only made the situation worse with cars parked on kerbs and across drives, damage to kerbs and paving slabs, the intensification of use will lead to further congestion and poorer air quality.

6.0 CONSULTATION RESPONSES

- 6.1 Statutory
- 6.2 Non-statutory

Transport Development Services – Initial objection as further details were sought in relation to the start and finish times of the school day. This related to the approximate numbers of pupils who use the ginnel, how the route is managed by staff etc., a justification for the extended times, what the benefits are for the school

and other road users / residents. Following receipt of additional details it is accepted that there are known difficulties with access to and from the A6120 Ring Road. It is also accepted that there are increased vehicle movements and parking issues on the Rockwood Estate when the gate is open. The report also confirms the peak pick up times are generally confined to approx. 20 minute period and that the later opening time would be to facilitate a small number of students, rarely in excess of 20 to 30, who are engaged with extra-curricular activities. In these circumstances it is difficult to conclude any further detrimental harm is caused to the highway network resulting from the proposed extension to opening hours.

West Yorkshire Police - The application to close this footpath between the times stated would be beneficial for the safety of the students and the neighbouring residents. This would prevent unauthorised entry and exit to and from the school site between these times. It is advised that ginnels such as this have good lighting and also a good degree of natural surveillance from Rockwood Road. Any high hedges should be maintained to enable the full width of the footpath to be used by the students. Consultation with residents should be sought if the height of the hedges either side of the ginnel are to be reduced. It may be advantageous to see if the hedge can be reduced in height to around 1m. In terms of the design of the gate, it is recommended that a close link welded mesh gates to 1.8m high with a cover guard over any horizontal mechanisms around the lock section is used. Street lighting levels should conform to BS5489-2:2016 standard should provide good colour rendition of RA60 or above. It is advised that LED lighting standards are installed to produce downward lighting.

Public Rights of Way - The ginnel between 40 & 42 Rockwood Road leading to the school is not a public right of way; therefore have no objection to the proposed variation.

7.0 RELEVANT PLANNING POLICIES

Development Plan

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of decision making in this case, the Development Plan for Leeds currently comprises the following documents:

- The Leeds Core Strategy (adopted November 2014)
- Saved UDP Policies (2006), included as Appendix 1 of the Core Strategy
- The Natural Resources & Waste Local Plan (NRWLP, adopted January 2013) including revised policies Minerals 13 and 14 (adopted September 2015)

The Adopted Leeds Core Strategy 2014

7.2 This sets out strategic level policies and vision to guide the delivery of development decisions and the overall future of the district. The site is located within the City Centre defined boundary. Relevant Core Strategy policies include:

- Spatial Policy 1 sets out the broad spatial framework for the location and scale of development. This policy prioritises the redevelopment of previously developed land within Main Urban Areas, in a way that respects and enhances the local character and identity of places and neighbourhoods.

- Policies EN1 and EN2 – sustainability policies which seek to reduce total predicted carbon dioxide emissions and provide low carbon energy sources.
- Policy T2: Accessibility Requirements and New Development - states that new development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility. New infrastructure may be required on and off site to ensure adequate access to public transport and for cyclists and pedestrians; developer contributions may be required to the highway network and pedestrian and cycling infrastructure; Travel Plans will be required; parking to be provided in accordance with current guidelines.

Leeds Unitary Development Plan Review 2006 (UDPR) – Saved Policies

7.3 Relevant Saved Policies include:

GP5 all relevant planning considerations

Leeds Natural Resources and Waste DPD 2013 (NRWLP)

7.4 NRWLP is part of the Local Development Framework and was adopted by Leeds City Council on 16th January 2013. NRWLP sets out where land is needed to enable the City to manage resources, like trees, minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies include:
 Air 1 management of air quality through new development
 Water 1 water efficiency
 Water 2 protection of water quality
 Water 4 development in flood risk areas
 Water 6 flood risk assessments
 Water 7 surface water run-off
 Land 1 contaminated land
 Land 2 development and trees

Supplementary Planning Documents

7.5 SPG Neighbourhoods for Living

National Planning Policy Framework

7.6 The NPPF was revised in February 2019 and, working in conjunction with the National Planning Practice Guidance (NPPG), outlines the national planning policies for England and how these are expected to be applied. One of the key principles running through the NPPF is a presumption in favour of Sustainable Development set out in three parts: Economic, Social and Environmental. The revised NPPF now seeks to tighten definitions on the presumption in favour of sustainable development and increases the emphasis on high-quality design and place-making.

