

**Report of the Chief Planning Officer**

**SOUTH AND WEST PLANS PANEL**

**11<sup>th</sup> May 2023**

**Subject: 22/08014/FU - Construction of a Sixth Form College on land West of Kent Road with new vehicular and pedestrian access and parking, Pudsey**

APPLICANT	DATE VALID	TARGET DATE
Luminate Education Group	1.12.22	TBA

**Electoral Wards Affected:**

Pudsey

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: GRANT PERMISSION** in principle subject to referral to the Secretary of State & S106 agreement relating to the upgrading of off-site sports pitches in the catchment area, travel plan monitoring fee, off-site highway works to provide traffic calming measures, footpath widening works and TRO's & £40k contributions; and the following planning conditions:

**Conditions**

1. Time limit
2. Approved plans
3. Materials to be agreed
4. Surface Materials
5. Tree Protection measures
6. Arboricultural method statement
7. Landscaping
8. After for landscaping
9. Provision for contractors

10. Construction hours
11. Construction practice
12. Cycle parking
13. Motorcycle parking
14. Changing and showering facilities
15. EVCP
16. Car sharing spaces to be provided
17. Vehicle spaces to be laid out
18. Car parking and service management plan
19. Waste collection provision
20. Highway condition survey
21. Off-site highway works
22. Road safety audit
23. Drainage conditions
24. Bird nesting season
25. Implementation of biodiversity measures
26. Hedgehog protection
27. CEMP
28. BNG management plan
29. Biodiversity monitoring programme
30. Method statement relating to Japanese Knotweed
31. Land contamination conditions
32. Ventilation / extraction details
33. Plant details
34. Noise and dust controls
35. Close boarded fencing to be provided adjacent to access road & car park
36. Updated travel plan
37. BREEAM assessment report to be submitted on completion

## **INTRODUCTION:**

1. The application is brought to Plans Panel at the request of all Ward Members and due to the statutory objection received from Sport England. This request by Members and the objection received from Sport England meet the constitution criteria set out for reporting the application to Plans Panel.
2. Cllrs Simon & Dawn Seary object to the development owing to its lack of sustainability in terms of access to public transport connections. Particularly, the transport statement and the assumption that 40% of prospective students will use public transport. Both Cllr's have noted that no direct existing bus services currently run between Priesthorpe Academy and Kent Road or West Leeds Academy and Kent Road and no catchment details have also been provided. Concerns are also raised in respect of creating an access point on Kent Road which would only serve to increase vehicle movements. The existing two schools on Kent Road already create traffic congestion at pick up and drop off times, with complaints regularly received about indiscriminate parking, including double parking, pavement and verge parking. Further concerns are raised in regard to the proposal being too close to existing residential properties. Kent Road is an extremely busy road with fast moving traffic. An increase

in vehicular movements will only cause greater safety issues for pupils and residents alike.

3. Members above also consider that the proposal would result in the overdevelopment of the site. They state in summary, whilst the principle of a college in the Pudsey area is welcomed, the development is currently unacceptable for all the above reasons.
4. Cllr Trish Smith supports the principle of the development but has raised concerns relating to the sustainability of the scheme in terms of access and availability of public transport and the inevitable reliance upon private car use. Cllr Smith has stated the need for a dedicated bus service to be provided or free travel cards offered to all pupils.
5. Cllr Smith has also raised an issue relating to the need for an internal pedestrian footpath link from Crawshaw School to be provided as originally proposed. In the absence of such a pedestrian link, this would inevitably lead to an over intensification of the use of the single point of access off Kent Road and consequently harmful to the living conditions of occupiers of surrounding properties with increased comings and goings. To eliminate this, and to help improve permeability and sustainability of the scheme, the original footpath connection should be reinstated. As part of the original public consultation exercise, members of the public were consulted and commented on this understanding. As a consequence of this, members of the public should be re-consulted as part of the applicant's community engagement exercise.
6. This is a full planning application for the proposed construction of a sixth-form college on land West of Kent Road with new vehicular and pedestrian access and parking. The proposed development would provide 600 students places from ages 16 to 18 to meet further education demand in the Pudsey area. The applicant has stated that there is a clear need for a sixth form college in the area, which is in response to the growth of 16-18-year olds forecasted in the catchment area over the next 10 years. The applicant states that such a facility will ensure that there are appropriate learning opportunities to serve pupils moving on from schools and academies in the area, including partner school Crawshaw Academy, Co-op Academy Priesthorpe and Leeds West Academy. Such a facility will provide a natural and integrated extension of the 11- 16 provision in these partner schools within the local community.
7. The Pudsey Sixth Form College (PSFC) would comprise of a Social Science Department, Humanities and English Department, Creative Arts Department and a Maths and Science Department providing courses with up to 26 subjects for young adults aged 16-18. The new Pudsey Sixth Form College is a partnership between Crawshaw Academy, Priesthorpe Academy and Leeds West Academy in response to growth in education needs of the further education sector.
8. It is understood the total number of secondary aged pupils in Leeds has grown every year since 2015-16, driven by two decades of rising births. Although the birth-rate has since started to fall back from recent highs of over 10,000 births per year, numbers entering the secondary phase continue to increase at pace as these larger birth

cohorts move through primary school, into the secondary phase and feed into post-16.

9. Demand for post-16 places in Leeds began increasing from 2015-16 onwards, with projected growth of 19.1% (3,203 places) expected by 2029/30. Increasing demand has already led to the opening of new post-16 provision in Leeds, with further places required in future years. This will ensure that there continues to be sufficient places and choice available for 16–18-year-old learners as the largest 10,000 plus birth cohorts begin to move through the secondary phase into post-16 education.
10. The proposal for a Sixth Form College, brought forward by Luminate Education Group in partnership with Crawshaw Academy, Leeds West Academy and Co-op Academy Priesthorpe, would not only provide additional post-16 places, but would also open an opportunity to increase the supply of secondary school places as these partnership schools close their own sixth form provisions in preparation for the new college opening.

### **PROPOSAL:**

11. The application relates to the proposed erection of sixth form college (use class F1), access, parking, servicing and landscaping at Land West of Kent Road. The proposed development would comprise of a Social Science Department, Humanities and English Department, Creative Arts Department and a Maths and Science Department providing courses with up to 26 subjects for young adults aged 16-18.

