



Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

29th September 2022

Subject: 22/01376/FU – Proposed New 3G pitch and tennis courts, and associated fencing up to 4.5m high, former South Leeds Golf Course, Gipsy Lane, Beeston.

APPLICANT

Leeds City Council

DATE VALID

23.2.22

TARGET DATE

TBA

Electoral Wards Affected:

Middleton Park / Beeston & Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit
2. Approved Plans
3. Materials to be agreed
4. Surface materials
5. Tree protection
6. Arboricultural method statement
7. Landscaping
8. Landscape management plan
9. Provision for contractors / construction access management plan
10. Construction hours
11. Construction practice
12. Hours of use (pitches & courts) to be agreed
13. School car parking to be made available for community use provision
14. Drainage details
15. Bird nesting season

16. Construction Environmental Management Plan
17. Bio diversity Enhancement and Management Plan
18. Bio diversity Monitoring Programme
19. Implementation of off-site biodiversity measures
20. Details of lighting (low level safety lighting) including plan to show areas to be unlit, shall be submitted
21. Details of hedgehog protection measures to be provided
22. Replacement trees (size & species) to be agreed
23. Community use agreement
24. Land contamination conditions
25. Intrusive site investigation of ground conditions be carried out
26. Car park management plan
27. Management plan to retain and maintain section of footpath as shown in the application site

INTRODUCTION:

1. This application relates to a proposal for a 3G pitch and tennis courts, and associated fencing up to 4.5m high, former South Leeds Golf Course
2. This report should be read in conjunction with the earlier Plans Panel report presented on the 1st September 2022, which is appended to this covering report (appendix 1).
3. Following the consideration of this application at South and West Plans Panel on the 1st September 2022, Members resolved to defer this application to enable further information to be provided and specific conditions to be added in full relating to the following issues:
 - Landscape Management plan (Condition)
 - Car park management (Condition)
 - Construction Environmental Management Plan (Condition)
 - Bio diversity Enhancement and Management Plan (Condition)
 - Bio diversity Monitoring Programme (Condition)
 - Construction Access Management Plan (Condition)
 - Community use agreement
 - End of life strategy condition for rubber crumb.
4. Taking each matter in turn, the following conditions / comments are put forward:

Landscape Management Plan (Condition)
5. An aftercare scheme requiring such steps as may be necessary to bring the land to the required standard for landscaping for a period of 5 years after the completion of the development shall be submitted to and approved in writing by the Local Planning Authority. The aftercare scheme shall be submitted within 12 months of the first occupation of the development; and shall include provision for the replacement of trees / plants which within 5 years of planting are removed, die or become seriously

damaged or diseased and shall include a timescale within which the work will be undertaken. The replacement trees/ plants shall be of a similar size and species unless the Local Planning Authority gives written consent to any variation. The plans submitted in accordance with this condition shall indicate the location of all trees and/or hedges on the land, together with the species of each tree / plant.

Reason:- In the interests of visual amenity

Car Park Management Plan

6. Development shall not be occupied until a Car Park and Servicing Management Plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following information: the availability of community use car parking provision to include time of use / and dedicated number of car parking spaces / details of any servicing requirements. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved timescales.

Reason:- To ensure the free and safe use of the highway.

Construction Environmental Management Plan

7. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities
 - b) Identification of "biodiversity protection zones"
 - c) Measures to avoid or reduce impacts during construction
 - d) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds
 - e) The times during construction when specialist ecologists need to be present on site to oversee works
 - f) The role of a responsible person (Ecological Clerk of Works) and lines of communication
 - g) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason:- To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy G8, the NPPF, and BS 42020:2013.

Bio diversity Enhancement Management Plan and Monitoring

8. Prior to the development being brought into use, a scheme to provide off site planting to the natural greenspace area, shown within the blue line of plan references NPS-ZZ-00-DR-L-810 P5 and NPS-ZZ-00-DR-L-811 P4, to include biodiversity improvements, a management and maintenance schedule and a programme for implementation and monitoring, shall be submitted to and approved in writing by the Local Planning

Authority. The details shall thereafter be implemented as approved and retained for the life of the development.

Reason:- To secure biodiversity improvements in accordance with planning policy G9.

Construction Management Plan

9. No works shall begin on the relevant phase of development until a Statement of Construction Practice for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement of Construction Practice shall include full details of:

- a) the methods to be employed to prevent mud, grit and dirt being carried onto the public highway from the development hereby approved (e.g. jet/wheel washing, provision of water cubes);
- b) measures to control the emissions of dust and dirt during construction;
- c) location of site compound and plant equipment/storage;
- d) construction vehicle routing;
- e) the means of access, location of site compound, storage and parking/holding areas (including workforce parking), means of loading and unloading of all contractor's plant, equipment, materials and vehicles and associated traffic management measures; and
- f) how this Statement of Construction Practice will be made publicly available by the developer.

The approved details shall be implemented at the commencement of work on site within 2 weeks and shall thereafter be retained and employed until completion of works on site. The Statement of Construction Practice shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

Reason:- The carrying out of the development could result in significant harm to the amenities of local residents and highway safety, and accordingly details of construction practice is required to be agreed prior to commencement of works in order to protect such interests.

Community use agreement

10. The applicant has prepared a community use agreement which is appended to this report (Appendix 2). If Members are not minded to accept this agreement and require further clarity or details the following condition is suggested as an alternative:

11. Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason:- To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

End of life strategy condition for rubber crumb

12. In relation to the end of life strategy for the 3G pitch and matters relating to the rubber crumb, it is understood there are several operators who provide innovative solutions for dealing with such matters and for reusing waste materials in a safe and sustainable way. These processes are regulated by the other statutory bodies and legislation. As with any type of waste, it is the responsibility of the waste keeper to ensure that waste is disposed of properly and this is regulated by the Environment Agency. In this particular instance, the school would have to ensure that the end-of-life playground surface is collected by a registered waste carrier and once that has been done, the school's duty of care is discharged and they should assume that the waste carrier will handle the waste appropriately. There are numerous waste carriers in Leeds and nationwide, who handle and process this type of waste and seek to secure its secondary re-use rather than disposal by landfill or incineration. It is therefore economically and environmentally more viable for such waste materials to be re-re-used. The appointed pitch installer recommends a company based in Cambridgeshire called 'Shred and Recycle' who state that none of the processed material goes to landfill.

13. Moreover, paragraph 188 of the NPPF states:

'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

In these circumstances it would not be appropriate to attach a condition with regard an end of life strategy. Paragraph 55 of the NPPF makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.

14. With regard to issues concerns microplastics entering watercourses, it is understood all the proposed new playing surfaces and access paths are to be formed with porous materials. Rainfall will percolate through the surfaced areas with a layer of gravel that is separated from the natural soils beneath by an impermeable membrane. The volume of the gravel layer is sufficient to store rainfall resulting from a 1 in 100-year storm, plus an additional 40% to allow for climate change. Stored water in the gravel is discharged into the nearby stream via a manhole and underground pipework. The manhole contains a flow control device to limit outflow to 5.4 litres per second, and a sump pit to remove any silt or other suspended fine material (Appendix3). It is also noted that the gravel layer also acts as a natural filter to remove suspended material and pollutants from the water flowing through it. As such, it is considered that the rainwater falling on the proposed sports pitches and access paths is managed, filtered and discharged to the existing watercourse in a manner that prevents it coming into direct contact with the environment. The council's drainage engineer has raised no objection to the development.
15. In addition, the pitch contractor has confirmed that decontamination units will be placed at each gate which will prevent contamination in and out of the pitch by the users. Also a further measure to prevent wind-blown contamination is proposed in form of mitigation boards to the fence up to a height of 500 mm (Appendix4). All of the aforementioned measures are in accordance with guidance issued in 2020 by the Sports and Play Construction Association.

Other matters

16. In addition and whilst not specifically referenced above, during the discussion at South and West Plans Panel on the 1st September, Members also raised the matter of the future maintenance of the section of footpath which would be incorporated into the site (should the footpath diversion order be approved) together with the preservation of the stone setts. The applicant has been asked to move the perimeter fencing proposed to allow the path to be kept open. A response has not however, been received at the time of drafting this report. A verbal update will be provided at Panel. For completeness it is suggested that the following condition should also be imposed:
17. Prior to the development being brought into use, a scheme to retain and maintain the section of footpath known as Leeds 207 as shown contained in the red line application boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to maintain the and preserve the footpath's historic stone setts, hedging and tree line for the life of the development and shall be implemented upon commencement of use of the development.

Reason: To protect the historic alignment and character of Leeds footpath 207.

Also although the scheme is policy compliant and therefore acceptable in this respect members asked if more trees could be provided by the applicant. At the time of drafting this report a response has not been received by the applicant. A verbal update will be provided at Panel.

Conclusion and Recommendation

18. Against this background and in the context of the appended main planning report previously presented to Members, it is concluded that the development is acceptable in planning terms. It is therefore, recommended that the application be approved subject to the conditions listed in the appended draft decision notice.



Originator:

Report of the Chief Planning Officer

SOUTH AND WEST PLANS PANEL

1st September 2022

Subject: 22/01376/FU – Proposed New 3G pitch and tennis courts, and associated fencing up to 4.5m high, former South Leeds Golf Course, Gipsy Lane, Beeston.

APPLICANT

Leeds City Council

DATE VALID

23.2.22

TARGET DATE

TBA

Electoral Wards Affected:

Middleton Park / Beeston & Holbeck

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

Conditions

1. Time limit
2. Approved Plans
3. Materials to be agreed
4. Surface materials
5. Tree protection
6. Arboricultural method statement
7. Landscaping
8. Aftercare for landscaping
9. Provision for contractors
10. Construction hours
11. Construction practice.
12. Hours of use (pitches & courts) to be agreed
13. School car parking to be made available for community use provision
14. Drainage details

15. Bird nesting season
16. Implementation of off-site biodiversity measures
17. Details of lighting (low level safety lighting) including plan to show areas to be unlit, shall be submitted
18. Details of hedgehog protection measures to be provided.
19. CEMP
20. Replacement trees (size & species) to be agreed
21. Community use agreement
22. Land contamination conditions
23. Intrusive site investigation of ground conditions be carried out

INTRODUCTION:

1. This application is presented to Plans Panel following a request from Cllr Sharon Burke who supports the over-arching need for the school's additional sporting provision, but also recognises the weight of public objection and their concerns as well as the loss of mature trees. These are regarded as material planning considerations and after consultation with the Chair of South and West Plans Panel it was agreed that the application meets the scheme of delegation requirements for the matter to be reported to Plans Panel for determination.
2. Members will recall this application was first presented to Plans Panel as a position on the 7th July 2022 for information and comment. Members raised several issues which are discussed in this report. This commentary is covered in paragraphs (17-46) of this report. In this context the application is now formally presented to Members for determination.
3. The site involves a parcel of land forming part of the former Leeds South Golf Course situated to the immediate south of Cockburn Academy. Although the application has been submitted by the council, ultimately, it is understood that this will be run by the Cockburn Academy Trust and used by its students but will also be available for community use outside of school hours.
4. The requirement for additional formal play space follows a recent approval to expand the school under (planning ref: 20/03547/FU) for a three-storey modular classroom block. Essentially, this expansion increased the size of the school from 1050 to 1,261 places and consequently placed additional pressure on existing formal outdoor play space. The additional school places were provided by the school to enable the council to meet its statutory obligations in this regard.
5. The applicant has indicated that in accordance with Department for Education (DfE) Guidance for soft outdoor PE spaces, based on the school's current NOR of 1,261 pupils, the school should have a minimum of 50,135m² of soft outdoor PE spaces. However, the area of soft play within fence-line of the school is currently approximately 32,341m². This means that the school has a deficit of 17,794m² of play space. The school therefore has only 64.5% of the required provision – a deficit of 35.5%.