Section 9: Promoting Sustainable Transport

- 7.7 Developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 12: Achieving Well-designed places

- 7.8 Paragraph 127: Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

National Planning Policy Guidance, updated 2018

- 7.9 Section 171A of the Town and Country Planning Act 1990 defines a breach of planning control as either carrying out development without planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted. (Enforcement Paragraph 001).
- 7.10 Guidance advises that local planning authorities should act in a proportionate way to breaches of planning control. LPA's have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material planning considerations. In deciding whether enforcement action is taken, LPA's should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. (Enforcement Paragraph 003).
- 7.11 A local planning authority can invite a retrospective application in circumstances where the LPA consider it to be an appropriate way forward to regularise the situation. Inviting an application does not presume that permission will be granted. (Enforcement Paragraph 012).

- 7.12 An application can be made under s73a of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. (Flexible Options Paragraph 013).
- 7.13 Where an application is granted under s73a the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. Decisions notices under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. (Flexible Options Paragraph 015).

8.0 KEY ISSUES

Principle of use
Highway issues
Climate change and sustainability
Impact on residential amenity
Other issues
Conclusion

9.0 APPRAISAL

Principle of Use

- 9.1 Rockwood Road is a residential street on which a secondary access into Priesthorpe School is located. This secondary access has in recent years attracted increasing volumes of traffic and this in turn has generated nuisance and safety concerns for local residents. In response to this, the council introduced an emergency traffic regulation order following extensive representations from Ward Members and local residents at the time. These parking restrictions seek to control and regulate the parking which results from this traffic, to alleviate these concerns and improve the road environment.
- 9.2 Priesthorpe School is one of three large high schools serving the Pudsey, Farsley and Calverley areas of Leeds. In addition to these areas there are many pupils who attend from outside the immediate area, the majority of which travel by private car.
- 9.3 The main entrance and vehicular access to Priesthorpe School is from the A6120 Ring Road which forms part of the main road network in Leeds. Traffic speeds and volumes on this road are high, and as a result the main entrance is designed as a left in/left out arrangement, with the right turn out of the school prohibited. Traffic turning left out of the school can make a U turn at Rodley roundabout 1.6 miles to the north of the school however traffic volumes on the A6120 Ring Road are heavy at peak times and there is often a queue of slow moving traffic from Rodley roundabout right up to the school access. The A6120 is three lanes wide at this point, significantly increasing the risk of collision for traffic turning across it.
- 9.4 The secondary pedestrian access into the school from Rookwood Road, is a residential street accessed from Woodhall Road which lies to the west of the school. This access is a ginnel between two residential properties. This secondary entrance reduces the amount of traffic using the main school entrance.
- 9.5 As discussed above there is a substantial proportion of pupils who attend from outside the immediate area. A number of these pupils travel from Bradford and

consequently the secondary access is closer – use of the main entrance would result in a lengthy return route via the A6120.

- 9.6 The secondary entrance does therefore attract large volumes of private cars during pick up and drop off times as drivers do not wish to access the main entrance and return via the A6120. At the afternoon in particular this traffic can be present for up to an hour in advance of school finishing time.
- 9.7 As a consequence of this traffic there have been a series of complaints to the Highway Authority and to local Ward Councillors. Residents have raised a number of concerns, primarily around road safety and nuisance.
- 9.8 Although outside of the scope of any planning powers, closure of the secondary entrance would require all children to access the school from the main entrance on the A6120 Ring Road, and it would be expected then that the majority of vehicles going to the school would use this access. The traffic is heavy on the A6120 Ring Road at peak times – when most school traffic occurs - and drivers leaving the school to would not wish to travel to Rodley roundabout to turn around which would require them to join the slow moving traffic heading in this direction. Closing the secondary entrance is therefore likely to result in violations of the prohibited right turn onto the ring road, with serious implications for road safety due to the high volumes of traffic, vehicle speeds on the ring road and the three lane arrangement.
- 9.9 Closure of the secondary entrance is likely also to have the effect that schoolchildren will be picked up or dropped off on the A647 Bradford Road, a three lane dual carriageway with a 40mph limit and high mean speeds, and that this may result in an increased demand for schoolchildren to cross this road during times of high traffic volumes.
- 9.10 Both of these safety issues combined could result in a situation which in total is significantly less safe for the general public than the existing arrangement. Whilst it is acknowledged following several site visits, that there is a general pattern of inconsiderate and poor behaviour around the secondary entrance, it is generally contained and at low speeds. The anticipated behaviours detailed above would be within high speed and heavily trafficked areas with an associated expectation of increased severity for any incidents which occur.
- 9.11 As a result of these factors the Highway Authority and the Police support the retention of a secondary entrance into the school site, and would not support any action which results in the main entrance being the only access into or out of the school. The principle therefore of modifying the hours of use of this gate and ginnel is considered to be acceptable in planning terms.