### **SITE AND SURROUNDINGS:**

12. The proposal relates to an irregular shaped parcel of land, situated to the west of Kent Road. To the south of the site is Chaucer Avenue where residential properties back on to the site with the gardens of the properties forming the southern perimeter of the site. To the east lies a mix of residential and commercial properties. To the north and west is Crawshaw Academy and its various sports pitches which comprises of a number of educational buildings, car parking and landscaping. The site itself is laid to grass and has a central plateau and embankments due to considerable changes in levels across the site. The site also includes land to the west of the Crawshaw Academy car park; and includes the existing internal access road which sweeps west to east within the Crawshaw Academy site.

### **RELEVANT PLANNING HISTORY**

13. PREAPP/22/00279 – Issued 30.9.22  
PREAPP/21/00265 - Issued 17.8.21
14. During pre-application discussions, Ward Members were extensively consulted and raised several issues for the applicants to consider. These included:
15. Concerns relating to the sustainability credentials of the development and the fact that the development will draw students from further afield and not just serve Crawshaw

Academy which is how the original proposal was envisaged. The site does not meet the accessibility criteria set out in Appendix 3 of the Core Strategy and is poorly served by public transport. Ward Members were of the view that this will lead to the excessive use of private vehicles and is unsustainable. Furthermore, it is anticipated that students will use their own vehicles, and this will lead to on-street car parking. The use of TRO's will simply push any parking issues into streets not covered by the order(s). The residents of the streets where TRO's are introduced will also be affected and restrictions imposed on them requiring permit parking and it will also cause issues for any resident visitors and their deliveries.

16. Although the site is not allocated as public open space it serves as valuable open space in a ward where there is an existing deficiency of such. Visually, the land helps break up the urban area and helps create a sense of space and openness. The removal and loss of the space to a large development is therefore a significant concern.
17. Operationally, Ward Members also raised concerns in relation to the proposed internal staff pedestrian access route to connect the development to Crawshaw Academy. It is considered inevitable that this would be left open and used by students from the college to short cut through Crawshaw Academy which will cause safeguarding and amenity issues.
18. As part of an original consultation exercise it was understood that an internal pedestrian footpath link from Crawshaw School would be provided. The removal of the pedestrian link would, inevitably, lead to an over intensification of the use of the single point of access off Kent Road and harmful to the living conditions of occupiers of surrounding properties with increased comings and goings. To eliminate this and to help improve permeability and sustainability the original footpath connection should be reinstated. As part of the original public consultation exercise, members of the public were consulted and commented on this understanding. As a consequence of this, members of the public should be re-consulted as part of the applicant's community engagement exercise.
19. More generally, other concerns were raised with the layout in relation to access to bins and relationship with the vehicular turning head for refuse vehicles. This needs further consideration. Details of deliveries and service arrangements are required and need to be undertaken outside of peak times but during the day. Landscaping will need to introduce native trees / shrubs and be a mixture of deciduous and evergreens. Ward Members also noted that a landscape management schedule should also be provided.

#### **PUBLIC/LOCAL RESPONSE:**

20. The application has been advertised by site notices on the 1<sup>st</sup> February 2023. At the time of writing 47 representations have been received, these include 26 in support, 18 objections and 3 neutral comments.

21. The comments made in support, albeit 9 of these are contributors from outside the locality, relate to the fact that the proposal will provide a much-needed new education facility on currently unused land, it would be an asset to the area bringing in lots of students from all walks of life. The social and economic benefits that will arise from having 600 students gaining quality education are huge and will boost their job prospects and the reputation of the area. The new college will also employ some 45 staff increasing job prospects in the area. It will serve local education needs and allow local children the offer of further education without the need to travel outside of the catchment and is sustainable. The current playing pitch is unusable and of a poor quality.
22. The objections relate to no need for the development, loss of playing pitch, increased water run-off and flooding, loss of privacy, overlooking, increased noise and disturbance, construction noise, air pollution, proposal is not carbon neutral, proposal will harm highway safety and increase already congested roads, increased on street car parking, the submitted transport statement is inaccurate, travel plan targets are not realistic, inadequate public transport serves the proposed development, comments of support are largely from people outside of the locality, inadequate community consultation has been carried out and the development will reduce property values.

### **CONSULTATION RESPONSES:**

#### Statutory:

23. Sport England – Statutory objection. The proposal does not meet Sport England Policy Exception E1 as there is no clear excess of pitch provision and there are no details presented of any replacement playing field to meet exception E4. The mitigation offered by the applicant of proposing a figure of £25,000 for the improvement of one or more local pitches, which are the responsibility of Leeds City Council, to enhance the quality of these pitches is not acceptable and Sport England maintains its statutory objection.
24. It is also noted, should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.
25. Health & Safety Executive – No objection

#### Non-statutory:

26. Access officer – Updated access statement and details have been provided following initial comments relating to the need for inclusive and accessible school building design and a further re-consultation has been issued.
27. Children's Services - Given that post-16 demand is projected to continue increasing going forward, the Sufficiency and Participation team does not object to Luminate Education Group's bid to open a Sixth Form College at land West of Kent Road

28. Climate Change Team – Initial comments received related to the need for further clarity and details of energy strategy. Updated details received and are now acceptable subject to BREEAM assessment report on completion.
29. Contaminated Land – No objection subject to conditions
30. Design Team – No objection. Proposal reflects earlier design advice provided at pre-application submission.
31. Environmental Studies – No objection
32. Environmental Health – No objection subject to conditions
33. FRM – No objection subject to conditions
34. Highways – Initial comments received required more detail and revised plans to respond to sustainability and servicing of the development as well as off- site measures to help mitigate the impact of the development. Following receipt of further details and a package off draft off-site highway measures, the development is considered to be acceptable subject to conditions / contributions and related S106 agreement
35. Influencing Travel Behaviours – Initial comments sought further details relating to site audit and travel surveys. Following receipt of updated travel plan, the proposal is considered to be acceptable subject to S106 relating to travel plan monitoring fee.
36. Nature Team - Initial comments relate to the need for further details of how the other neutral grassland is to be created and managed in order to achieve moderate condition. Similarly, how the modified grassland is going to be enhanced and managed to achieve a moderate condition. Confirmation of what impact the development will have on the two sycamore trees identified as having bat roost potential.
37. Northern Gas Networks – No objection in principle
38. Landscape - No formal objection, albeit it is noted that the layout is uninspiring and lacks detailing to help integrate the development into the landscape. There appears to be little relief for hard structure in terms of human scale and a pupil friendly external environment. The building could be articulated to give form to the externals.
39. Local Plans - No response.
40. Yorkshire Water – No objection subject to condition
41. West Yorkshire Archaeology Service – No objection

42. West Yorkshire Police – Consultation currently under consideration.

**PLANNING POLICIES:**

43. 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 determination of this application is unaffected by the challenge to the SAP.