PROPOSAL:

6. The proposed works involve new 3G pitch and tennis courts and associated fencing up to 4.5m high. The planning submission also indicatively shows the proposed diversion of public footpath 207 Leeds and Leeds Links Permissive Bridleway which would be re-routed to the south of its current alignment. In addition, the submitted site plan shows, on adjoining land edged in blue, proposals for soft landscaping to the south and west of the site, to mitigate against tree/ habitat loss as a consequence of this proposal and to provide a wider landscape strategy. These broader works also annotate the new realignment of the public right of way (PROW) which would be created to mitigate the loss of public access to the section of the PROW footpath and bridleway that currently runs between the school and the application site.

SITE AND SURROUNDINGS:

7. The application site relates to a parcel of land forming part of the former South Leeds Golf Course and is situated to the south of Cockburn Secondary School. The site incorporates (along the northern boundary) a section of Leeds Public Footpath / Bridleway 207 which runs in an east / west direction. The footpath connects Gipsy Lane to the west where residential properties and a boarding kennels and cattery are located. In an easterly direction, the footpath/ bridleway leads to ancient woodland which also forms part of Middleton Woods Local Nature Reserve.
8. The school itself fronts onto to Gipsy Lane and consists of a large two storey rendered structure which serves as the main school building with 3 storey elements to the rear which utilise level changes. To the east side (rear) of the school building are modular buildings with hard surface play courts and outdoor seating area. The remainder of the site to the east consists of sports fields. To the west of Gipsy Lane lies residential areas to the north and west, to the south the land is formed by the remaining areas of the former golf course and land used as a bike park.

RELEVANT PLANNING HISTORY:

9. 20/03547/FU – New three-storey modular classroom block, a single storey link corridor, relocation of a changing room cabin, demolition of a single storey classroom block, external alterations to play area and new fencing. Approved 11.08.2020
10. 12/04061/FU - Provision of artificial pitch including changing facilities, eight lighting columns and fencing to school grounds. Approved 19.11.2012
11. 12/02987/FU: Cockburn High School - All weather football pitch with eight lighting columns, fencing and changing facilities – Withdrawn: 17-Sept-2012
12. 06/07128/LA: Cockburn High School - Reserved matters application for part demolition & erection of part 1 storey, part 2 storey and part 3 storey extensions to school with car parking & landscaping - Approved: 27-FEB-07
13. 21/213/05/OT: Cockburn High School Gipsy Lane Leeds - Outline application to erect extension to school - Approved: 05-OCT-05
14. 16/06103/LA – Former Middleton Park Golf Course, laying out of urban bike park and bike hub comprising of a series of bike trails. Approved 14.03.2017

HISTORY OF NEGOTIATIONS:

15. Although only for illustration purposes, the proposed diversion of public footpath / bridleway 207 has been amended to a route closer to the north western end of Gipsy Lane following comments received from the council's public rights of way team.

16. Member Comments following position statement presented to South & West Plans Panel 7th July 2022 are as follows:
17. In summary Panel Members were not convinced this was the optimum solution and that further work was needed but also acknowledged they wanted to see children of the school and area have access to the best possible facilities. However, there were a lot of concerns about the proposal and further information was sought relating to:
- Further consultation with Local Ward Members required.
 - Needs assessment should be carried out as requested by Sport England.
 - More detail of biodiversity measures and carbon capture from new trees. Although policy compliant more replacement trees should be provided.
 - Members did not consider that the case for not using existing pitches had been fully and properly considered particularly with regard consideration of drainage matters.
 - Concern re public access to existing cobbled path outside school hours.
 - Concern re community use of 3G pitch if approved.
 - A robust and enforceable community use agreement needed to be produced as part of the application.
 - Parking for existing use and proposed community use of pitch needed to be thoroughly considered.
 - Details of construction management plan required as part of application.
 - Details of disabled access and drop off arrangements required for pitch use and Tennis courts.

Applicants responses following Member Comments 7th July Plans Panel

Further consultation with Local Ward Members

18. It is understood that a briefing meeting was held by the applicant and Local Ward Members from the Middleton Park and Beeston and Holbeck Wards on the 21st July 2022. It is also understood that a joint statement is to be issued, although no such details have been received at the time of writing.

Requirement for needs assessment to be carried out as requested by Sport England

19. The application site is not designated as a playing pitch or a golf course, and golf courses do not fall within the remit of Sport England policy. On this basis (and as confirmed by their comments). Sport England are a non-statutory consultee. Notwithstanding this, the applicant has stated that the proposed facilities have been designed to meet Sport England and the Lawn Tennis Association's standards. For clarity, Sport England requested for the applicant to provide an assessment that demonstrates the following:

- A detailed supply / demand balance analysis of the Leeds district that clearly demonstrates the golf course is 'surplus to requirement' when assessed against paragraph 99 of the NPPF and Sport England's Planning Policy Objectives.
- An assessment that demonstrates a clear strategic need to the identified sporting facilities in this area of the Leeds district. The application site forms part of the former South Leeds Golf Club. Following a decline in memberships and ongoing vandalism of the site, the golf course closed in November 2019 and is now included in the Middleton Park Estate managed by LCC. The club was run privately, and the land

was leased from LCC. The Council currently run two golf courses in Leeds, Roundhay Park and Temple Newsam but despite having expertise in the field, they made the decision not to take over and run the South Leeds Golf Club but to use the site for an alternative purpose.

- 20 This site was chosen as it is LCC owned land and due to its location directly adjacent to Cockburn School. The closure of the golf course has provided an opportunity to transfer a small section of the former golf course to the Trust via an adjustment to the existing lease for outdoor sports provision to help to address the shortage of outdoor sports facilities at the school and therefore allow the delivery of their curriculum. It is critical to the School and the Trust that the additional sports facilities are provided adjacent to their existing site to enable their integration into the secure line boundary for safeguarding reasons and to avoid unnecessary management and logistical issues that would arise from the use of remote facilities. The applicant's supporting planning statement outlines the details behind the loss of the golf course, but it also reiterates that its closure is not linked to the development proposals. On this basis, it is considered that no further evidence is required to demonstrate that the golf course is surplus to requirements.

More details required of Biodiversity Measures and Carbon Capture from new trees

- 21 Members requested more detail on biodiversity measures and carbon capture from new trees. Also, whilst the scheme is policy compliant in regard to tree replacement figures, Members requested more replacement trees to be provided.
- 22 The applicant has referred to the supporting detailed reports and surveys undertaken and notes that the proposed development will result in the removal of 38 young to early mature trees. For clarity, none of these trees are covered by a Tree Protection Order (TPO) and they do not fall within a Conservation Area. The planning application is supported by a detailed Tree Survey and also an Arboricultural Impact assessment.
- 23 The impact of removing the trees is acknowledged and the design team have considered various options to minimise tree removal. However, it is not possible to retain these trees due to their position within the application site. All of the trees lost to enable the development proposals are being replaced at a 3:1 ratio (in line with LCC policy). In addition, 15 more trees have been added to the proposed planting scheme recently, which means that 130 new trees will be planted as a result of this application. In addition to the replacement trees, the applicant is also undertaking extensive scrub planting within the wider site with a mix of native tree and shrub species, totalling some 2.4 hectares.
- 24 Full details of the proposed mitigation planting have been provided with the planning application. Due to delays in the project and raising prices of materials, the applicant has encountered additional costs, which means that they are unable to fund more trees as part of this application. In addition, the area to the south of the application site that will include most of the mitigation planting is also going to include new footpaths and cycling tracks, delivered by LCC Parks & Countryside as part of the wider masterplan for the area. This ultimately means that tree planting within that area must be carefully considered to ensure these paths can be provided.
- 25 Whilst the applicant is unable to provide more trees, the remaining area of the former golf course to the east of the site will include the creation of 4.4 hectares of woodland that will further mitigate the loss of the trees removed to facilitate the proposed development and improve carbon storage in this part of the city.

26 With regard to the Members' request to provide an assessment of carbon sequestration of the trees, unfortunately, the applicant is unable to provide this detail at this stage. Also, due to the above-mentioned budgetary constraints, the applicant would be unable to provide more trees to offset the loss of the existing ones. In terms of the biodiversity position, the recently updated calculations show that there will be a 21.94% net gain in biodiversity following the development. This is more than double the required 10%. Lastly, with regard to the recent comments provided by the Nature team on the value of the existing grassland. The applicant carried out an additional survey on 29th June this year and it concluded that the habitat classification presented in the Ecological Impact Assessment is correct. The Nature team suggested that the whole site is part of the Leeds Habitat Network and therefore should be scored as High Strategic Significance in the Biodiversity Metric. For clarity, even if the strategic significance was changed to high, the total project BNG score remains exactly the same, (21.94% gain in Habitat Units).

Existing pitches on Cockburn campus need to be fully and properly considered with regard consideration of drainage matters

27 Members suggested that further consideration is given to addressing the drainage issue at the existing grass pitch at the site. The applicant's response to this query is set out below. This main argument of the planning application is that in line with the Department for Education guidance for soft outdoor PE spaces, the school has a deficit of 35.5% of outdoor sports provision, which means that they are unable to deliver their curriculum. In addition to that, they have continued to take additional children at the request of the Council which exacerbated these issues.

28 Addressing the deficit and the school's inability to deliver their curriculum is the reason for this application and whilst waterlogging is a genuine issue at the school site, the deficit calculations were based on all existing sports pitches being always perfectly usable. Whilst placing the proposed 3G pitch on the existing grass pitch could potentially resolve the drainage issue, the deficit would not be addressed. Also, due to the size of the proposed 3G, the existing school site is simply too small to accommodate it.

29 Notwithstanding this, it has been suggested that the size of the 3G is reduced to minimum rugby league standard size/ minimum standard 11 aside football, so it can be physically accommodated within the school site. Whilst this pitch would fit on the footprint of the existing grass pitch, the school's sports specialists have advised that the smaller size pitch would only be suitable for under 16's and given that they have pupils aged over 16, this pitch would not meet their needs and would not allow them to be inclusive. This would also mean they are unable to offer the pitch for community use to those over the age of 16.

30 For clarity, the area to the east of the existing 3G pitch has also been assessed but it was discounted due to containing the school's athletics track and also being in close proximity to the Ancient Woodland that requires a 15-meter buffer zone between the development and the woodland. If the proposed facilities were to be constructed within the school site, this will result in a temporary loss of the existing pitches to facilitate the construction, which would further exacerbate the issue with the school's ability to deliver their curriculum. There will also be a loss of car parking due to the need to form a construction site access through the existing car park that was recently delivered as part of the Phase 1 development.

- 31 Furthermore, the existing grass pitch is situated near residential properties. In 2012 two applications for 'Provision of an artificial pitch including changing facilities, eight lighting columns and fencing to school grounds' were submitted by the school. The first showed a location close to the residential boundary in a similar location to the grass pitch referred to. This was withdrawn by the school because of significant amenity objections from residents. The second application which was approved and implemented moved the pitch as far away from this location as possible within the school grounds. The school was also advised by the Council during the Phase 1 planning application that the former golf course site is more suitable to accommodate the proposed facilities due to the existing pitches being in close proximity to residential properties (for more detail see para 199). For clarity, the applicant would like to point out that at the initial stages of this project, the applicant and the design team considered various options for the site. This process included two pre-application meetings with the Planning Officers. Whilst the alternative options have now been considered in detail, the development proposals submitted under this planning application are for the site of the former golf course and therefore it should be determined on its own merits.
- 32 Regarding the waterlogging of the existing grass pitch, as previously explained, when calculating the deficit figure, the existing grass pitch has been considered as being fully useable and whilst the waterlogging issue is a genuine problem for the school during winter months, this issue does not affect the deficit figure. Nevertheless, this planning application does not extend to the existing school site, and this is not addressed as part of it.
- 33 In summary, the school does not consider it practicable to bring forward an alternative proposal. The land associated with the potential alternative options does not belong to the council and delivery of a pitch (on the alternative site) does not address the deficiency and is not in line with the Executive Board approval sought to ensure the delivery of sufficiency of places.

