



Report of the Chief Planning Officer

North and East Plans Panel

Date: 28th February 2025

Subject: 24/04504/FU and 24/04433/LI – Construction of a new three-storey education facility, refurbishment of the 19th century school building, relocation of the staff car park, associated landscaping, and the demolition of redundant buildings at Mount St Marys Catholic High School, Church Road, Richmond Hill, LS9 8LA

APPLICANT	DATE VALID	TARGET DATE
Department For Education	14 th August 2024	TBA

<p>Electoral Wards Affected:</p> <p>Burmantofts and Richmond Hill</p> <p><input type="checkbox"/> Yes Ward Members consulted</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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POSITION STATEMENT: Members are requested to note this report on the proposal and to provide views in relation to the questions posed to aid the progression of the application.

1.0 INTRODUCTION

- 1.1 The application relates to the redevelopment of an existing school, and is a major application which has an unresolved objection from a statutory consultee (Sport England). As will be set out in the below report, despite a harmful impact upon a protected playing pitch, officers are of the view that the benefits of the scheme outweigh this, and other identified harms.
- 1.2 Due to the objection of Sport England, in accordance with the Council’s Scheme of Delegation , the application must be referred to Plans Panel for determination. Officers are seeking Members’ views on key matters before the application is brought for a decision.
- 1.3 If Members are content that the application is moving toward a positive determination, and the proposal is brought back at a future date with a

recommendation for approval, the objection from a statutory consultee would necessitate referral to the Secretary of State. This is in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2021 which continues to apply to applications submitted prior to 26 January 2024 and the Government's Planning Practice Guidance.

2.0 PROPOSAL:

- 2.1 The application proposes the demolition of an existing block of classrooms and dining facilities, and their replacement in a different area of the site within a new purpose built three storey block of classrooms and dining facilities. A new access and car park is proposed to the front of the new block. The cleared area of the former block will also house some parking, with the remaining area given over to hard and soft landscaping.
- 2.2 The block that is to be demolished is an elongated, flat roofed structure, constructed of concrete, with artificial stone detailing to sections of its lower portion, and blue and grey panel cladding to the remainder. The building stretches along Ellerby Road, from the existing access point to the junction with Richmond Street, and sits to the back of the pavement edge and is largely three stories in height, although level changes within the area mean the north-western section of the building includes a lower ground floor. Once demolished the area immediately adjacent to the access will be turned into a small parking area, and the remainder of the area given over to hard and soft landscaping, creating a banked frontage rising from the road level, toward the higher ground floor level of the main school building.
- 2.3 The new building is located to the eastern portion of the site, within the existing open spaces and playing pitch area of the site. It is located roughly centrally, with an access taken from Ellerby Road, almost directly opposite the presbytery. All the open space to the front of the site is to be given over to access, parking and retaining structures. The new building is three stories in height, flat roofed and will be constructed of buff brick. It is proposed to retain the existing building on the site until the new block has been constructed. The existing parking area within the school is to be given over to soft landscaping.
- 2.4 Repair and renovation works are also proposed to the listed school building, comprising replacement windows and works to the courtyard roof.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to a former convent and college (orphanage) associated with the adjacent St Mary's Church; the site is now Mount St Mary's High School. The convent was constructed in approximately 1860, with the college added in 1901, in a Tudor Revival style; the buildings are grade II listed. The buildings are constructed of ashlar stone, around a central courtyard which is now roofed, and are three and four stories in height, with string courses marking each storey. The buildings are relatively austere, and had a more ornate original entrance, including a wide central doorway under a segmental arched and stepped hoodmould with carved heads. The former church and presbytery associated with the site lie to the north, outside the site. They are in disuse and in a state of disrepair. A planning application for residential use of these buildings has been granted and conditions are being discharged at present; no commencement date is yet confirmed.