44. Section 38 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 is made up of the adopted Site Allocations Plan (2019), the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), Aire Valley Leeds Area Action Plan (2017) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and any made Neighbourhood Plans.

45. There is no made Neighbourhood Plan that affects the site.

46. The application site forms part of a wider area designated as green space on the Policies Map (G1563) as shown in the Site Allocations Plan within the green space typology of outdoor sport.

Core Strategy

47. The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

48. GS1 Greenspace

49. G3 Standards for open space, sport and recreation

50. G6 Protection of greenspace

51. G8 'Protection of important species and habitats' states development proposals that affect priority species or habitats will need to be assessed.

52. P10 Seeks to ensure that new development is well designed and respects its context.

53. P12 'Landscape' confirms the character, quality and biodiversity of townscapes and landscapes should be conserved and enhanced to protect distinctiveness.

54. Relevant saved UDPR policies include

55. GP5: Development proposals should resolve detailed planning considerations.

56. N6: Protected playing pitches



57. N19 Development adjacent to conservation areas should preserve or enhance the character and appearance of the area.
58. T5: Safe and secure access for pedestrians and cyclists to new development.
59. The following Natural Resources and Waste Local Plan policies are relevant:
60. LAND2: Relates to development and trees and requires replacement planting where a loss occurs.

Supplementary Planning Guidance:

61. SPD Street Design Guide
62. SPD Neighbourhoods for Living
63. SPG22 Sustainable Urban Drainage
64. SPD Transport

National Planning Guidance:

65. The revised National Planning Policy Framework (NPPF), published in February 2021, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
66. The introduction of the NPPF 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 NPPF 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 NPPF.
67. The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted; enforceable, precise and reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

68. Paragraph 93 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.

69. Paragraph 95 attaches great weight to the need to create, expand or alter schools: 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.

70. 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.

71. In assessing school developments, the decision maker must also be mindful of a policy statement issued jointly by the Secretary of State for Education and the Secretary of State for Communities and Local Government on 15th August 2011. This sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. It states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. It goes on to say that the Government believes that the planning system should operate in a positive manner when dealing

with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- i) There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- ii) Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision

## **KEY ISSUES**

- Principle of development
- Design and visual impact
- Impact on residential amenity
- Highways
- Landscape
- Other matters
- Planning balance & conclusion

### Principle of development

72. Section 38(6) of the Planning & Compulsory Purchase Act 2004 indicates that in considering planning applications the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
73. In terms of land use, the application site forms part of a wider area allocated as protected playing pitches by UDP Policy N6, which was designated some time ago. This is overlain by Policy GS1 in the Site Allocations Plan (site reference G1563 with the green space typology of Outdoor Sport).
74. Policy GS1 in the Site Allocations Plan (SAP) states “DESIGNATION/PROTECTION OF GREEN SPACE THE SITE ALLOCATIONS PLAN DESIGNATES SITES IN A GREEN SPACE USE IN ACCORDANCE WITH POLICY G6 OF THE CORE STRATEGY. THESE ARE SHOWN ON THE POLICIES MAP“
75. Core strategy policy G6 relates to the protection and redevelopment of existing green space and protects green space from development unless one of three criteria is met including
- (i) There is an adequate supply of accessible green space/open space within the analysis area and the development site offers no potential for use as an alternative deficient open space type, as illustrated in the Leeds Open Space, Sport and Recreation Assessment, or,

- (ii) The green space/open space is replaced by an area of at least equal size, accessibility and quality in the same locality; or
- (iii) Where supported by evidence and in the delivery of wider planning benefits, redevelopment proposals demonstrate a clear relationship to improvements of existing green space quality in the same locality.

76. Similarly, UDP Policy N6 relates to the development of playing pitches which will not be permitted unless one of two criteria are satisfied.

- i. THERE IS A DEMONSTRABLE NET GAIN TO OVERALL PITCH QUALITY AND PROVISION BY PART REDEVELOPMENT OF A SITE OR SUITABLE RELOCATION WITHIN THE SAME LOCALITY OF THE CITY, CONSISTENT WITH THE SITE'S FUNCTIONS.

Or

- ii. THERE IS NO SHORTAGE OF PITCHES IN AN AREA IN RELATION TO PITCH DEMAND LOCALLY, IN THE CONTEXT OF THE CITY'S NEEDS, AND CITY WIDE, AND DEVELOPMENT WOULD NOT CONFLICT WITH UDP POLICIES CONCERNING PROTECTION OF THE GREEN BELT, PROTECTION AND ENHANCEMENT OF GREENSPACE AND PROVISION OF ADDITIONAL GREENSPACE, URBAN GREEN CORRIDORS AND OTHER OPEN LAND (POLICIES N1 TO N5 INCLUSIVE, N8 TO N11 INCLUSIVE AND N32)

77. Policy P9 of the Core Strategy relates to the provision of community facilities and other services, including schools and colleges. New provision should be accessible by foot, cycling or by public transport in the interests of sustainability and health and wellbeing, and should not adversely impact on residential amenity and where possible be located in centres with other community uses.

78. It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Any formal consultation by the Local Planning Authority with Sport England is therefore considered to be a statutory requirement.

79. It is noted in the applicant's supporting planning document that it is understood that the site has not been used as formal playing fields in the short or long term and has not been used as formal space since at least 2003 for sports use or for any broader community use. It is also noted that for two summer terms in 2007 and 2008, the Academy attempted to use the pitch but did not require their use again, therefore the pitch has not been used at all for at least 14 years. The applicant therefore considers that the pitch does not contribute in any way to local sports provision.

80. As noted above, paragraph 99 of the NPPF relates to the development on existing sports provision including playing pitches which 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.

81. In regard to suffix a) of paragraph 99, considerable weight has been applied to the council's Green Space Background Paper (GSBP) which was used to form part of the evidence in regard to public and private space to underpin the greenspace designation policy within the SAP. The (GSBP) notes that the application site is located within Pudsey ward, which forms part of the wider Outer West HMCA. The document shows that 'Outdoor Sports' provision within education sites was not included in this calculation. The Pudsey Ward shows that there is 6.18ha of surplus 'Outdoor Sports' provision based on population. Clearly, if education sites were included this figure would be amplified to at least 13.07ha (when including the Crawshaw Academy site alone). In this context it is considered that suffix (a) of paragraph 99 of the NPPF is satisfied together with suffix (ii) of policy N6 of the UDPR and policies GS1/G6(i) of the Core Strategy.