Concern re public access to existing cobbled path outside school hours

- 34 Members have asked the design team to explore the opportunity of public access to the existing cobbled path outside of school hours. The applicant's response to this query is set out below. This application site was chosen as it is LCC owned land and due to its location directly adjacent to the school site. It is critical to the Trust that the additional sports facilities are provided adjacent to their existing site to enable the integration of the secure line boundary for safeguarding reasons and to avoid unnecessary management and logistical issues that would arise from the use of remote facilities. In order to achieve this, footpath LEEDS 207 and the recreational bridleway that run between the application site and the school boundary will need to be diverted and an application for the diversion of the existing footpath/bridleway has already been submitted to the LCC Public Rights of Way team. Whilst the process of diverting the footpaths is separate from the planning process, the new diverted paths are shown on the proposed site plan as these will be delivered as part of this application.
- 35 The existing cobbled path will remain in situ but due to the need to integrate the application site within the secure line boundary, access to it will be restricted. Given that the application provides new diverted paths (to the south of the new facilities within the new planting area), the proposals do not offer the opportunity to keep the path open outside of the school hours as this would require redesigning the fencing proposals and including an additional gate. As outlined above, due to the budgetary

constraints and the need to provide safeguarding for the children, redesigning the fencing scheme at this stage is not possible. However, if for some reason the diversion process is unsuccessful, the applicant will need to reduce the amount of fencing to keep the path open at all times.

Concern relating to potential community use of 3G pitch. A robust and enforceable community use agreement needed to be produced as part of the application

36 Members expressed their concerns regarding public access to the new facilities and requested a robust and enforceable community use agreement be produced as part of the application. It is understood that the Members requested confirmation of how the funding generated by the letting is being spent. The applicant's response to these queries is set out below. As outlined in the accompanying planning statement, the proposed development will be made available for community use. There is currently no Cockburn School-specific Community Use Agreement but the lettings of the existing facilities at the school are managed by Leeds City Council's School and Community Lettings team in line with their hire policy/ charging schedule. However, academies are free to set their own charges and approve or reject applications for use of their facilities as and when they come through.

37 The existing facilities are usually available 6pm - 9pm Monday – Friday and 9am - 6pm on weekends unless the school agrees a late booking. The lettings team advised that based on their records, Cockburn School is open a lot of the time for community use bookings and has a very busy schedule in this regard.

38 The school has been an academy since 2016 and despite not having a school-specific letting policy, it has been open to the community outside of school hours. Notwithstanding that, the school would be content to prepare a school-specific community use agreement that can be submitted as part of the discharge of conditions process. However, the process would still be managed by LCC School Lettings Team.

Parking for existing use and proposed community use of pitch needs to be thoroughly considered

39 Members requested that parking for the existing use and the proposed community use of the pitch needed to be thoroughly considered. The applicant's response to this query is set out below. As outlined as part of the planning submission, the intention is for the visitors of the new sports facilities to use the car park located to the north of the application site. This car park has a capacity of 47 spaces. Below are the predicated demand calculations. To clarify, given that the pitch is suitable for football and rugby, but rugby games have more players, the latter has been used for these calculations.

3G Pitch

- 40
- Number of players in total – 30
 - Subs in total (we acknowledge that this number is higher for international games but should be sufficient here due to the nature of the pitch) – 8
 - Referee – 1
 - Touch judges – 2

Total – 41 cars

41 It is anticipated that any spectators will more likely travel with the players, and as

such do not require their own parking spaces. However, their parking needs can be accommodated within an adjoining car park if required.

Triple tennis courts – 6 cars

- 42 The predicted demand for the tennis courts is based on singles games. However, any additional car parking demand can be accommodated within the other car park at the school that provides spaces for 62 more cars.
- 43 In terms of the existing usage of the car park during the periods of community use, whilst the applicant is unable to confirm the exact numbers of parking spaces used by the community, the school have not encountered issues with parking availability during that period. As outlined above, in addition to the recently constructed car park with the capacity of 47 spaces that will be used to accommodate parking associated with the proposed development (due to its favourable location), there are 62 more car parking spaces within the school site to cater for the after-school hours visitors.
- 44 The Highways Officer confirmed that the parking provision is sufficient to support the community use of the proposed development. With regard to the logistics of accessing the site after school hours, the school confirmed that school gates will be open and allow for access to the 3G pitch. In addition, they have school staff on site available should they be required. Any funds received from lettings are allocated towards the rewards budget of the school, so directed back to the students as well as maintenance of the facilities and a sinking fund to be able to re-surface when required.

Construction management plan details

- 45 Given that contractors are often appointed once planning permission is secured, the applicant intends to submit a construction management plan at the discharge of conditions stage (pre-commencement condition). However, as the contractor has now been appointed, the applicant has provided some details of the construction phase. This includes the proposed location of the contractor's compound and details of the temporary storage of surplus materials. For clarity, these details have already been submitted in response to the comments provided by the landscape officer to ensure that they do not impact any of the existing trees to be retained.

Details of disabled access and drop off arrangements required for pitch use and tennis courts

- 46 As stated in the accompanying Design & Access Statement, the applicant acknowledges that the gradient of the site is notable. However, all paths are designed to ensure that the proposed facilities are fully accessible to wheelchair users. The proposed paths will also include resting and passing areas. The access to the site and drop off will be within the existing car parking area on the adjacent school site where there are changing and toilet facilities.

PUBLIC/LOCAL RESPONSE:

- 47 The application has been advertised by multiple site notices on the 14.3.22.
- 48 In total 194 representations have been received to date, of which 140 are in support, 51 are objections, 3 are neutral. Some contributors have commented more than once. 19 representations received have also identified as living outside of the

locality.

- 49 The objections relate to increase in traffic in the area causing disruption and increase parking pressures on surrounding streets, proposal will cause issues with access to bike park and increase the risk of the land being used illegally by the travelling community, objection to the diversion of public bridleway, the covering of historic cobbles which is part of the areas historic heritage, the removal of vegetation and trees which is contrary to the councils climate change agenda, loss of wildlife, meadow, greenspace and harm to biodiversity, increased noise and environmental pollution (microplastics), air pollution, drainage and flooding issue harm to a designated nature reserve and the largest remaining ancient woodland site in West Yorkshire. It is noted that the footpath is an ancient trail and is known as 'Monk's path'. Facilities on the existing school site could be improved to avoid the need for this development. The site is also a designated hedgehog release site.
- 50 Save South Leeds Former Golf Course Community Group (SSLFGCCG)– Objection. Proposal needs to be viewed in terms of the Leeds Parks and Green Spaces Strategy because the land identified is green belt land that was added to the Middleton Park Estate. Loss of habitat / harm to ancient woodland, harmful to bio-diversity and climate change, loss of trees and micro-plastics will harm the eco-system. Alternative options should be explored to provide sporting provision for the school such as improving existing pitches and drainage to enable all year use and using the John Charles Sports Centre. The proposal does not support council values of spending money wisely, working with communities or treating people fairly. As part of a consultation exercise, Leeds City Council Inner South Community Committee asked local residents and community groups to consider the concept of 20-minute neighbourhoods. In response (SSLFGCCG) highlighted that the section of former golf course land (the area subject to this application) as the essential green space for their 20-minute neighbourhood. The site is already designated green belt, part of Middleton Park, part of Leeds Habitat Network and an Urban Green Corridor and should be protected.
- 51 Peak and Northern Footpaths Society - The Society is concerned that the diversion of Leeds 207 will result in the loss of a popular and well-used walking route. This path has previously been promoted (with Council support) as a valuable heritage asset as part of the South Leeds Heritage Trail.
- 52 Leeds Civic Trust - The Trust understands the need for additional high-quality playing field space for the school but considers some aspects of the proposal could have been planned more sensitively. Whilst an Arboricultural Survey has been submitted in support of this application, it does not provide a full assessment of the trees that are to be lost. Furthermore, as the proposals do not include any lighting proposals, but these are planned (as evidenced by the cabling for their future provision), there has been no assessment of the impact of this upon the wildlife of the adjoining woods, particularly in terms of bats, insects and night-flying birds. The Biodiversity Plan mentions the potential for hedgehogs and small mammals but does not specify any mitigation.
- 53 The Trust is also aware of the PROW footpath that runs along the northern edge of the site which has some paved setts or stone slabs in certain sections of the path, and this is a confirmed historic route. The Trust feels that the loss of this route would be significant because of this historic character and feels that it should be retained. There are examples in Leeds of schools that have school playing fields separated from the main school site, such as Carr Manor Community College, and feel that this option should be adopted in order to retain this important historic route. If the footpath

cannot be retained, any historic surfacing should be removed and relocated rather than be lost due to re-surfacing and level changes.

54 Beeston Forum & Neighbourhood Planning Team – Objection due to concerns that the application is being assessed in the context of Cockburn School and Middleton Park only, and not in the context of Beeston residents who live close or adjacent to this proposed site.

55 The former golf course has been retained as green space under the terms of its inception. Leeds Council decided to absorb it into Middleton Park, even though parts of the golf course were actually in Beeston. Concerned, therefore, that Cockburn Academy can annex the land and build on this green space when the land has been so classified. Although Beeston Forum and Neighbourhood Planning Team appreciate that anyone can comment on a planning application, it has been brought to their attention that notices of support have been submitted by pupils from the school during lessons, at the behest of teachers, without a balanced discussion taking place.

56 Main themes of objection relate to

- Beeston is a built-up area with small amounts and pockets of green space. The nearly 5-acre area to be developed is a considerable amount of green space which would be permanently removed.
- The right of way/bridleway which would be moved and built on is a cobbled lane shown as Deacan Lane in 1852, leading to the former Scurr's House and on to what is now Westland Road. This old cobbled lane is identified as a heritage asset in the Neighbourhood plan and should be restored accordingly.
- The importance of this route is further qualified by the fact that it marks the Beeston Ward Boundary.
- Since the golf course closed this area has developed into a much-used recreational facility for local residents, it is a relaxing oasis away from the very busy roads cutting across Beeston. There is a feeling of real open space aided by the abundance of mature trees.
- There has been construction work and access next to this site recently so it is considered that a wildlife survey in May-July 2021 would not be a true representation of the wildlife using this area. Additionally, this area's wildlife was not looked at in context or relevance to any wildlife in other green spaces across Beeston.
- Construction would cause considerable disruption to local wildlife. Additionally, noise pollution from the use of these facilities would continue the disturbance.
- Levelling of the gradient, removal of 37 mature trees, tarmacking of the access will lead to potential problems with run-off water and potential flooding.
- Despite the application stating that they do not intend to have floodlights, nonetheless they are cabling electricity into the area. Lighting would be of great detriment to any wildlife.
- There are alternative sports facilities nearby. The John Charles Sports Centre has 6 indoor and 6 outdoor tennis courts. There are other under used recreational sports facilities nearby. For instance, the football pitch on land adjacent to the Parkwood Estate, Cardinal Square, and Kings Field pitches. These alternatives could be enhanced for a much-reduced cost both financially and environmentally.