Highways

- 9.12 It is understood the emergency Traffic Regulation Order relating to the waiting restrictions in the Rockwoods has now expired. The Highway Authority are in the process of reviewing the Order with a view to making any amendments in due course. However, the time limited restrictions cover Monday to Friday 08:00-09:15 and 14:30-16:00 as these times coincide with the peak pick up and drop off periods for the school.
- 9.13 The existing permission allows for the gate in to Rockwood Road to be open for 30 minutes after the end of the school day whereas the application seeks to increase this to 75 minutes, effectively extending the length of time the gate can be opened in the afternoon by 45 minutes. All other times are actually reduced.

- 9.14 Further supporting information presented by the school, refers to the known difficulties with access from A6120 Ring Road but acknowledges the impact on the 'Rockwoods' when the gate is open. The report also confirms the peak pick up times are generally confined to approx. 20 minute period and that the later opening time would be to facilitate a small number of students, rarely in excess of 20-30, who are engaged with extra-curricular activities. On balance, therefore given this context, it is difficult to conclude any additional demonstrable harm to highway safety resulting from the proposed extension to opening hours will occur. The current temporary TRO scheme will need however to take account of the school and gate opening times when it is reviewed should this application be successful.

Sustainability and Climate Change

- 9.15 Members will be aware that the council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals embrace this objective. In terms of this proposal, the effect of not allowing this variation would be to divert those affected drivers onto the ring road, creating further congestion and considerably extending the length of journeys and travel times. This is not considered to be a sustainable option when compared to the existing arrangement.

Residential amenity

- 9.16 The proposed development has to be considered in terms of its impact upon the residential amenity afforded to nearby residents. The development is located within an area of residential character. In assessing the impact the proposed development will have upon the living conditions of surrounding residents, it is considered that peak time activity associated with the use of the gate and footpath and any noise and disturbance generated as a result of these comings and goings, would be unaffected by this proposed variation and that this would continue in any event. Therefore, whilst the proposal would elongate the afternoon period by some 45 minutes, the actual number of pupils likely to be using this access point during this extended period, would, based on the schools' own assessment, be in the region of 20 -30 pupils. It is therefore difficult to conclude that such a slight increase in intensity will cause sufficient demonstrable planning harm to justify the refusal of this application. Furthermore, schools are commonly located in residential areas where noise and disturbances associated with such a use is to be expected and this site is no different. On this basis it is considered that no planning harm will be caused to harm the living conditions of existing residents.
- 9.17 Against this background it is considered that the living conditions of surrounding residents has been considered in this regard and policy GP5 of the development plan is satisfied.