82. The Council's Draft Playing Pitch Strategy is also referred to in the applicant's supporting statement and it is noted that Sport England has helped prepare the document and relies on it as part of its evidence base. It is further noted that the document is still in draft form and has not been through any form of public consultation and is not a formal statutory planning document and therefore holds limited weight. It is also considered that the document has been prepared to 'inform investment decisions' and cannot be relied upon to determine whether there is a shortage of actual playing pitches. The draft PPS identifies sports that have or have not sufficient pitch time for matches rather than actual number of pitches that are under or over provided.

83. As part of the planning process Sport England have been consulted. Sport England applies its policy to any land in use as playing field or last used as playing field and which remains undeveloped. Lack of use should not be seen as necessarily indicating an absence of need for playing fields in the locality. Such land can retain the potential to provide playing pitches to meet current or future needs.

84. With respect to disused playing fields/pitches it should be emphasised that the lawful planning use of a disused site is still that of a playing field until such time as there is a formal change of use or development occurs. It should be noted that a playing field does not have to be available for community use to fall within the definition of playing field. Neither the DMPO, NPPF or Sport England Policy make any distinction between private and publicly owned or used playing fields nor is there a positive obligation (under planning law) for any playing field to be actively used as such.

85. Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 99) and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of their five specific exceptions (E1 – E5)’.

86. The proposal is for the construction of a sixth form college adjacent to Crawshaw Academy, with no playing field or other sports facilities proposed as part of the proposal. The proposed college would be constructed on land that forms part of the wider Crawshaw Academy playing field and was previously marked out for football and training grids. It appears with the construction of the artificial grass pitch to the north that this area has become disused, but it is unknown why this area has been unused. However, it should be noted that there is no positive obligation in planning law for a playing field to be actively used as such and the lawful use is still that of a playing field. The loss of playing field, approximately 5,417sqm (excluding embankments) needs to meet one or more of the 5 exceptions to Sport England’s Playing Fields Policy. It is noted the land is designated as ‘Protected Playing Pitch’ Policy N6 in the Leeds UDP, and this policy is largely consistent with Sport England’s Playing Fields Policy and paragraph 97 of the NPPF.

87. Sport England have noted that poor quality and lack of use is not a justification for loss of playing field land. In cases of redevelopment and/or change of use, Sport England look at two exceptions to policy to assess if either are applicable, these are:

1. E1 (surplus to requirement); and
2. E4 (replacement)

88. E1 – Surplus to Requirement

With respect to E1 (paragraph 99(a) of the NPPF), the Council’s 2017 Playing Pitch Strategy (PPS) is the document that sets out whether there is an excess or deficiencies of pitch provision in the analysis area. Leeds Playing Pitch Strategy (PPS) was completed in 2017 and an annual review was undertaken in 2018/19. This means the current PPS is up to date, albeit the pandemic has resulted in the delay of the 2020 and 2021 annual updates, with sporadic play having been undertaken over

that period. It is understood the council (Parks & Countryside) are commissioning a full review of the PPS to try and understand the current position and what impact Covid has had on pitch provision and usage.

89. The PPS shows significant shortfalls in pitch provision across most pitch sport types and sizes which are exacerbated when considering future demand. The land in question formed part of the Crawshaw Academy playing field, although clarification is required as to its current status and whether Section 77 of the School Standards and Framework Act 1998 (consent to dispose of school playing fields) has been obtained. With respect to education sites the 2018/2019 annual review highlighted existing education pitches largely at capacity and unable to take on any more teams. It was also noted that there are less and less grass pitches as schools are having building work or they become unplayable due to poor condition so are taken out of action. The conclusion was the main barrier to provision of pitches on school sites with the ability to accommodate community use is the poor quality. This is particularly evident at Crawshaw School with the PPS action plan identifying the following issues and recommendations:

90. The overall PPS conclusion is that:

"all currently used playing field sites require protection and therefore cannot be deemed surplus to requirements because of shortfalls now and in the future. Lapsed, disused, underused and poor-quality sites should also be protected from development or replaced as there is potential need for playing field land to accommodate more pitches to meet the identified shortfalls."

91. Recommendation C of the PPS seeks to:

"Maximise community use of education sites where there is a need to do so. It is recommended this is done by the Council and NGB's working with other partners to help maximise use of outdoor sports facilities and in particular grass pitches and AGPs. In order to maximise community use of educational facilities it is recommended to establish a more coherent, structured relationship with schools."

92. As there is no excess of provision identified in the PPS, then the site cannot be deemed surplus to requirement, and Exception E4 (paragraph 99(b) of the NPPF) must be applied if the site cannot be retained and brought back into use for sport. It should be noted that surplus to requirement in this policy context does not refer to surplus to the current owner/user's requirement but to meet a local community sport need across a wide range of pitch sport types. The playing field land could be used to address a deficiency in another sport.

#### E4 – Replacement

93. With respect to Policy Exception E4 this comes into play when Policy Exception E1 cannot be met. Both Sport England and national policy require an equivalent or greater quantity (playing field land, in this case 5,417 sqm) and equivalent or better quality (pitches and ancillary facilities where relevant). The applicant would need to

find a site that is not playing field, such as agricultural land or open space to bring into use as a playing field, or an extension to an existing playing field site. Qualitative improvements to existing pitches do not meet the policy requirements.

94. If appropriate land in an accessible location is identified, then an Agronomy Report will be required to ensure the works required to bring the land into use as playing field is viable. The Agronomy Report and any subsequent pitch specifications should be undertaken by a specialist sports turf consultant.
95. As currently presented Sport England are of the view that the proposal does not meet their Policy Exception E1 as there is no clear excess of pitch provision in the Analysis Area. Therefore, Sport England Policy Exception E4 will need to be complied with. In light of the above, Sport England object to the proposal because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.
96. In response to this, the applicant has stated that they are unable to identify a whole new pitch to replace the application site. Whilst there is no realistic prospect of replacement pitch, the applicant was keen to propose an alternative approach and sought a meeting with Sport England to consider potential mitigation measures. The meeting was declined by Sport England on the basis that they had already issued four sets of comments and it was considered there was nothing further which could be added and as such it would not represent a productive use of Sport England's limited resources.
97. The applicant has however undertaken discussions with the Council's Parks and Countryside Team and identified a number of nearby playing fields which are in need of improvement to increase match play. There are a number of pitches within the locality, including those listed within Sport England's response that require various improvements to improve the quality to facilitate additional play. These include Houghside and Queens Park.
98. The applicant proposes to provide a financial contribution of £25,000.00 for the improvement of one or more local pitches which are the responsibility of Leeds City Council. The contribution can therefore be secured through a s106 agreement to provide mitigation for the loss of the playing field.
99. It is proposed the monies are used to enhance the quality of one or more pitches. The applicant has reviewed the Football Foundation's Football Assessment Report 2022 for both Houghside and Queens Park. A number of recommendations are made within each report for the various pitches ranging from mowing, scarification and decompaction to slitting and line marking. Associated costs have also been provided from the Grounds Maintenance Association via Leeds City Council although it is acknowledged that such monies cannot be used to subsidise the council's normal maintenance responsibilities.