57 Leeds Urban Bike Park - Objection. The group do not understand why the school

want to expand their sporting offer but continue to ignore a national cycling facility, literally on their doorstep. To add to this, we are in the process of developing an outdoor activity and education hub bordering Cockburn school grounds. Once again, an excellent opportunity for the school to access these outdoor facilities as an extension of their grounds and allow their pupils to experience what people travel hundreds of miles to access. We also know the current pitches within the school grounds are under used and don't understand why these aren't upgraded as a priority before wanting to irreversibly damage to the parkland.

- 58 Due to the size and height of this new pitch and the inevitable lighting which will come, we also believe this will have a detrimental effect of the outdoor activity hub we are creating for the very pupil who attend the school to experience. Instead of the outdoor country environment we are creating for the local community to experience we will be getting a huge slice thrust upon us, more urban sprawl landing in this natural habitat. Being based on this opposite this land we see first have the habitancy of this area, in the air and on the ground, its huge and divers and will be severely impacted by this development.
- 59 This planning application must be viewed in terms of the Leeds Parks and Green Spaces Strategy because the land identified is greenbelt land that was added to the Middleton Park Estate more than 2 years ago and now consists of priority meadow/grassland habitat rather than disused golf course. This habitat is considered an important part of ancient woodland because it provides important dispersal and feeding habitat for woodland species. It should therefore be the priority to restore/manage this site as good quality grassland, improving biodiversity and supporting the ancient woodland beside it. Due to the land's specific location next to the ancient woodland, it cannot be replicated or compensated for. We will also need to look at this application in terms of guidance for development near ancient woodland provided by Natural England and the Forestry Commission and the council's three Key Pillars and the values of the council.
- 60 EU scientists have recommended a complete ban of tyre/rubber/plastic granule pitch infill. Legislation will come into force this year or next as part of their strategy to restrict microplastics. A strategy that is included in their circular economy action plan.
- 61 This application also includes the groundwork for lighting which will be detrimental to the wildlife in the nature reserve such as bats, birds, frogs/toads, insects and hedgehogs. The land itself has been used as a hedgehog release site by a local rescue. The ecology report in this application states that the habitats within and adjacent to the site provide good quality habitat for hedgehogs. Hedgehogs are now officially classified as vulnerable to extinction and are on the red list for British mammals. The fencing in this application is not wildlife friendly and prevents wildlife movement for species such as hedgehogs.
- 62 After consultation with a leading Urban Forest expert, it is understood that the felling of 37 mature trees as part of this application is indefensible. Our expert has advised us that if the trees were damaged or diseased or a danger to the public then there might be a viable case but if not, there is no viable case. He has also pointed out that planting a few new ones is not the answer. This site is unique and important because of its proximity to the nature reserve and ancient woodland. We are already aware after consultation that 3 new trees to 1 mature tree is not enough. The real figure is 36 new trees for each mature one felled.
- 63 In light of the LCC Climate Change Emergency, declared in 2019, existing trees are

now being valued in terms of their carbon storage and their year-on-year carbon sequestration. This is in addition to public amenity and bio-diversity value, and also in terms of their contribution to air quality/ pollution. In comparison, new tree planting offers little visually or environmentally (in the sense of carbon capture) for at least 20-30 years. A large mature tree can absorb and store in the region of 3.5 tonnes of CO₂. Cutting one down will release the CO₂ back into the atmosphere. Consideration must therefore be given to retaining existing trees in a sustainable manner.

- 64 Trustees of the Friends of Middleton Park – Objection. Cockburn School, with the support of the Council's Executive Board, agreed to take on an additional number of pupils to cover a 'bulge' in requirements. The council offered the possibility of extending into the Park but without any consultation with local residents or community groups. Aligned to this an order was made to demolish the South Leeds Golf Course Clubhouse. Since then, a proposal was successfully made by Cycle Pathways CIC, who run the Leeds Urban Bike Park, to take over the maintenance of the clubhouse and convert the use of some of the land to the east of the ring road for multiple uses, including cycle tracks, space for forest school activities, etc. This does include use of land adjacent to the proposals from Cockburn.
- 65 The land slopes quite dramatically, even at the level that is planned for the 3G pitch. It is noted that from the planning application that there a 10-metre difference from the highest to lowest elevation of the site, so the building of the 3G pitch and the hard-standing will mean extensive remodelling of the land. Although it is accepted this would probably have happened to an extent when the golf course was built, it is considered this to now be parkland and think it should now be left as it is.
- 66 There will be a need to fell trees on the site - as the plans indicate - and we have seen much analysis to suggest that just ensuring that trees that are felled are replaced with new saplings is not an efficient way either of preserving woodland or of preserving carbon. The land is also currently a very pleasing mix of meadowland that would be impacted by the 3G pitch, hardstanding tennis courts, and new bridleway. We think at the least that the developers should suggest in the plans further development of other spaces within the park to replace the meadowland lost, and provide mature trees immediately, which will help to replace lost carbon immediately, and not in 50 years' time.
- 67 Two years ago, and again two weeks ago, we had what will probably turn out to be a regular rainstorm event, where excessive amounts of rain caused flooding of part of the Southleigh Estate (2 years ago). We raised a query two years ago around whether changes to the land had had an impact on the flooding and eventually received a reply to say that it hadn't been considered. We monitored the area two weeks back and water was running down the current bridleway and draining off the land that will be the 3G pitch into the stream within the park, and all running down to a drainage culvert that had become overwhelmed.
- 68 The development will freely drain and the 3G plastic pitch can only make the drainage and flood risk worse for the most northern end of the park and the lowest point of the Southleigh Estate. We would also like to see an assessment of the impact of micro-plastics leaching from the pitch from rainfall and entering local watercourses in a Local Nature Reserve and Ancient Woodland and note that it is likely that plastic pitches of this type will be considered unsustainable in the near future under EU regulations.

- 69 There is currently a bridleway running from Gypsy Land towards the east, that connects into the old park boundary and paths that head towards South Leeds Stadium. We believe that this is the route of an old road that used to run to what was Parkside Farm. It is currently a cobbled path that we believe is worth saving.
- 70 When Cockburn School and LCC originally proposed the land swap / transfer there was some talk that the local community would be able to use the 3G pitch and new tennis courts. We note that the Planning Statement suggests that the pitch would be available for community use within the current arrangements covering LCC land, but with fees and rent set by the school. Similar fees elsewhere (we understand) suggest that this could be as much as £90 for 2-3 hours use - which is well out of reach for most small community groups or local teams.
- 71 It is considered that there is provision within the existing school boundary for an upgrade to the existing pitch facilities, without the need to expand the school site into the park and nearer to the local nature reserve and ancient woodland. Consideration of the whole proposals for the school redevelopment should have been considered together, due to the redevelopment possibilities for the current pitch facilities and the possibility that part of the new car park could have been utilised for the proposed tennis courts
- 72 Woodland Trust - The Trust holds concerns regarding this application due to the potential for impact on Park Wood Ancient Semi Natural Woodland (grid ref: SE29492934), designated as such on Natural England's Ancient Woodland Inventory (AWI). We note that the proposed rugby pitch would be situated approximately 30 metres away from the ancient woodland. The plans show a 15-metre buffer adjacent to the ancient woodland. The Trust ask that before a decision is made on this application the applicant provides information to demonstrate that there will be no deterioration of Park Wood as a result of run-off from the material used to construct the surface of the rugby pitch and that no pollution would occur. This is backed up by Natural England and Forestry Commission's standing advice which states that "the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone." The applicant should also assess the impact of any lighting provision associated with the sports facilities on the nearby ancient woodland habitat. Finally, it is noted that part of the cycle track is proposed to be within the 15-metre buffer zone. Natural England's standing advice is clear that access to buffer zones should be carefully considered. Access may be permitted if the buffer zone habitat is not harmed by trampling. However, development should not be approved within buffer zones. It is therefore requested that any new cycle track provision is located outside of the buffer zone.
- 73 Main themes in support of the application.
- 74 The comments in support of the application relate to the need for all year round sport, improvement of the schools facilities and community provision, the environmental harm is being off-set with tree planting and biodiversity measures, development will improve lifestyles and promote well-being, Cockburn school has insufficient facilities for pupils and this will offer all-year use. Many of the representations in support are from pupils of Cockburn Academy who state that the school has approximately 1300 students. The school finds it is important that every child participates in some sort of physical activity and learns about healthy lifestyles therefore all students study BTEC Sport and every student takes part in physical education. Cockburn School is

currently 65% under provision for the number of students that attend this school. For students to get the most out of their PE lessons these facilities are of paramount importance because it would provide more space and introduce a larger variety of sports to students.

CONSULTATIONS RESPONSES:

Statutory Consultations

- 75 Authority – Initial holding objection. Following receipt of additional supporting information, the objection has been removed subject to planning conditions.

Non-Statutory Consultations

- 76 Sport England – Objection on the grounds that that the applicant has not submitted a robust 'Needs Assessment' (carried out by a recognised sporting consultant) to properly address paragraph 99 of the NPPF. The applicant has also failed to work with the relevant National Governing Bodies of Sport.
- 77 Re-consultation comments received 14.6.22 reaffirms earlier comments dated 24th March 2022, 25th March 2022, 5th May and 17th May 2022 as well as in a pre-application enquiry response to the agent in an email dated 16/12/2021. Furthermore, the additional information submitted does not appear to provide any clarification as to why the Community Use Agreements for the previous planning permissions associated with the school have not been implemented and whether the applicant will enter into a Community Use Agreement for the community use of the proposed facilities. Essentially this relates to condition 10 of planning permission 12/04061/FU which has never been formally discharged.
- 78 District Heating Network – No comment
- 79 Environmental Health – No objection
- 80 Flood Risk Management – No objection in principle subject to conditions
- 81 Highways – No objections in principle subject to conditions
- 82 Landscape – Tree survey and AIA reports reviewed, and further clarification was sought in relation to levels and root protection areas. Objection received on the grounds of the loss of 38 trees which make a valuable contribution in landscape terms.
- 83 Land contamination – No objection in principle subject to conditions
- 84 PROW - No objection in principle. Initial comments sought an amendment to reroute the footpath 207 closer to Gipsy Lane and to note that a Public Path Diversion Order for this under the Town and Country Planning Act 1990.
- 85 Nature conservation team - the semi-improved grassland area is likely to be of Moderate Distinctiveness rather than Low Distinctiveness. A quadrat-based survey to identify the no. of species per m² is required. The current survey was done in April 2021 which is too early in the year to assess botanical diversity. This should

be carried out in the optimal survey season May-Aug. Once the above has been done (now is the optimal time of year) there will need to be a revised Ecological Impact Assessment with full Excel Spreadsheet calculations also submitted (not just a summary of them in the report). Prior to determination an assurance is required that the full costs of achieving BNG for a minimum 30-year period has been calculated. Any hedgerow or woodland UK BAP Priority Habitat needs to be clearly shown on maps and measures put in place to retain these as per Policy G8. Surface water run-off – confirmation whether there are any measures in place to intercept any rubberised granules (or similar) before discharging to any adjacent water courses.