Other issues

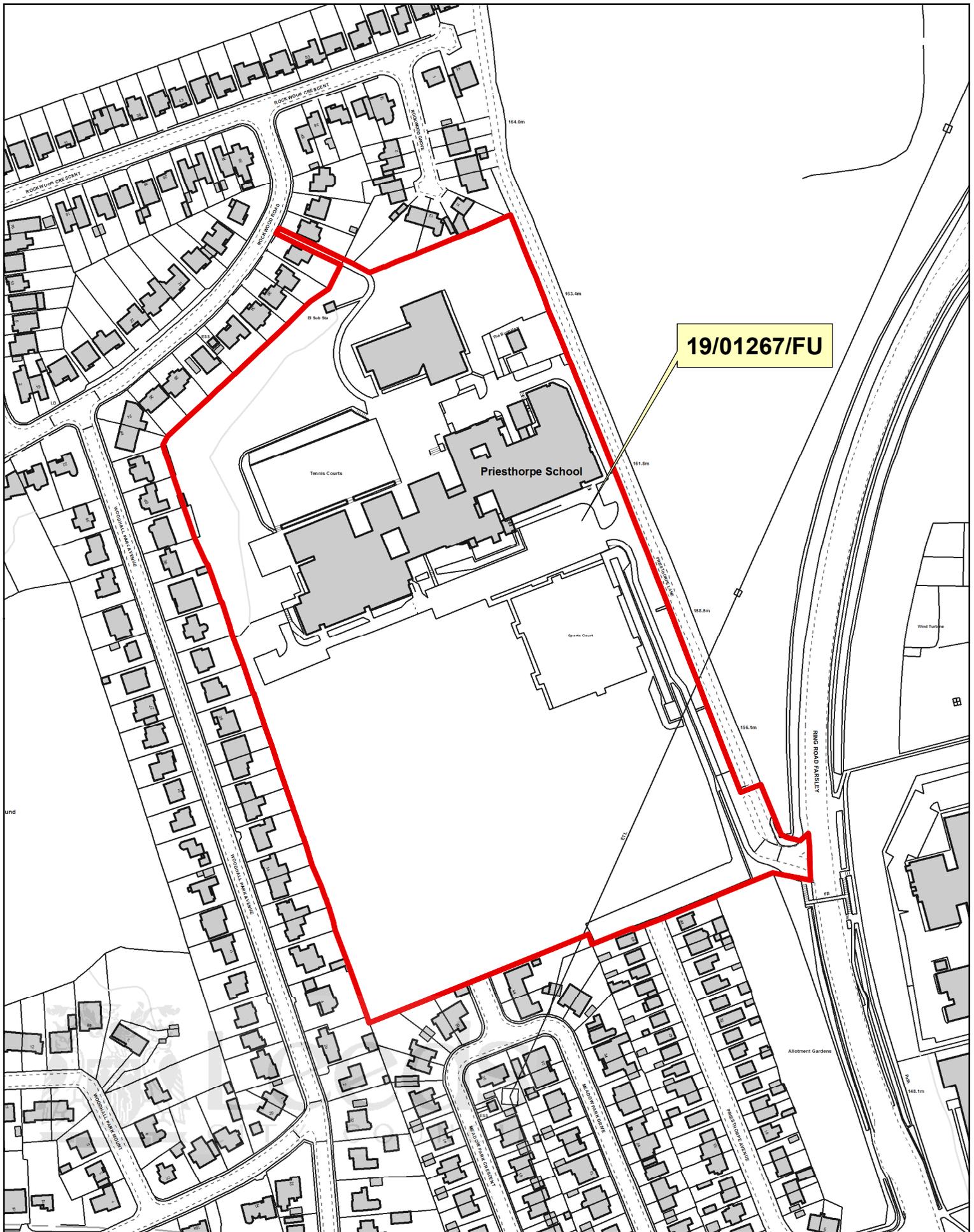
- 9.18 Matters raised in relation to the alleged behaviour of drivers, anti-social activities and littering are not issues which can be covered by planning controls and would be a matter for the police to investigate.

10.0 CONCLUSION

- 10.1 It is considered that the variation of the planning permission to extend the opening time of the gate connecting Priesthorpe School to the Rockwood Estate, as detailed above, is acceptable. The proposal is considered to be policy compliant and it is not

considered to adversely impact on the amenity of nearby residents and would not be detrimental to highway safety. Accordingly, this planning application is recommended for approval.