100. A set of parameters are proposed in which the monies can be spent to ensure that they are directly related to the planning application. The parameters are such that the monies can be spent: - at either or both of the nearest two grounds, i.e. Houghside and/or Queens Park; - on pitch improvements which are graded as poor or basic.
101. In response to this Sport England were re-consulted, and their statutory objection is maintained. It is noted that Sport England's Playing Fields Policy resists the loss of playing fields where the only benefit being the investment and intensification of existing playing fields sites. This is to prevent a loss in quantity of playing fields overall, which if perpetuated countrywide would mean it would be impossible to resist a decline in all playing field sites save a few very high-quality pitches. Qualitative improvements to existing playing fields alone do not meet Sport England's Exception E4 nor paragraph 99 of the NPPF as only the quality element of the policies have been met and not the quantity.
102. It is also noted, that should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application must be referred to the Secretary of State.

#### Design and Visual impact

103. The proposal relates to a development offering 3,496 sqm of floor space arranged over 2 floors with a flat roof design. The building itself is configured in a rectilinear form.
104. In terms of the layout, the development would be located off Kent Road, on land directly adjacent to the existing Crawshaw Academy campus. To the front of the building on the southern flank, a car park and drop off arrangement is proposed with a bunded buffer beyond to the southern boundary. The car park immediately in front of the building provides a total of 20 student and visitor car parking spaces. A new 25 space staff-only car park has been introduced to the west of the site, which would be accessed via Crawshaw Academy. To connect this new car park to the proposed college, a new footpath is proposed from the staff car park to the main building entrance.
105. A turning head has been provided at the end of the car park for larger refuse and service vehicles which provides good access to the refuse areas.
106. The building would be located on an existing tiered plateau close to the northern boundary which forms an embankment. The building layout is framed around an atrium/dining space and multi-purpose hall which manifests itself externally with a central distinctive glazed feature and spanned by a louvred canopy which helps to articulate the building and also defines the entrance point. Although of a rectilinear form, the building would have two defined wings splayed from the central open core of the building. Both wings would have a mix of different types of classrooms and teaching space. The western wing is framed by the existing embankments and the eastern wing is framed by the northern embankment and existing trees along Kent Road.

107. Externally, due to the topography and proximity to the rear gardens of the Chaucer Avenue properties, the design will incorporate a landscaped embankment to the south of the site. This is to be planted with a mixture of trees and to help screen views from these residential properties as well as acting as a shield from potential noise and light pollution which may be generated from the day to- day college activity.
108. The appearance of the building reflects the urban designer's advice provided at the pre-application stage, in terms of straightforward architectural language and design, which is calm and settled and reinforced with a simple robust palette of materials.
109. Visual stimulation and architectural interest have been created in the main entrance area of the building with the aforementioned oversailing canopy which would be a striking façade feature. The broader elevations to both the east and west are mainly masonry, in buff brick with a protruding cladding system of anodised aluminium panels and punched with windows on each corner of the wings.
110. The strong brick emphasis creates a strong visual presence as well as it being a robust material resistant to damage. The fenestration detailing and the cladding system also help breakdown the scale and massing of the building and will cast shadows across the facade creating wider visual interest and stimulation. These aspects of the detailing provide a simple articulation to the elevations create a consistent architectural accent and rhythm and reflect pre-application design comments made by the council's urban designer.
111. In terms of scale and massing of the proposal, it is considered to be acceptable and responsive to the adjacent two storey residential context of the area. As described above, the design and architectural treatment is also calm and considered to be responsive to the existing urban context. The proposed materials are considered be durable and also positively respond to the character of the area.
112. In terms of roof plant, it is considered in terms of the visual impact of the plant, the equipment has been pushed back from the front elevation as much as possible and would be positioned behind a parapet wall feature which wraps around the building which will help reduce its visual impact .Whilst the plant may seem prominent when seen on a 2D drawing, in human scale, when viewed from ground level this will not be visible unless it is observed from long distance views when in such an instance would be obscured by the massing of the main building. The full details of the plant will be controlled by planning condition.
113. Overall, it is therefore considered that the proposed development represents an acceptable design solution and is not out of keeping with the character of the immediate area. In this context, the proposed scale and massing of the development has been assessed in relation to its surroundings, topography, and the general pattern of heights in the area as well as views, vistas and landmarks. It is considered that the proposal satisfies planning policies P10, BD5 and GP5 in this regard.
114. In terms of the wider works, relating to the provision of car parking, boundary treatments and other associated external works, these elements are considered to be acceptable from a visual perspective. It is considered that these proposed elements of the scheme will also cause no visual harm and planning policies P10 and GP5 are satisfied.

115. The proposed development has been considered in terms of its impact upon the residential amenity afforded to nearby residents.
116. The introduction of a new college accommodating up to 600 pupils, associated staff, servicing and parent / guardian comings and goings will inevitably change the dynamics of the area and there will be increased noise/activity and disturbance as a direct consequence. However, in the context of the site's urban location, developments of this nature are usually located in urban settings and this site is no different. Furthermore, and as previously described, to the south of the site (closest to existing residential properties on Chaucer Avenue), a raised green bund is proposed. The bund will be landscaped to help screen views from these residential properties and once established, act as a shield from potential noise and light pollution which may be generated from the day to- day college activity. Before the bund matures there will however remain a need to prevent, due to changes in land levels, headlights from vehicles shining into properties along Chaucer Avenue. To this end, it is recommended that an appropriately designed close boarded fence is introduced along the southern section of the car park / access road to avoid any such nuisance related issues.
117. In assessing the impact, the proposed development will have upon the living conditions of surrounding residents, it is considered that there are no direct overlooking /overshadowing issues and the separation distances involved are sufficient to protect the living conditions of surrounding occupiers and would exceed the standards as set out in Neighbourhoods for living if this were a residential proposal. The separation distance is some 38m from the proposed building to the nearest properties on Chaucer Avenue and in relation to the access road / car park elements some 14m.
118. The applicant has submitted a noise assessment and ventilation strategy. Colleagues in Environmental Health have reviewed these submissions and concluded that they have no objection to the findings of the supporting details subject to related planning conditions covering their detailed design and general amenity matters. Similarly, colleagues in the Environmental Studies team have reviewed a submitted Acoustic Strategy Report and also conclude they have no objection in relation to potential noise from any associated increased transport activity.
119. In this context it is considered that the living conditions of occupiers of neighbouring properties will not be adversely affected by the proposal sufficiently to justify the refusal of this application. It is considered that the living conditions of surrounding residents have been safeguarded in this regard and policy GP5 of the Revised UDP is satisfied.