- 86 The impact on the population of Hedgehogs needs further consideration – with a programme of measures put forward to demonstrate they can be protected and safeguarded. Such measures can then be conditioned. Impact of lighting – this will be required for the sports pitches and possibly some of the new surfaced footpaths (from a safety perspective) and impacts on the local bat population need considering as part of this application.
- 87 Re-consultation issued following receipt of applicant's response and supporting information -awaiting comments.
- 88 Natural England – The LPA should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 c) of the National Planning Policy Framework - Guidance - GOV.UK (www.gov.uk). Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be considered by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

PLANNING POLICIES:

- 89 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (amended 2019), the Site Allocations Plan (2019), saved policies within the Leeds Unitary Development Plan (Review 2006) (included as Appendix 3 of the SAP) and the Natural Resources and Waste Development Plan Document (2013) (NRWLP), The Aire Valley Area Action Plan and any made Neighbourhood Plan.

Local Planning Policy

- 90 The Core Strategy 2014 (as amended by the Core Strategy Selective Review 2019) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. For the purposes of decision-making in relation to this application, the following Core Strategy (amended 2019) policies are relevant:

General Policy – Sustainable Development and the NPPF
Spatial Policy 1 – Location of Development

G6- Protection and redevelopment of existing green space
G8 – Protection of important species and habitats
G9 -Biodiversity improvements
EN1 – Climate change
EN5 – Managing Flood Risk
P9 - Community facilities and other service
P10 – Design
P12 – Landscape
T1 – Transport management
T2 – Accessibility requirements and new development

91 The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State and is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight. (The site is not allocated or a HG2 site)

92 The following saved UDPR policies are also relevant:

GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
N8 Urban green corridors
N23 Incidental green space
N33 Development within the Green Belt
LD1 Landscaping

93 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The Plan 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. No NRWLP policies are relevant.

Neighbourhood Planning

94 There is no neighbourhood plan relevant to the development:

Supplementary Planning Guidance

Sustainable Design and Construction (2011)
Parking (2016)
Street Design (2009)
Designing for Community Safety (2007)
Neighbourhoods for Living (2003)
Sustainable Drainage in Leeds (2004)

National Planning Policy

95 The National Planning Policy Framework (2021) (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. The Framework must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

- 96 The introduction of the Framework has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the Framework is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the Framework.
- 97 The following sections of the Framework are most relevant for the purposes of determining this application:
- Achieving sustainable development;
 - Decision-making;
 - Achieving well-designed places;
 - Protecting Breen Belt land;
 - Conserving and enhancing the natural environment
- 98 Paragraph 92 of the NPPF supports the provision of community facilities and other local services in order to enhance the sustainability of communities: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
 - ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 99 Paragraph 95 attaches great weight to the need to create, expand or alter schools:
- 100 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools' promoters to identify and resolve key planning issues before applications are submitted.

101 Paragraph 96 requires faster delivery of public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

102 Paragraph 99 relates to 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 benefits of which clearly outweigh the loss of the current or former use.

103 Paragraph 130 seeks to ensure that planning policies and decisions should ensure that developments:

- 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.

104 Paragraph 131 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments

(such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

105 Paragraph 180 advises that when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

MAIN ISSUES:

- 1) Principle of development
- 2) Design and visual impact
- 3) Neighbouring Amenity
- 4) Highways
- 5) Landscape
- 6) Ecology
- 7) Other issues
- 8) VSC, Planning Balance and Conclusion

APPRAISAL:

Principle of development

106 The site is located within the Green Belt and therefore attention should be drawn to the policies which are most relevant in this case. In this case development plan policy

N33 states that, except in very special circumstances, approval will only be given in the Green Belt for certain categories of development.

- 107 The guidance within the NPPF sets of the main objectives of Green Belt policy as being:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 108 The essential characteristics of Green Belt are their openness and their permanence. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 notes when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 109 Paragraph 150 provides details of development within the Green Belt (aside from the noted exceptions in Paragraph 149) that might not be inappropriate, provided they preserve the openness and do not conflict with the purposes of including land in the Green Belt.
- 110 Policy N33 of the Leeds Unitary Development Plan (Review 2006) (the UDP) sets criteria for approving development in the Green Belt where they comprise one of a number of exceptions set out in the policy or where there are very special circumstances. These exceptions generally mirror those found in the National Planning Policy Framework.
- 111 The provision of appropriate facilities in connection with the existing use of land or a change of use for outdoor sport, outdoor recreation is regarded as one of those exceptions.
- 112 The main issues in relation to this application are therefore;
- whether the proposal constitutes inappropriate development in the Green Belt as set out in the Development Plan and having regard to national policy set out in the Framework. This document advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and;
 - if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 113 Although the provision of sports facilities can be considered to be not inappropriate development as defined in paragraph 150 of the framework, consideration needs to be given to preserving the openness of the Green Belt and the purposes of including land within it. Although the operation of laying out the tennis courts and 3G pitch will include the removal of trees, other vegetation and level changes, these will be

screened to a degree by the presence of retained trees and landscaping with the remodelled earth works, achieved through cutting and filling, creating a landscape buffer.

- 114 It is therefore considered that the proposed development, insofar as it relates to the laying out of the pitch and tennis courts, has been carefully situated where it will be effectively screened from long distance public views due to the existing boundary treatment and changes in levels. In this context, the modest scale of the development proposed, its design and locational backdrop, the inherent spatial and visual effects arising from the development would not harm the overriding sense of openness.
- 115 This said, the proposal does include the provision for fencing arrangements consisting of fencing of 4.5m high (3G pitch), 3.5m (tennis courts) and 2.4m perimeter fencing. Fences and gates are not listed as noted exceptions to Green Belt policy. It is therefore concluded that the installation of the fencing and gates would be inappropriate development for the purposes of paragraphs 149 and 150 of the Framework. Inappropriate development is not normally acceptable unless there are very special circumstances to justify allowing the development to proceed.
- 116 In this case, the applicant has submitted a supporting statement putting forward a case for very special circumstances as a justification to outweigh any harm caused by reason of inappropriateness and harm to the openness of the Green Belt.
- 117 The proposed boundary fencing is essentially 'open in nature' comprising a mesh system with open views through but which provides an essential boundary for the proposed sports use. The fence is to be coloured green to blend into both existing vegetation and the additional planting proposed in the landscaping scheme.
- 118 In terms of the sports pitch, rebound panels are also shown. The pitch and tennis court enclosures are considered to be the minimum height required to enable these elements to properly operate in order to retain balls within the pitch and court area. The boundary treatment reflects the typical height sought by the DfE for perimeter fencing and has been justified by the applicant on the grounds of safeguarding and security.
- 119 In visual terms, the open form of the boundary treatment would allow light to penetrate and minimise the visibility of the structure. In this context, when observed against a backdrop of mature trees and other vegetation, the structures would also be visually subsumed against its surroundings and further screening would be achieved via comprehensive landscaping proposals. The visual impact of such will therefore be minimal and assisted by various level changes which, combined with the aforementioned landscaping, will create a strong visual barrier.
- 120 These are factors which, when considered against the need to provide additional formal play space as well as a requirement to provide a safe and secure environment, are matters that will weigh heavily in favour of the proposal.

Sport England comments

- 121 The site is not considered to form part of or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595) and therefore, Sport England is a non-statutory consultee.

- 122 Government guidance, within the Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. This application falls within the scope of the above guidance as it relates to the loss of, or loss of use for sport, of any major sports facility.
- 123 Sport England note that this is a full planning application for the partial loss of an 18-hole golf course that is understood to have closed in 2019 and has not been in active use since this date. The development relates to a new 3G 'third generation' synthetic pitch primarily for football and rugby as well as three tennis courts of porous asphalt construction, together with associated works.
- 124 Supporting information details how the facilities are for use by Cockburn High School. In addition, the proposal involves landscaping outside the red line boundary to facilitate biodiversity enhancement measures resulting in further loss of land associated with the former golf course. Supporting information states that the new facilities will address the shortage of outdoor sporting facilities at Cockburn School to allow them to deliver their curriculum. The new facilities will also be made available for community use. No sports lighting is included as part of this proposal.
- 125 As part of their assessment of the application, Sport England has consulted various sporting bodies including the Lawn Tennis Association, Rugby Football League and the Rugby Football Union. It is understood none of these bodies are aware of the proposal and consequently have not been involved in the design / or need for the development.
- 126 As part of the applicant's submission, a needs case has been presented together with a justification relating to the loss of the golf course. It is understood the current lack of facilities and the increase in student numbers has forced the PE department to reduce the range of sports that can be studied by pupils of all ages. The new facilities will allow an increase in capacity for football, rugby and tennis.
- 127 Whilst the applicant has also considered the potential for locating the 3G pitch, as proposed, within the existing school campus it has been demonstrated that this is not feasible due to its size. Notwithstanding this, it was suggested at the earlier Plans Panel Meeting that the size of the 3G could be reduced to minimum rugby league standard size/ minimum standard 11 aside football. Whilst this pitch would fit on the footprint of the existing grass pitch the school's sports specialists have advised that the smaller size pitch would only be suitable for under 16's and given the school have pupils aged over 16, this pitch would not meet their needs and would not allow them to be inclusive. This would also mean they are unable to offer the pitch for community use to those over the age of 16.
- 128 In terms of national guidance, as contained in Paragraph 99 of the NPPF, Sport England consider this approach however, to be insufficient and have sought a robust needs assessment which demonstrates whether or not there is a need for the golf course and that there is a clear need for the chosen sport facilities which will be provided as part of this application.
- 129 As part of a following up comment, Sport England have also provided details of a recent appeal decision (APP/D0650/W/21/3285817) dated 10th May 2022, which involved a proposal for the partial loss of a Golf Course in Halton, Widnes.

130 The appeal decision outlines the approach that should be taken when assessing whether or not a golf course is considered to be 'surplus to requirements' in relation to paragraph 99 of the NPPF. However, within paragraph 99 there is also two other qualifying criteria to consider.

131 Paragraph 99 states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) 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

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

132 In this case the applicant has chosen to seek to justify suffix (c) and has provided details of the proposed pitch specification and tennis court details which, the applicant states, meets Sport England requirements and those of related National Governing Bodies (NGB's). It is understood this will not only assist in addressing the school's current play space deficit and its inability to deliver their curriculum but also offer wider community use.

133 In terms of the broader background, it is understood, following a decline in memberships and ongoing vandalism of the site, the golf course closed in November 2019 and is now included in the Middleton Park Estate managed by Leeds City Council (LCC). The club was run privately, and the land was leased from LCC.

134 As mentioned earlier, following the expansion of Cockburn Academy, the council pursued the opportunity to transfer a small section of the former golf course to the Trust for outdoor sports provision to help to address the shortage of outdoor sports facilities at the school and therefore allow the delivery of their curriculum.

135 Given these circumstances it is critical that the additional sports facilities are provided adjacent to the existing school to enable integrated use and to do so in the secure environment for safeguarding reasons and to avoid unnecessary management and logistical issues that would arise from the use of remote facilities.

136 The closure of the golf course was a commercial decision and is not connected to this planning application. Given the passage of time, the former golf course has also become overgrown with self-seeds and transformed into a nature / wildlife area given it is no longer maintained in a formal way. There is no realistic prospect of this being reused for its former purpose and commercially this would also be an unlikely proposition given the level of investment now required. Also, given the publicly accessible attractive environment which has since been created, the complete removal of this resource would be a retrograde step from a nature conservation perspective.

137 The proposals do not include floodlighting or separate changing facilities outside of the school's existing buildings. This is due to need to minimise the amount of development and harm that would be caused to the openness of the Green Belt. The

key driver is to address the shortage of outdoor sporting facilities at Cockburn School although the facilities will be made available to the wider community. It is understood for this reason the applicant did not seek views of the (NGB's) prior to the planning submission. This said, as detailed above, it is understood the design and specification of the proposed facilities meets Sport England and the (NGB's) technical standards, albeit, at the time of writing this is yet to be confirmed.