BACKGROUND PAPERS:



19/01267/FU

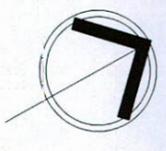
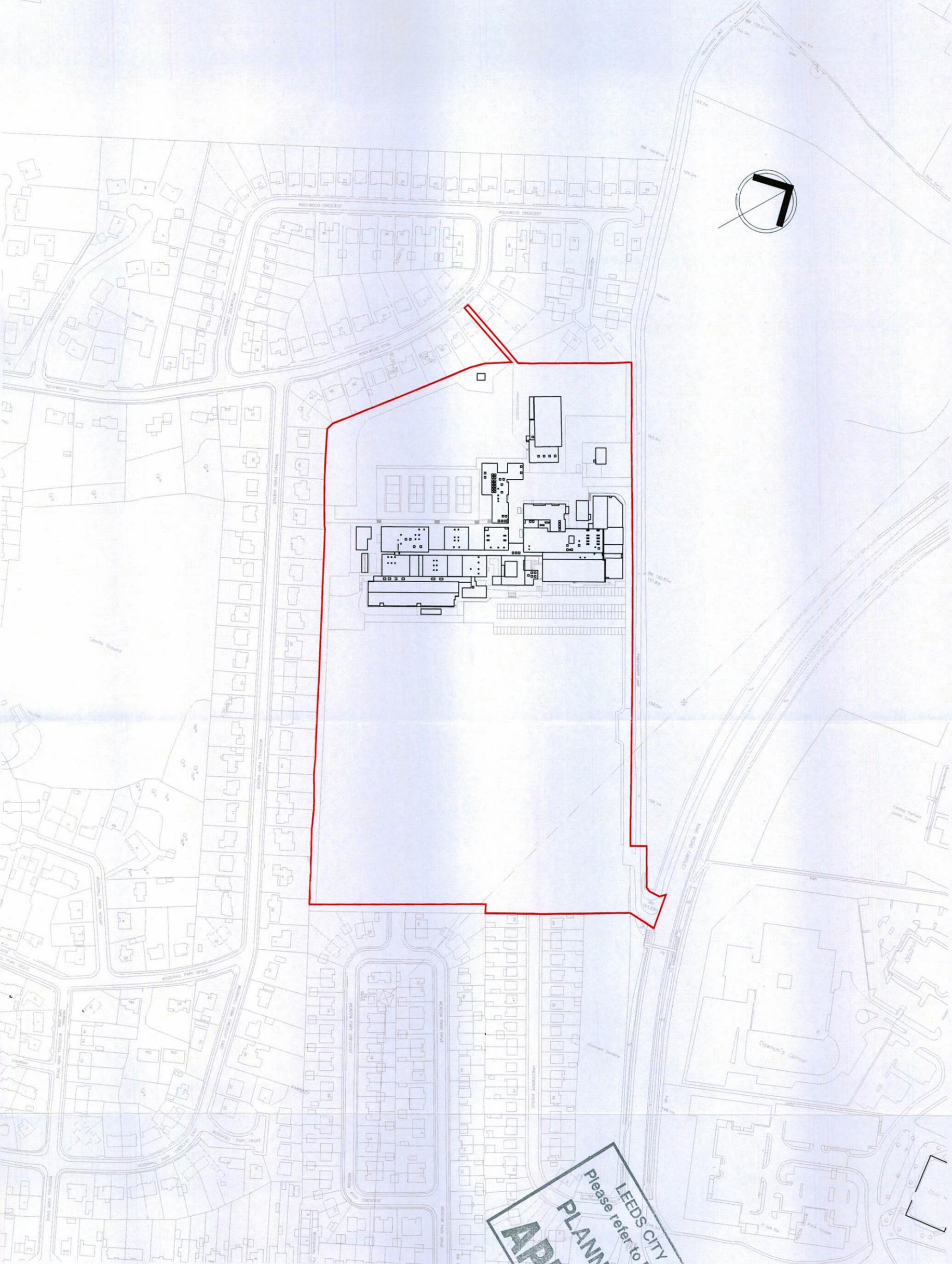
SOUTH AND WEST PLANS PANEL

© Crown copyright and database rights 2019 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/2500





LEEDS CITY COUNCIL
 Please refer to Decision Notice
PLANNING ONLY
APPROVED

PLANNING S.I.
 - 5 SEP 2003
 DEVELOPMENT D.I.F.



LEEDS BSF PHASE 2
 PLANNING SUBMISSION
 PRIESTHORPE SCHOOL

LOCATION PLAN

SCALE:
 1:2500 @ A3
 DWG NO.:
 B04-HI-P001 Rev A
 NOV 2007

08 / 04771 110