#### Highways

120. The application has been assessed by the council's highway engineer. A transport assessment and travel plan have been submitted in support of the planning application.

121. The site does not meet the accessibility criteria set out in Appendix 3 of the Core Strategy. Therefore, sustainable infrastructure improvements and measures to promote sustainable travel amongst future pupils and staff will need to be provided.
122. A new vehicular access is proposed on Kent Road to serve the college. A 7-day (automatic traffic count) ATC survey undertaken on 27th September 2022 gave an 85th percentile speeds of 31.7mph northbound and 31.5mph southbound. The required visibility splay is 2.4 x 70m as Kent Road is a secondary distributor corridor which are achievable within the adopted highway.
123. There is a proposed ramp into the site. Turning facilities will be provided within the site for drop-off and for buses. Refuse storage is shown with a turning head for refuse vehicles. A pedestrian link at a gradient of 1:9 is shown towards the staff car park and to Crawshaw High School. A proposed gated access to Crawshaw High School is also proposed which can only be opened by staff. A pedestrian access from Kent Road is also provided.
124. The layout shows 45 parking spaces are proposed, which is acceptable as these accord with the Transport SPD standards. 10 drop off bays are proposed, which can also be used as visitor parking during school hours. The aisle width is 6.0m in both car parks. The parking bays are 2.4m by 5.0m which is acceptable except for EV bays which should be 2.6m wide. A revised site plan has been submitted to address this issue. It is acknowledged however that on-street student parking around the Kent Road entrance may occur, hence Traffic Regulation Orders will be required. Following consultation with the council's traffic team, it has been agreed with the applicant that a contribution of £40K would be made to introduce Traffic Regulation Orders and associated traffic management measures in proximity of the site to prevent adverse on street car parking impacts. The funding is to be secured via a S106 agreement.
125. Initial comments from highways also sought street lighting improvements to support active travel by students and that the 20mph speed limit on Kent Road should be extended past the site. It was also acknowledged that this would require traffic calming to be installed to bring vehicular speeds down.
126. The applicant has submitted a car park management plan which sets out controls on students and visitors using the car park off Kent Road. It states that the staff car park, which is to be accessed through Crawshaw High School will only be accessed by staff members with fobs.
127. Initial comments also acknowledged that in respect of EVCP spaces shown, 5 No EV charge points must be provided in accordance with policy EN8. In addition, 5 No cable enabled bays (for future provision) are also required. Revised details now address this point.
128. In terms of cycling provision, it was noted that for students, 12 short stay spaces and 60 long stay spaces are required. For staff, 2 long stay spaces are also needed in a separate location to students cycle parking space. Revised details now address this issue.

129. In relation to the transport assessment, it is noted that 238 pupils will travel to the school by bus. At the time of the original assessment this was not considered to be a credible assumption as the buses which stop within walking distance of the school are infrequent and do not travel from the direction of Priesthorpe Academy and Leeds West Academy catchment areas.
130. Initial highway comments also referenced that a dedicated school bus service should be provided (as a travel plan measure) to serve the areas where the bulk of students live. Appendices BGH5, BGH6 of the TA respectively show the walking and cycling catchments from the proposed school. However, it was noted that an assessment should be undertaken showing the catchments from which students will transfer, and whether this would reach the site in terms of public transport.
131. Section 7.5 of the TA details the methodology in which the development's modal split were calculated and the subsequent trip generation of the development. The methodology assumes a proportion of students at the proposed college will have siblings aged 11-16 attending Crawshaw Academy. It is unknown what this is based on, or if evidenced. It also assumes that all students who live within a 2 km walking distance would walk to the proposed college and 15% who live within 2km and 5km would cycle to the proposed college. The initial assessment carried out by the council's highway engineer suggested that such proportions are unlikely to be realistic, and the development is likely to generate more drop-off and linked trips (by car).
132. The council's highway engineer has raised no road safety concerns but has suggested that an independent stage 1 road safety audit should be undertaken and followed with a designer response.
133. In response to initial highway comments, revisions have been received which include tactile paving and dropped crossings across the proposed access, tactile paving across Acres Hall Avenue, footway widening to 3 metres from Chaucer Avenue to the new pedestrian crossing across Kent Road, 2 speed tables and 5 flat topped humps.
134. An updated Travel Plan has also been submitted and data for officers to assist in understanding the modal breakdown for students. This analysis indicates the methodology applied. The raw data shows a mode share of 26.5% for the bus with a high walking percentage of 41%. It is noted that the walking percentage is higher when only considering students of Crawshaw as it has a smaller catchment area. When considering the catchment area of another two schools and a much bigger pull factor of a new sixth form college, students will travel from further away, thus requiring another mode of transport. The applicant indicates that this is reflected in their final figures with the walking percentage decreasing and the bus percentage increasing.
135. The Travel Plan sets out highly ambitious targets for pupil mode of Travel, especially in relation to bus travel. Bus services across the district are regularly being reviewed, and therefore to ensure that the provision of services best serves the college, a commitment in line with Travel Plan measure 17 – Liaising with Public Transport Operators must be included within the Initial TP Action Plan and undertaken at least 6 months prior to occupation of the site. The responsibility for this action lies with the Luminate Education Group.

136. The updated details and revised plans have been considered following re-consultation and the council's highway engineer has raised no objection to the revisions described above subject to conditions and the delivery of off-site highway works and financial contributions. In respect of the updated travel plan, the council's influencing travel plan team have raised no objection to this latest iteration subject to securing a travel plan monitoring fee and conditions relating to cycle parking, motorcycle parking, car share spaces, showers, EV charging points. On this basis no highway objection has been received subject to S106/ planning conditions and development plan policies T2 and T24 are considered to be satisfied.