Coal Authority

- 138 The application site falls partly within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority is therefore a statutory consultee in this instance.
- 139 The Coal Authority, in their initial comments, indicated that the submitted geotechnical and mining assessment did not satisfactorily address the impact of the coal mining legacy on the proposed development. As a result, the Coal Authority issued a holding objection.
- 140 In response, the applicant produced a revised ground investigation report in support of their application. Based on a review of coal mining and geological information, the report concludes that the risk posed by unrecorded shallow mine workings is negligible, but now acknowledges a recorded shaft will be present within the footprint of the proposed 3G sports pitch. It advises that the shaft is likely to require identification as part of any development and may require treatment.
- 141 On the basis that the latest report is unable to conclude that the shaft has been appropriately treated in the past and does not pose safety and stability risk to the proposed development and future use of the site, the Coal Authority's Planning Team considers that the shaft should be located and treated, as necessary.
- 142 It is noted that appropriate investigations will need to be carried out by competent persons and these should be appropriate to assess the ground conditions on the site in order to establish the coal mining legacy present and the risks it may pose to the development. The results of the investigations should be used to inform any remedial works and mitigation measures that may be necessary to ensure the safety and stability of the proposed development. Shaft remedial works would typically involve the grouting of the shaft fill and the installation of a reinforced cap over the shaft.
- 143 As such the Coal Authority concurs with the recommendations of the revised Ground Investigation Report; that coal mining legacy poses a risk to the proposed development and that investigations are required, along with any necessary remedial measures, in order to ensure the safety and stability of the proposed development.
- 144 The Coal Authority has now removed its initial objection subject to appropriate investigations and the completion of any appropriate remediation works which may be required as a consequence.

Design and visual impact

- 145 As noted above, the proposed works involve a new 3G 'third generation' synthetic pitch and 3 tennis courts, with steps, ramped access, pitch and court enclosures as well as perimeter fencing. The pitch will be mainly used for rugby and football but can also be used for other sports. The dimensions of the sports pitch are 68m x 100m

with a 3m run off along each side. The pitch has been designed with a sub-base with drainage and would be covered by artificial grass. The design specification will meet Sport England standards. The pitch fencing will be 4.5m high weld meshed and gated.

- 146 In terms of the tennis courts, these would form a three-court block and laid out to dimension which satisfy minimum Lawn Tennis Association standards. The courts would be of a porous asphalt construction and green and grey in colour. The court enclosure is also weld mesh 3.5m and gated.
- 147 The site's secure perimeter fencing will be 2.4m high (also weld mesh) to provide the essential safeguarding and security necessary for the school. All of the fencing / gating arrangements will be powder coated in green.
- 148 As referenced earlier, the proposed works involve level changes, these will be screened to a degree by the presence of retained trees with further landscaping proposed. The remodelled earth works will be achieved by cutting and filling, creating a landscape buffer with banks of retained soil. This will not only help reduce the visual impact of the proposal but also avoid the need for material to be exported from site. In design terms, and although the decision is very finely balanced one, given the extent of tree loss involved, the proposed development could be satisfactorily integrated into the landscape. This assessment is based on the sylvan context of the wider surroundings, and in the fullness of time, the opportunity for the proposed landscaping to become established in its own right. However, for the visual merit of any replacement planting to be effective and meaningful, this will take at least a generation to replace that which will be lost as a direct consequence of the proposal.
- 149 Overall, the proposal is considered to be acceptable in visual terms and will cause no planning harm in this regard. The proposed development would have no adverse significant detrimental effect on the character and appearance of the surrounding area. The proposal is therefore compliant with development policies P10 and P11 of the development plan in this regard.

Neighbouring Amenity

- 150 Core Strategy Policy P10 and saved UDP Policy GP5 require that development should protect the local amenity.
- 151 The proposed development has been considered in terms of its impact upon the residential amenity afforded to nearby residents. The development is located close to the urban edge of an area of predominantly residential character. In assessing the impact, the proposed development will have upon the living conditions of surrounding residents, it is considered that there is no direct overlooking /overshadowing issues and the separation distances involved are sufficient to protect the living conditions of surrounding occupiers.
- 152 Specifically, with regard to noise matters, the application has been accompanied by a Noise Impact Assessment. The assessment has indicated that the scheme will fully comply with the guidance contained within the Sports England document. The assessment has indicated that the scheme will comply with the absolute noise limits and LAFmax requirements described within the Leeds City Council document, however in comparison of the LAeq with the existing representative LA90 would suggest that this would exceed the criteria specified by 2dB. The assessment has been based upon the measurements recorded between 19:00 – 22:00 to account for the worst-case evening period when background noise is likely to be at its lowest.

- 153 However, the report goes on to say that absolute levels are low and that this small exceedance of this part of the Leeds City Council planning guidance would not impact on the amenity of the nearest residential receivers. The report concludes that the proposals are expected to cause no noise related nuisance issues.
- 154 The council's Environmental Health Officer has been consulted and concurs with the findings of the report and concludes that the development would be acceptable. It is acknowledged that one part of Leeds City Council planning guidance criteria is not met and that is the comparative assessment of baseline versus operational sound. This level difference is considered to be small and negligible and on balance does not object given that the more critical Lmax criteria from ball strikes etc has been met.
- 155 The proposed development will be primarily used by Cockburn Academy to deliver its curriculum activities and will effectively extend its operational boundary. Any resultant increase in noise/activity and associated disturbance will therefore be negligible given the existing ambient background levels at this time of use. Additionally, schools are commonly located close to residential areas and this site is no different.
- 156 Although outside of school hours the facilities will be made available for community use, in the absence of floodlighting, the use of such will be limited to evenings during summertime and at weekends. Although to some modest degree this will increase comings and goings together with associated noise and disturbance, this would be minimal (based on the submitted noise assessment) and limited due to the restricted use. In such circumstances it is considered there will be no demonstrable planning harm caused to the living conditions of any surrounding occupiers sufficient to warrant the refusal of this application.
- 157 Against this background it is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the development plan is satisfied.

Highways

- 158 The application has been assessed by the council's highway engineer. There are no proposals to increase student or staff numbers. Parking for the community members visiting the site after school hours will remain in the existing car park adjacent to the school site.
- 159 The proposed development would be accessed via Gipsy Lane which runs between the school and this site and Beeston Park Boarding Kennels and Cattery which is located to the immediate west. This access is also a public bridleway (Leeds 207) and the wider proposal involves diverting the footpath /bridleway to the south of its existing alignment. This issue is discussed below.
- 160 The effect of diverting the bridleway and enclosing this section of Gipsy Lane, together with the wider area of land which would be annexed to the school, is to create a secure boundary line and allow free flow of staff and pupils to the main school site where there is car parking, changing and toilet facilities.
- 161 As these facilities would only be made available to the community outside of school hours, users would be able to utilise the school's existing changing and car parking

provision. As there are also existing facilities on site which are open for community use, further information was sought to justify whether or not sufficient parking would be available to accommodate demand.

162 The intention is for the visitors of the new sports facilities to use the car park located to the north of the application site, this is the nearest car parking area and has been recently constructed as part of the expansion of the school (planning ref: 20/03547/FU). This car park has capacity for 47 spaces. There are also a further 62 car parking spaces within the school site to cater for any additional demand. The school have also produced an assessment based on existing and predicted demand for out of school hour use and these calculations show there would be more than adequate car parking provision to accommodate any additional demand.

163 Overall, it is considered that an objection to the scheme on the grounds of an unacceptable highway impact would not be justified in this case. On this basis no highway objection has been received subject to planning conditions and development plan policies T2 and T24 are considered to be satisfied.

Landscape

164 The applicant has carried out a full tree survey and AIA. The council's landscape architect has assessed this information and recognises that the loss of trees to accommodate this proposed development is regrettable, but it is accepted that it is not feasible to carry out the development as proposed without some tree loss and impact on the landscape. It is also worth remembering that the application site has been the subject of major earth works in the past in the construction of the golf course and is not a 'natural landscape'.

165 In terms of direct tree impacts, the proposed development requires the removal of 38 trees, the vast majority being B category (good quality) and potentially more given the works and level changes proposed adjacent to the proposed tennis courts. Although the trees which require removal are located centrally within the site and are partially screened by trees on the periphery of the site, the visual importance of these trees, in terms of their group value, will mean that their removal will have a significant impact on the immediate visual context. In terms of longer views, the impact is less so, given the wider sylvan context and as such are subsumed within it.

166 As part of a mitigation strategy replacement trees are to be provided at a ratio greater than the 3:1 as required under policy LAND2. However, in terms of climate change and the declared council's climate emergency, the value of these trees should be fully recognised in terms of carbon storage, their mitigation of air / noise pollution and flooding. Whilst newly planted trees are recommended, the benefits of carbon sequestration would take at least 25-30 years to attain the volumes that the current established trees achieve. The council's landscape architect is of the view that the loss of so many established and mature trees cannot be supported in landscape terms and the development is in conflict with the council's declared climate emergency.

167 Members have previously raised the issue of measuring carbon capture / sequestration of the trees which would be removed as a consequence of this development. The applicant is not proposing to carry out this exercise and nor is there any current planning policy requirement for them to do so. Although the council intend to introduce policies to ensure that developments are carbon neutral,

following the introduction of the climate emergency by updating planning policies as part of the Leeds Local Plan Update, this is only in early draft form and would carry no weight in terms of the assessment of this application. In current policy terms, the development is therefore compliant in this regard and would satisfy policy LAND2 in respect of replacement planting. It is considered once the development has been completed and landscaping and planting reaches maturity, the proposed scheme would complement, and future policies aimed at combating climate change. Over the life of the development, there would be a net gain in carbon sequestration.

- 168 Against this background and notwithstanding the objection from the council's landscape architect, it is considered that the development is policy compliant. It should also be noted that should planning permission be granted, the trees shown as retained will need to be safeguarded by appropriate tree protection measures. Additionally, given the intricate work proposed around trees and RPA's, it is recommended that this is overseen by an arboriculturist to ensure that measures set out in the AIA and method statement are properly implemented.

Ecology and Biodiversity

- 169 Core Strategy policy G9 'Biodiversity improvements' requires that the design of new development, including landscape, enhances existing wildlife habitats and provides new areas and opportunities for wildlife.
- 170 The primary aims of Biodiversity Net Gain are to secure a measurable improvement in habitat for biodiversity, to minimise biodiversity losses and to help to restore ecological networks. The National Planning Policy Framework (NPPF) makes provisions for the delivery of biodiversity net gain.
- 171 The applicant has submitted a Preliminary Ecological Appraisal (PEA) and an ecological impact assessment. The PEA concludes that the proposal is not likely to have any significant effects on internationally or nationally protected sites.
- 172 In relation to broader ecological impacts, the supporting report confirms that the proposal will result in the loss of habitat areas within the Leeds Wildlife Habitat Network. Although the report indicates that various individual habitat areas are of low ecological value, collectively and without mitigation, the impact would be significant.
- 173 The site is situated close to several locally designated sites, Leeds Nature Areas (LNA) and Local Nature Reserve (LNR).
- 174 Middleton Woods LNR located approximately 31 metres east of the site, Waddington's Wildlife Run LNA located approximately 760 metres north-east of the site, West Wood LWS located approximately 1.2 km south-south-west of the site, West & Sisson's Wood LNA approximately 1.65 km south of the site, Noster Hill LNA located approximately 1.8 km north of the site, Albert/Valley Road LNA located approximately 1.95 km south-west of the site.
- 175 In relation to other designations, the site sits within the Leeds Wildlife Habitat Network (LWHN) together with the remainder of the former Leeds Golf Course. The site is also adjacent to woodland listed on the West Yorkshire Ancient Woodland Inventory; Middleton Woods is an extensive area of Ancient Semi Natural Woodland located approximately 37 metres east of the site boundary at its nearest point.

- 176 At the site's closest point to wider woodland, the separation distance is reduced to 31 metres but a buffer zone of 15m is to be provided to protect ancient woodland and individual ancient or veteran trees. The buffer zone will also be screened by protective fencing which will also serve to preclude digging or stock piling or other disturbance from construction activities which could potentially result in impacts on Middleton Woods and Ancient Woodland.
- 177 As described, in the Arboricultural Method Statement, standard Tree Protection Fencing (TPF) will be used to protect retained trees and woodland adjacent to the development. The TPF will be located at least 15 metres from the boundaries of Middleton Woods LNR and Ancient Woodland (Middleton Woods) to provide a woodland buffer zone of at least 15 metres. New tree planting will be undertaken off-site. The tree planting will comprise native species. Mixed scrub will be created off-site. The mixed scrub will comprise native species. In addition, various habitat areas are to be provided. According to the biodiversity net gain calculations presented in the Biodiversity Enhancement Management Plan (BEMP), the proposed development will result in a net gain of 10.07%. The BEMP will also be reviewed and updated every 5-10 years and will be implemented for a minimum of 30 years.
- 178 In terms of implementing and maintaining the BEMP for 30 years, the applicant (the council's project team) has been asked to confirm that funding arrangements have been put in place and this has also been agreed with by Parks and Countryside for 30 years future maintenance. Panel Members should be aware however that no such undertaking has been provided at the time of writing.
- 179 The supporting reports and surveys have been assessed in terms of the developments impact on the affected habitat and wildlife. The council's nature conservation officer initially reviewed this and concluded that the semi-improved grassland area is likely to be of Moderate Distinctiveness rather than Low Distinctiveness. It was also recommended that a quadrat-based survey to identify the no. of species per m² is required, and that this should be carried out in the optimal survey season May-Aug. Confirmation was also sought as to whether or not there is any acidic grassland within the application boundary. It is understood the current survey was done in April 2021 which is too early in the year to assess botanical diversity. The initial comments also noted that once this has been done there will need to be a revised Ecological Impact Assessment with full calculations set out, not just a summary, as is currently the case. Losses in habitats will need to reflect the cut and fill drawings as presented, and also any footpaths to be created which will need surfacing and also the impacts of the drainage channel for off-site discharge to the east. Similar calculations and maps are required for those off-site areas that are referred to in the submission.
- 180 As noted in the applicant's response to issues previously raised by Members in this regard. In terms of the biodiversity position, the recently updated calculations show that there will be a 21.94% net gain in biodiversity following the development. This is more than double the required 10%. Lastly, in regard to the recent comments provided by the Nature team on the value of the existing grassland. The applicant carried out an additional survey on 29th June this year and it concluded that the habitat classification presented in the Ecological Impact Assessment is correct. The Nature team suggested that the whole site is part of the Leeds Habitat Network and therefore should be scored as High Strategic Significance in the Biodiversity Metric. For clarity, even if the strategic significance was changed to high, the total project

BNG score remains exactly the same, (21.94% gain in Habitat Units). Following the latest response from the applicant on this issue, Nature Conservation have been re-consulted and further comments are therefore anticipated.

- 181 In relation to matters concerning ongoing maintenance and monitoring there would normally be a requirement for a S106 agreement to be put in place. As this is a council application and the council cannot enter into an agreement with itself, normally the applicant, in such a case like this, would produce details of future on costs (index linked) and offer a dedicated ringfenced budget in line with planning policy. In this case, achieving BNG for a minimum 30-year period which should be calculated to satisfy the BNG and related monitoring that will need to take place. Although it is understood the applicant is currently negotiating this with colleagues in Parks & Countryside, no details have been provided nor has any formal commitment been made to do so.
- 182 Any hedgerow or woodland UK BAP Priority Habitat needs to be clearly shown on plans and measures put in place to retain these as per Policy G8. The Woodland along the north boundary to be retained needs a buffer to ensure no changes in ground levels within the RPAs. This needs to be clearly shown to demonstrate no loss of trees in this area. In terms of surface water run-off – confirmation is required to demonstrate that measures will be put in place to intercept any rubberised granules (or similar) before discharging to any adjacent water courses.
- 183 Impact on the population of hedgehogs needs further consideration with a programme of measures required to demonstrate they can be protected and safeguarded.
- 184 Impact of lighting, this will be required for the sports pitches and possibly some of the new surfaced footpaths (from a safety perspective) and impacts on the local bat population need considering as part of this application.

Other issues

- 185 Although supportive of the overall need for additional sports provision, Cllr Burke has raised her concerns about the loss of ancient woodland. In response to this, as well as comments made by the Woodland Trust, it is the case that the proposed development will not encroach into the ancient woodland or impinge upon it. As discussed earlier, the closest point to woodland is 31 metres and a buffer zone of 15m is to be provided to protect ancient woodland and individual ancient or veteran trees. The cycle tracks shown on the planning drawings are shown for indicative purposes only and do not form part of this planning application.
- 186 Objectors have raised concerns relating to the removal /loss of what are referred to as Monks Path and the historic cobbles and the harm this would cause to the local heritage. Whilst the history of the cobbles is not disputed, it is understood that they are not protected as a heritage asset. Insofar as the cobbles relate to the area contained within the application site, these are largely concealed in any event as the track is already partially covered over with tarmac or subsumed by overgrowing vegetation and soils.
- 187 Other comments have referred to the impact the proposal will have on the urban green corridor and loss of green space. The site is within a wider Urban Green Corridor designated under Policy N8 of the UDPR. These Corridors are a strategic network which links the main urban area and the countryside, and these include

built-up areas as well as identifiable green-wedges and linear routes. Policy N8 sets out that these Green Corridors have the potential to provide for informal recreation and also contribute to visual amenity and nature conservation.

- 188 With regards to the functions of Green Corridors referred to in Policy N8, the site is publicly accessible for informal recreation, and this provision will be lost, but replaced with sports facilities that would be made available for wider community use. The site is not allocated as public open space, although in any event, policy G6, which relates to the protection and of green space, would not necessarily preclude such a development given it would be used for outdoor sports. Furthermore, the wider proposals indicate the provision for tree planting, landscaping and broader biodiversity measures which will exist for public use as well as improvements to the proposed diverted public right of way.
- 189 In terms of drainage matters, the application has been assessed by the council's drainage engineer who has raised no objection to the principle of development.
- 190 Specifically, in relation to comments concerning drainage and plastic pollution, all the proposed new playing surfaces and access paths are formed in materials that are porous. Rain falling onto these surfaces percolates through them and is contained within a layer of gravel that is separated from the natural soils beneath by an impermeable membrane. The volume of the gravel layer is sufficient to store intense rainfall resulting from a 1 in 100-year severity storm, plus an additional 40% to allow for climate change. Stored water in the gravel is discharged into the nearby stream via a manhole and underground pipework. The manhole contains a flow control device to limit outflow to 5.4 litres per second, and a sump pit to remove any silt or other suspended fine material. It is understood that the gravel layer will act as a natural filter to remove suspended material and pollutants from the water flowing through it. As such, it is considered that all rainwater falling on the proposed sports pitches and access paths will be controlled, filtered and discharged to the existing watercourse in a manner that prevents it coming into direct contact with any of the woodland.
- 191 In terms of matters raised relating to the proposed diversion of the public footpath/bridleway, the effect of approving the development would result in the bridleway running through the extended school boundary which, in turn, would create a potential safeguarding issue.
- 192 The applicant is therefore proposing in order to provide a secure perimeter to divert the footpath / bridleway to the south of Gipsy Lane and to skirt around the application site and re-join the footpath / bridleway to the east of the site. The annexed area would then be enclosed by a 2.4m weld mesh.
- 193 As part of the consultation process, the council's public rights of way officer (PROW) has been consulted. PROW's comments state that there is no objection in principle to the diversion of the footpath/ permissive bridleway. However, the original layout details were unacceptable as it would have taken the route from the north end of Gipsy Lane south along Gipsy Lane to the former golf club house and then north again to join the original line through the woods. This diversion was considered far too long and impractical for walkers coming from the north. The proposed amended route is now closer to the north end of Gipsy Lane. PROW have also indicated that the diversion route to be a 3-metre minimum width. Subject to the diversion route complying with this minimum width, PROW have no objection to the development.

- 194 The planning application proposes the closure/ diversion of the path, and this is considered necessary to enable development to proceed, given the safeguarding needs of the school. If the planning application is successful, it will be necessary to legally extinguish this section of the affected right of way through S257 of the Town & Country Planning Act through a Public Footpath Diversion Order (PPO).
- 195 It is also understood that the path should not be altered until the (PPO) has been determined. The granting of planning permission will not permit the applicant to divert or extinguish a public right of way, only a Public Path Order can do this.
- 196 The consideration of this issue is a separate legal matter to the processing of this planning application. The granting of planning permission will not permit the applicant to divert or extinguish this claimed public right of way.
- 197 The proposal will not provide access to the adjacent bike park. The issue of the land or (adjoining land) being used by the travelling community is not a material planning consideration. The site is not located in or adjacent to an Air Quality Management Area (AQMA). No floodlighting is proposed as part of this planning submission, although it is acknowledged that ducting for cabling may be laid out as part of the construction process, this is a common practice and it does not necessarily mean that an application for floodlighting will be submitted in the future or indeed approved.
- 198 It is understood following discussion with colleagues in Parks & Countryside, that this site is not included in the site agreed for hedgehog release. It is understood that there is an informal agreement to release rescued hedgehogs into Middleton Woods and that advance notice needs to be provided in any event.
- 199 In terms of other alternative options, and as discussed earlier in this report, it is noted that the dimensions of the pitch, as currently proposed, cannot be physically accommodated within the confines of the school's existing campus partly as a result of a previously approved and implemented proposal referred to below. In addition, this would not result in additional space for the school, nor will it address the sports provision deficit. It would remove a large amount of existing provision for several months preventing delivery of the curriculum at that time and create potential amenity / nuisance issues to the occupants of surrounding properties. A fresh planning application would cause further delays and an inability for the school to carry out its curriculum. Additionally, Members should be aware that this location would be very close to the back gardens of residential properties and when application 12/04061/FU was approved for 'Provision of artificial pitch including changing facilities, eight lighting columns and fencing to school grounds' in 2012 located to the southern side of the school's campus i.e as far away from the residential boundary as possible, it generated 68 letters of objection. It should also be noted that this was a resubmission of a previously withdrawn scheme ref: 12/02987/FU. This application was withdrawn at the applicants request in order to look to minimize the impact of the development on residential properties from light pollution and potential noise nuisance associated with the use raised in a significant number of objections and was proposed to the northern boundary of the campus in a similar location as has been discussed with and discounted by the school during the consideration of this application. It is also the case that this is not the proposal under consideration and this application must therefore be determined on its own planning merits. Regarding objectors' comments relating to the use of

satellite facilities, this is considered to be unreasonable and impractical and again is not the proposal under consideration.

200 Comments made in relation to representations suggesting that pupils have been coerced into making comments have not been substantiated or indeed is such a matter relevant to the determination of this planning application. All representations received are accepted in good faith. As with all representations, only comments relating to material planning issues are taken into consideration as part of the assessment of the application. Whilst there may be some suspicious activity and mischievousness at play, the planning decision does not hinge on the volume of public comment whether for or against a proposal.