### Landscape

137. The application has been assessed by the council's landscape architect following the submission of a landscape scheme and tree survey. A total of 24 trees and nine tree groups were identified and assessed as part of the Tree Survey. Trees T2-T8 in the north-west are within G25 covered by Tree Preservation Order (TPO). The Arboricultural Impact Assessment (AIA) indicates that T23, TG26 and T27 will need to be removed to facilitate the development and are regarded as having a low amenity value.
138. Initial comments raised concerns that the layout was bland and uninspiring with limited opportunity for social interaction or visual relief in landscape terms. In response the applicant has produced revised drawings which introduce additional timber and picnic benches outside the main entrance. The drawings have also been updated to include an outdoor teaching area to the east of the site. The teaching/social seating area has been designed to include timber teaching pods and it is considered that this provides sufficient opportunity to support class work in an external environment and will aid in the health and wellbeing of pupils.
139. Concerns were also raised in respect of the accessibility of the landscape bund to the south of the site. The applicant has noted that this has been purposely designed to be inaccessible for the benefit of the southern neighbouring properties who will be sensitive to any students who may otherwise wish to use this area. Moreover, it provides a natural buffer between the car park and the residents fronting onto Chaucer Avenue.
140. In terms of broader landscape consultation comments, concerns were also raised in regard to the establishment and management of proposed wildflower areas which are proposed north and south-west of the proposed college building. The applicant maintains the view that these can be successfully introduced and that similar schemes on other school sites have been satisfactorily managed and is integral to meeting the BNG target and creating an attractive amenity.
141. Landscape officer comments also note that trees should be introduced into car park areas to break up the expanse of tarmac using below ground load bearing root zone technology. This approach does not result in a reduction in parking numbers. It was requested that the AIA is extended to cover all aspects of the development noting the presence of trees covered by TPO to the north-west of the site.

142. In response the applicant has noted that the application site benefits from large areas of soft landscaping and therefore the proposals take advantage of this. Trees in hard paving can often struggle with tree pits which are not a requirement for a scheme of this nature. Moreover, the proposal has introduced 79 additional new trees to the site which is a significant visual and ecological benefit.
143. In terms of extending the AIA, the applicant has stated that an extension of tree survey is not required on this occasion. The red line boundary incorporates the existing access route to the west of the site to show the route that will be used by staff in accessing their designated car park. The route will remain as per the existing set up with no construction works taking place to impact any trees.
144. The applicant's response to these issues is currently being considered by the council's landscape architect following a re-consultation.

#### Other matters

145. The design of the building has sought to reduce its annual energy consumption, whilst providing energy in an environmentally friendly way to reduce its CO2 footprint. The Council has recently declared a Climate Change emergency. Existing planning policies seek to address the issue of climate change by ensuring that development proposals incorporate measures to reduce the impact on non-renewable resources.
146. Core Strategy EN1 requires all major developments to reduce the total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate and provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.
147. In response, the applicant has produced a sustainability statement which would meet the requirements as set out in Part L2A of the Building Regulations. To satisfy planning policy EN1 it is understood the scheme has been designed to achieve an overall carbon reduction of 30.77% and a low carbon technology contribution of 32.13%. As part of the energy strategy it is proposed that photovoltaic panels will be introduced as well as highly efficient lighting and a heat recovery system. It is accepted the submitted sustainability strategy will ensure that the performance of the building exceeds Building Regulations standards (by 20%) in line with planning policy and would generate a minimum of 10% of its energy needs.
148. EN2 requires the development to a BREEAM rating equivalent to excellent. The submitted sustainability assessment proposes a target of an excellent rating and sets out the targeted credits.
149. Similarly, core strategy policy EN2 requires major development where feasible to reduce water consumption. The supporting statement states that the development will be designed to encourage less water consumption with flow reducing mechanisms such as low flush toilets and efficient water usage devices to taps and showers.
150. In response to comments made by the council's climate change team in respect of policy EN4 (ii), the applicant has reviewed the feasibility of utilising the district heating network but based on proximity of the proposed site to the existing network it has been ruled out based on both technical and financial viability. The applicant has designed an all-electric scheme as part of a wider de-carbonisation strategy. The scheme would have the benefit of an on-site heating network derived from a primary

plant source consisting of Air to Water Air Source Heat Pump technology, with no gas to site as part of the commitment towards de-carbonisation.

151. With regard to policy EN8, the applicant has confirmed that electric vehicle charging points would be provided in line with council policy.
152. Against this background it is considered that the development will satisfy planning policies EN1, EN2 and EN8.
153. 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.
154. 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. The applicant has submitted a Preliminary Ecological Appraisal (PEA) and an ecological impact assessment.
155. In summary, the findings of the report are accepted by the council's nature conservation officer, albeit, further details were sought in regard to how neutral grassland is to be created and managed in order to achieve moderate condition. Similarly, how is the modified grassland going to be enhanced and managed to achieve a moderate condition. The applicant has now provided these additional details which are currently being reviewed.
156. In terms of Biodiversity Net Gain calculations:  
  
Baseline Habitat Units = 3.10 (2.02 to be lost, 0.12 retained, 0.96 to be enhanced)  
Post-development Habitat Units = 3.42 (0.12 retained, 1.67 created, 1.63 following enhancement) The provided figures show an uplift of 0.32 habitat biodiversity units or a Biodiversity Net Gain of 10.42%.  
  
Baseline Hedgerow Units = 0 Post-development Hedgerow Units = 0.27 (0.27 created) The provided figures show an uplift of 0.27 hedgerow biodiversity units or a Biodiversity Net Gain of 100%.
157. The Assessment indicates much of the post development habitat units will be delivered by the creation of other neutral grassland of moderate condition, and enhancement to modified grassland to achieve moderate condition.
158. The Preliminary Ecological Appraisal (PEA) states two sycamore trees are considered to have low bat roost potential. Nature Team have requested confirmation from an appropriately qualified ecologist as to whether the development will impact on these potential bat roost features.
159. The Appraisal states the vegetation on-site offers suitable nesting habitat and describes measures to avoid harming birds and their active nests if this habitat is removed. Measures to avoid harming breeding birds will be secured by planning condition (Biodiversity CEMP).