VERY SPECIAL CIRCUMSTANCES, PLANNING BALANCE AND CONCLUSION:

201 The provision of Paragraph 148 of the NPPF states that substantial weight is to be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

202 It is suggested to Members after considering all the material considerations, in what is rightly a lengthy report to properly consider all the issues that the key issue here for members is that the proposal would constitute inappropriate development in the Green Belt by virtue of the associated fencing as this would cause harm to the openness of the Green Belt. Members will recall '*provision of sports facilities can be not inappropriate development as defined in paragraph 150 of the NPPF*' (previously referred to in para 113 of this report).

203 To properly engage in this weighing exercise and therefore come to a decision it should be remembered that the fencing is weld mesh to maximise visibility through it and painted green to reduce its visibility and it will be viewed against a backdrop of existing and additional tree planting. Therefore, it is considered that the fence will although inappropriate by definition, will have minimal harm to the Green Belt.

204 The following appeal decisions support this view: -

- **Appeal Ref 400-030-494 – change of use from a paddock to a dog walking area enclosed by a 1.2m stock fence.** Inspector concluded that although fence posts would “appear as a series of punctuation marks” the wire mesh fencing would only be visible from close quarters and therefore “visually there would be no material difference.
- **Appeal Ref 400-030-092 – provision of school playground surrounded by an acoustic fence.** Concluded that the proximity of fence to existing trees meant it was found not to materially harm openness (para 10).
- **Appeal Ref 400-013-424 – tennis court and associated 2.75 metre mesh link fence.** The Inspector considered greenbelt impact at paras 4-8 and concluded it was appropriate and essential for a tennis court and would not harm the openness due to the chain link nature.

205 Against this minimal harm, it is necessary to balance the other considerations. In this case, these are substantial. The report outlines the recent expansion of the

school which has consequently placed additional pressure on existing formal outdoor play space which was already inadequate for the existing school roll. The applicant has also referred to DfE guidance contained in soft outdoor PE spaces. Based on this guidance this means that the school has 64.5% of the required provision – a deficit of 35.5%. This deficiency cannot be provided within the parameters of the current school boundary. In terms of the proposed fencing treatment, the school requires a safe and secure environment for its pupils in order for the school to meet its duty of care in this regard.

- 206 Although this is guidance and not a mandatory requirement Cockburn is an 'Outstanding school' in an area of some deprivation which should not be denied the opportunity to provide students and the wider community with first class sporting facilities if appropriate.
- 207 With regards other issues, the loss of a swathe (38) mainly category B trees (good quality) the immediate visual harm of harm of such will be significant but, as assessed above, this will be minimised to some degree by surrounding tree cover and subsumed when viewed from a distance. In longer term views aided by the above policy requirement replacement planting, the development will blend into the broader context and visually this will not detract from the overall character of the area.
- 208 As stated previously mitigation replacement trees are to be provided at a ratio greater than 3:1 and is therefore compliant with council policy, in addition, there are also wider biodiversity measures on adjoining land within the council's ownership to be provided. It is accepted that in terms of climate change and the Council's declared climate emergency, the value of these trees with regard to their carbon storage, their mitigation of air / noise pollution and flooding is important, on this issue, there is no evidence to suggest that once the development has been completed and landscaping and planting reaches maturity, the proposed scheme would fail to accord with any planning policies aimed at combating climate change. Indeed, over the life of the development there would be a net gain in carbon sequestration.
- 209 The new scheme would incorporate new extensive landscaping including 130 heavy standard trees that would ultimately mature and contribute to visual amenity as well as the Council's commitment to providing green infrastructure and combating the effects of climate change. Equally, considerable weight must be applied to the overarching need for this development and the substantial benefit of providing sufficient play space to address the school's current deficit which has been exacerbated following the recent approved expansion. Furthermore, the development will also be available (outside of school hours) for community use which will also have a broader public benefit.
- 210 In terms of highway considerations and impact on the living conditions of surrounding residents, the proposal is considered to be acceptable.
- 211 All material matters raised by third parties as summarised have been considered, and those that are not material in planning terms have been identified in the report and acknowledged as such.
- 212 Against this background it is concluded that the development is acceptable in planning terms. The harm of the fence to the openness of the Green Belt is considered minimal and any other identified harm as identified above is clearly

outweighed by other considerations, which amount to the very special circumstances necessary to justify the development. It is therefore, recommended that the application be approved subject to the conditions listed above.

Background Papers:

Application files

Certificate of ownership:

Certificate A signed by the agent



Cockburn School

Cockburn Multi-Academy Trust

**General Arrangements Agreement for Use of School Facilities
and Sports Facilities at Cockburn School**

Date: September 2022

Version 3 - Final

Contents

No	Heading	Page
1.	Recitals	2
2.	Definitions and Interpretation	2
3.	Aims	3
4.	Arrangements for Community Use	4
5.	Marketing and Promotion	4
6.	Management	4
7.	Financial Matters	4
8.	Monitoring and Review	5
9.	Duration of Agreement	5
10.	Authority	5
11.	No Variations	5
12.	No Agency	5
13.	Severability	5
14.	Waiver	5
15.	Non-assignability	6
15.	Governing Law and Jurisdiction	6
	Schedule 1	7
	Schedule 2	8
	Arrangements for Community Use	8

DATE: September 2022

THE PARTIES

(1) **The Governing Body of Cockburn School** of Parkside, Gypsy Lane, Leeds, LS11 5TT (“the **School**”)

and

(2) **Cockburn Multi-Academy Trust** of Parkside, Gypsy Lane, Leeds, LS11 5TT (“the **Trust**”)

1. Recitals

1.1 **The School** wishes to enter into this agreement with **the Trust** in order to make the school facilities and sports facilities at Cockburn School available (when their use is not required by the school or trust) for use by the local and wider community in order to promote participation in community activities and encouraging provision of community facilities.

1.2 **The Trust** is the owner of the school premises, which are held for the benefit of the school.

1.3 **The School** has the responsibility to manage and operate the school facilities and sports facilities.

2. Definitions and Interpretation

In this Agreement the following words or phrases have the corresponding meanings ascribed to them unless the context otherwise requires:

Community Use means use of the school facilities and sports facilities by the local community including organised sports clubs, organisations and for casual use.

Casual Use means availability for any individual(s) or groups to book the school facilities and sports facilities for use on a pay-as-you-play basis, where space is available

Facilities	means the school facilities and sports facilities identified in Schedule 1 to this agreement forming part of the school premises
Priority Groups	means those groups identified as being under represented for the particular activity engaged in
School Core Times	means 0700hrs to 1700 hrs Mondays to Fridays during term time as defined in Schedule 2 to this Agreement
School Premises	means the land and buildings comprising Cockburn School

3. Aims

The Governing Body of Cockburn School agree to pursue the following aims:

- Operating in line with the national curriculum;
- Generating positive attitudes in sport and physical activity by young people and reducing the drop out rate in sports participation with age;
- Increasing the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;
- Using the facilities to encourage the range, quality and number of club and organisational links with the community such as arts and worship groups;
- To provide affordable opportunities for residents and organisations to participate in community activities, particularly where low participation groups are involved.

4. Arrangements for Community Use

The School agrees to make the school facilities and sports facilities available for community use in accordance with the provisions of Schedule 2 of this Agreement.

5. Marketing and Promotion

The School will be responsible for marketing and promoting the school facilities and sports facilities within the community.

6. Management

6.1 **The School** will manage the community use of the school facilities and sports facilities. There is a current Service Level Agreement with Leeds City Council's Lettings Unit to manage the administration of the school lettings.

6.2 The School will be responsible for the school facilities and sports facilities and shall:-

- (a) routinely inspect and ensure the maintenance of the school facilities and sports facilities;
- (b) make the school facilities and sports facilities available on the occasions and times specified in Schedule 2, unless weather prevents use, needs in relation to education, seasonal impact and in exceptional circumstances e.g. maintenance works
- (c) cover the cost of gas, fuel, oil, electricity, water, rates and taxes that may be attributable to the use of the school and sports facilities.

7. Financial Matters

7.1 The rates of hire are charged in line with the schedule held by Leeds City Council Lettings Unit.

7.2 **The School** endeavours to ensure that the costs of operating community use at the sports facilities will be fully covered by income from such use and any surplus will be utilised to contribute to a contingency or sinking fund for major maintenance, repairs and ultimately renewal of fixed life elements of the facilities.

8. Monitoring and Review

- 8.1 This agreement shall be reviewed on a regular basis by both parties – at intervals of not less than 12 months.
- 8.2 Written approval from both parties will be required before any revisions are made or implemented.

9. Duration of Agreement

This agreement shall operate for so long as the school facilities are provided.

10. Authority

The School warrants that it has the full right and authority to enter into this agreement.

11. No Variations

This agreement may only be varied by the written agreement of both parties.

12. No Agency

Nothing in this agreement shall be construed as creating a partnership, a joint venture, a contract of employment or a relationship of principal and agent between the parties hereto.

13. Severability

If any term condition or provision contained in this agreement shall be held to be invalid unlawful or unenforceable to any extent such term condition or provision shall (save where it goes to the root of this agreement) not affect the validity legality or enforceability of the remaining parts of this agreement.

14. Waiver

No term or provision of this agreement shall be considered as waived by unless a waiver is given in writing by that party.

15. Non-assignability

This Agreement is personal to the parties and none of them shall assign sub-contract or otherwise re-assign their rights or obligations, with the exception of clause 16.

16. Governing Law and Jurisdiction

This agreement shall be governed by the laws of England and Wales and the parties submit to the exclusive jurisdiction of the courts of England and Wales.

Schedule 1

The school and sports areas and facilities to be made available for community use shall comprise the following:

1. Floodlit 3G pitch (full/A/B/C)
2. Atrium
3. Changing Rooms
4. Classrooms 1-9
5. Dance Studio
6. Courtyard
7. Drama Studio 1-3
8. Field (grass)
9. Grass Pitch 1
10. Gym
11. Lecture Theatre
12. Main Hall/Theatre
13. Sports Hall
14. CLC
15. *3G pitch and tennis courts (proposed development - in planning stage at present)*

Schedule 2

Arrangements for community use

1. Users

- 1.1 The school and sports facilities shall be made available for community use – in line with 6.2(b).

2. Hours of Access

TERM-TIME

Community Use	Mon - Fri :	1700 – 2100 hrs
	Sat :	0800 – 1700 hrs
	Sun :	0800 – 1700 hrs

SCHOOL HOLIDAYS

Community Use	Mon - Fri :	0800 – 2100 hrs
	Sat :	0800 – 1700 hrs
	Sun :	0800 – 1700 hrs

The School may restrict or temporarily withdraw the use of school and sports facilities in order to:

- 2.1 facilitate events and the like as educational needs and demands dictate;
- 2.2 protect them in unfavourable weather conditions;
- 2.3 as seasonal changes impact on safe use.

3. Pricing

Pricing in line with Leeds City Council Lettings Unit Service Level Agreement.

4. Booking arrangements

4.1 An easy and accessible advance booking arrangement for casual use and block bookings is already in use and operate as follows: -

Bookings are made through Leeds City Council's Lettings Unit Educ.Lettings@leeds.gov.uk

5. Parking Arrangements

5.1 Parking will be facilitated to the marked bays to the front and side of school on a first come, first served basis. **The School** advises that cars are parked at the owners' risk.

IN WITNESS whereof the hands of the parties or their duly authorised representatives the day and year first above written.

Signed by

Print name

Position

Duly authorised by **the School**

Signed by

Print name

Position

Duly authorised by **the Trust**