160. The PEA states vegetation on-site offers suitable habitat for hedgehogs and describes measures to protect them during the construction phases. These measures can be secured through condition (Biodiversity CEMP).
161. It is also considered that additional planning conditions should also be imposed requiring biodiversity improvements together with details of a construction environmental management plan. On this basis it is considered that there are no objections in this regard and the impact of the development upon the local environment and wildlife can be mitigated and enhanced with the planning conditions referenced above. Planning policy G9 is therefore satisfied.
162. In terms of drainage and flooding matters raised by objectors, the council drainage engineer has assessed this application together with supporting documentation. The application site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas. An initial review has also identified that there are no known flood risks which require specific mitigation and would impact on the proposed development. To support the application, the applicant has submitted a Flood risk & Drainage assessment.
163. Initial comments from the council's drainage engineer required an assessment of ground conditions to consider the suitability of Sustainable Urban Drainage. As such a further supplementary site investigation was carried out on site, to confirm the nature of ground conditions and the level at which groundwater sat throughout the site. Given the presence of ground water and made ground, soakaways will not be conducive to the site conditions.
164. The potential of re use of rainwater was also raised as part of the initial assessment. Rainwater reuse was discounted due to lack of space for an additional storage tank of adequate capacity to be of use. In terms of alleviating flood risk, the applicant was also asked to provide a full set of drainage calculations to provide full details of the pipe network, and the 1 in 2 and 1 in 30 outputs demonstrating compliance with Leeds Min Development Control Standards for Flood Risk. In this regard, the applicant has provided full network calculations as part of a revised FRA/Drainage Strategy report and show the 1:2 year, 1:30 year and 1:100-year (plus climate change allowance) outputs. These revised details are now considered to be acceptable from an FRM standpoint.
165. In terms of other matters raised by objectors not already covered above, the issue of a lack of community engagement has been raised. In this regard it is noted that the applicant has submitted a statement of community involvement. The statement indicates the various stages of consultation and meetings undertaken as well as the distribution to over 1,300 local households, as well as coverage in relevant local and regional media outlets. In respect of the issue raised in respect of property devaluation, this is not a material planning issue. The application has been advertised in accordance with statutory planning procedures. Comments by commentators who support the application but live outside the locality have been noted in this report.
166. Issues relating to the hours of operation connected to the construction of the development and deliveries /parking associated with construction, will inevitably generate some disruption, inconvenience and noise. These are common issues

associated with most developments and particularly developments of this size. It is however considered that the impact of these issues can be reasonably controlled, albeit not totally eliminated, by imposing suitable planning conditions to safeguard and protect the living conditions of nearby residents whilst these operations take place. In regard to property devaluation, this is not a material planning issue.

## **PLANNING BALANCE & CONCLUSION**

167. As described above, it is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).
168. Sport England, as a statutory consultee, has objected to this application on the grounds set out above and considers the mitigation measures put forward by the applicant to be unacceptable in this instance. In such a situation, should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application can only be approved in 'principle' and referred to the Secretary of State to consider whether to 'call in' the application or allow the LPA to make the final decision.
169. In terms of assessing the loss of the playing pitch, the applicant states that this has not been used as formal playing fields in the short or long term and has not been used as formal space since at least 2003 for sports use. In such circumstances, the pitch does not contribute in any way to local sports provision and nor if this application was refused, is that situation likely to change.
170. Considerable weight should also be given to the council's Green Space Background Paper (GSBP) which was used to form part of the evidence in regard to the Leeds Development Plan. It notes that within the Pudsey ward, which forms part of the wider Outer West Housing Market Character Area, that for 'Outdoor Sports' that there is 6.18ha of surplus 'Outdoor Sports' provision based on population.
171. Although the proposal does not offer a replacement pitch to comply with Sport England's E4 policy requirement, the applicant has instead identified Houghside and Queens Park as pitches where various improvements to improve their quality to facilitate additional play could be carried out. The applicant proposes to provide a financial contribution of £25,000.00 for the improvement of one or more local pitches which are the responsibility of Leeds City Council. The contribution can therefore be secured through a s106 agreement to provide mitigation for the loss of the playing field.
172. It is accepted that qualitative improvements to existing playing fields alone do not meet Sport England's Exception E4 nor paragraph 99 of the NPPF as only the quality

element of the policies have been met and not the quantity. That said, the mitigation measures proposed will offer some betterment to the local community and help offset the loss of an allocated, albeit unused playing pitch.

173. In this context it is necessary to balance the need of the development against the loss of a protected playing pitch. As set above, it is noted from the comments received from Children's Services Sufficiency and Participation Team, that the total number of secondary aged pupils in Leeds has grown every year since 2015-16, driven by two decades of rising births. Although the birth-rate has since started to fall back from recent highs of over 10,000 births per year, numbers entering the secondary phase continue to increase at pace as these larger birth cohorts move through primary school, into the secondary phase and feed into post-16.
174. Demand for post-16 places in Leeds began increasing from 2015-16 onwards, with projected growth of 19.1% (3,203 places) expected by 2029/30. Increasing demand has already led to the opening of new post-16 provision in Leeds, with further places required in future years. This will ensure that there continues to be sufficient places and choice available for 16–18-year-old learners as the largest 10,000 plus birth cohorts begin to move through the secondary phase into post-16 education.
175. The proposal for a Sixth Form College, brought forward by Luminate Education Group in partnership with Crawshaw Academy, Leeds West Academy and Co-op Academy Priesthorpe, would not only provide additional post-16 places, but would also open an opportunity to increase the supply of secondary school places as these partnership schools close their own sixth form provisions in preparation for the new college opening.
176. In addition, the economic benefits of the development will result in some 600 students contributing to the local economy and employment of 45 teaching staff and non-teaching staff within the college.
177. Although the site is allocated as a playing field in the Leeds Site Allocations Plan, it is considered, as evidenced in the council's Green Space Background Paper (GSBP), that there are sufficient playing fields within the local area to meet local needs and therefore the loss of what is an unused playing field to deliver a required educational provision, is a factor which weighs heavily in favour of the development. As noted earlier in this report, it is considered that the development proposal satisfies suffix (a) of paragraph 99 of the NPPF together with suffix (ii) of policy N6 of the UDPR and policies GS1/G6(i) of the Core Strategy. In the alternative, even if none of the exceptions within paragraph 99 were satisfied, the council would still take the view that the development should be granted. Indeed, taking the benefits of the proposal as a whole and having regard to the development plan allocation, it is considered that these issues should be afforded weight such that would convincingly overcome the guidance contained in paragraph 99 of the NPPF and any harm associated with the development proposal.
178. In terms of wider planning issues, the proposed development is considered to be acceptable in planning terms and lies within an area of sufficient size to accommodate such a proposal without having a detrimental impact upon both the visual and residential amenity of the area as well as its general character.

179. In response to initial concerns raised by the council's highway engineer and influencing travel team, the scheme offers accepted travel plan measures and targets, off-site highway measures to improve both pedestrian safety and highway improvements which will help mitigate against any potential traffic impacts should they arise. The scheme also meets the council's policies in respect of biodiversity and climate change, and these are all factors that also weigh in favour of the proposal.
180. Against this background and although the development represents a departure from the development plan, it is considered that the public benefits of the proposed development outweigh the loss of the protected playing field by providing a purpose built 600 place 6<sup>th</sup> form facility which will meet current and future further education needs in the catchment area. This is a factor which weighs heavily in favour of granting planning permission.



22/08014/FU

Crawshaw Academy

# SOUTH AND WEST PLANS PANEL









## PLANS PANEL PRESENTATION

SCALE 1:2500