- 3.2 The site has been extensively redeveloped, with a modern stone built cross gabled building affixed to the listed structures, and two detached, modern blocks within the grounds. One of these is the elongated science building which is to be demolished, and the other is the flat roofed breeze block sports hall to the south-east of the existing entrance / Willis Street. Parking is provided within the site, within a linear area of hard standing at the end of Willis Street / the internal roadway; undercroft parking is situated beneath the sports hall. Playing pitches and recreation space are to the eastern section of the site, enclosed within tall open mesh fencing.
- 3.3 Access to the site is via Willis Street, which was once a public highway leading from Ellerby Road to the convent. This remains an adopted highway but has been gated by the school so public access is no longer possible and a stopping up order has begun. A second access is gained from Church Road which leads into the north of the site to a service yard area. The surrounding road network is constrained, with Ellerby Road narrowing to a single track width adjacent to St Saviour's Church, and a one-way system forcing all traffic north along Ellerby Lane. Significant on-street parking along Ellerby Road is in evidence. There is a network of public footpaths around the site, through two areas of adjacent greenspace, along the rear boundary of the playing pitch, and connecting Ellerby Road with housing to the east.
- 3.4 There is a significant level change within the area, with the land rising from the level of the River Aire to the west, and sloping steeply up Richmond Street, toward a high point within the site. The level change is such that there is approximately 3.4-40m difference from the level of Ellerby Road to the higher ground within the site. Along the Ellerby Road frontage this transition is formed by a tree lined bank which has parking adjacent to the highway. A section of open green space and a skate park lie to the west of the site, on lower ground and the school dominates views from this area and along Bow Street. A second area of open space lies to the south-east, and this is largely flat and comprises open grassland interspersed with some established trees. This area of open space is noted within the Aire Valley Leeds Area Action Plan to be the Cavalier Hill recreation ground, and this area of public open space should include the playing pitch to the north of the building, now enclosed within the school grounds.
- 3.5 The surrounding area is broadly residential, although the site lies close to the City Centre, with the A61 arterial roadway marking the boundary between the city core and the surrounding residential area. Higher density flats lie to the north and south, and are three to four stories tall, in a variety of building styles that reflect their era of construction; lower density one and two storey accommodation lies to the east along Upper Accommodation Road. Historic terraces that the church and convent would once have served lie further east. A second church (St Saviour's) lies opposite the school, the church, its presbytery and walls are all listed; the church is Grade I listed.

4.0 RELEVANT PLANNING HISTORY:

Application Site

- 4.1 10/04101/FU New sports hall with undercroft car parking, multi use games area, 2.4m high fencing, single storey block of 14 pre-fabricated temporary classrooms as well as a temporary toilet block, internal and external alterations to school
Approved and built out

10/04102/LI	Listed Building Application for internal and external alterations to existing school, new sports hall with undercroft car parking, multi-use games area, and 2.4m high fencing to school, and single storey block of 14 temporary pre-fabricated classrooms and temporary toilet block. Approved and built out
2011-2013	Various condition discharge applications relating to the 2010 applications have been approved.
21/349/02/LI	Listed building application to carry out alterations to form 2 entrances to school building Approved and built out
21/234/02/FU	Laying out of play area and net ball pitch with 4m high fence to school Approved and built out
H21/57/89/	Alterations and extension, to form classroom and two storey extension to form offices, classrooms, toilets, staffroom Approved and built out
H21/58/89/	Listed building application to demolish part of school and alterations and extension, to form classroom and two storey Approved and built out

Adjacent Site

4.2	20/03519/FU	Demolition of the Nave and Aisles of the church, replaced with a six storey extension; the Chancel, Transept areas and Altars will be retained and restored contain 62 apartments. The Presbytery will also be demolished and replaced with a 5 storey apartment block of 113No. apartments (total residential development comprising of 175 units); Other works including new access, proposed ECVP parking, cycle storage and landscaping works Approved
	20/03520/LI	Listed Building Application for the demolition of the Nave and Aisles of the church, replaced with a six storey extension; the Chancel, Transept areas and Altars will be retained and restored contain 62 apartments. The Presbytery will also be demolished and replaced with a 5 storey apartment block of 113No. apartments (total residential development comprising of 175 units); Other works including new access, proposed ECVP parking, cycle storage and landscaping works Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application enquiry was submitted to the Council in 2022. This was a concept proposal only, with no elevation or levels details provided, and the building site plan indicating a smaller building that did not encroach upon protected playing pitches. The response notes the need to carefully consider the relationship with adjacent listed buildings, most particularly St Saviour's church and to ensure

highway safety is protected. The need to provide detailed information relating to landscape and biodiversity, flood risk and land contamination was also noted. The relevance of this different, sketch proposal to the current application is limited.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The development has been advertised by Site Notice posted on 4th September 2024 and a Public Notice placed within the Yorkshire Evening on 30th August 2024.
- 6.2 One objection has been received in response from the neighbourhood forum raising concerns relating to highway safety, residential amenity during construction and the loss of protected playing pitches.
- 6.3 One letter of support has been received from the Civic Trust who note the proposal to install new windows to the listed building.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultations

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| 7.1 | Historic England | Identify the potential for harm to the setting of adjacent listed buildings, in particular the Grade 1 listed church, and conclude that harm is caused, and this is less than substantial. |
| | Sport England | Raise an objection to the loss of a playing pitch to accommodate the car park, and also raise concern about the proximity of the building to the remaining playing pitch, requesting a ball strike survey to understand whether the building represents a risk to the usability of this retained pitch. |

Non-Statutory Consultations

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| Conservation | Note the loss of some original fabric causes harm, and identifies this as less than substantial. |
| EHO (noise) | Raise no objection to the internal noise levels and the limits for fixed plant. |
| Flood Risk Management | Raise concerns relating to the modelling and supporting data and request further information prior to determination. |
| Policy | Consider the new soft landscaping mitigates the loss of the playing pitch and raise no objections to the proposal |
| District Heating | A pipework connection is planned |
| Public Rights of Way | No objections |
| Landscape | Raise concerns as the AIA survey does not take account of drainage runs and infrastructure such as SUDS tanks, and that large areas of landscaping will |

be lost, and this is not acknowledged within the application.

Travel Behaviour	Note that the submitted Travel Plan is insufficient and request an appropriate document that meets the council's criteria.
Highways	Raise concerns relating to the impact of parked cars upon visibility at the new access, the impact of the Willis Street gates upon disabled bays, the lack of secure cycle storage,
Access Officer	Note that the accessible toilet has no external door which prevents its use outside of school time (eg evening events / hires etc) and requests details of handrails to stepped areas.
WYAS	No objection
Biodiversity Net Gain	Raise concern that the metric is not accurate as it incorrectly classifies the individual urban trees within the site, as well as grassland. Also raise concern relating to the lack of justification for the BNG losses identified. The loss of a tree with the potential for bat roosts, recommended to be retained by the applicant's EIA survey is of particular concern. Further survey work is required if this is to be removed.
Flood Risk Management	No objection subject to conditions
Contaminated Land	No objection subject to conditions
Coal Authority	No objection subject to conditions

8.0 PLANNING POLICIES AND LEGISLATION:

- 8.1 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 (2024) saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013) (NRWLP), the Aire Valley Leeds Area Action Plan and any made Neighbourhood Development Plan.
- 8.2 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Planning Policy

8.2 The Core Strategy (CS) sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The following Core Strategy policies are relevant to the proposal:

<u>GP</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
<u>SP1</u> <u>SP4</u>	Seeks to ensure development accords with the spatial hierarchy Regeneration Priority Areas
<u>P9</u> <u>P10</u>	Community facilities and their retention/enhancement Seeks to ensure that new development is well designed and respect its context
<u>P11</u> <u>P12</u>	Heritage assets Seeks to ensure Leeds' landscapes are protected
<u>T2</u>	Accessibility requirements and new development
<u>G6</u> <u>G8</u> <u>G9</u>	Protection of existing greenspace Protection of important species and habitats Biodiversity Improvements
<u>EN1</u> <u>EN2</u> <u>EN4</u> <u>EN5</u> <u>EN8</u>	Climate Change Sustainable Design and Construction District Heating Network Managing flood risk Electric Vehicle Charging Infrastructure
<u>ID1</u> <u>ID2</u>	Implementation and Delivery Mechanisms Developer Contributions

8.3 No Site Allocations Plan Policies are relevant.

8.4 The following Aire Valley Leeds Area Action Plan policies are relevant:

<u>AVL12(2)</u>	Strategic transport infrastructure improvements
<u>AVL13</u>	Green Corridor (indicative)
<u>AVL14(1)</u>	Protected Green Space
<u>AVL14(3)</u>	Green Space Improvements

8.5 The following saved UDPR policies are also relevant:

<u>GP5</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity
<u>BD3</u> <u>BD5</u>	Disabled access and new buildings Seeks to ensure new development protects amenity
<u>N24</u> <u>N25</u>	Development and incidental open space Seeks to ensure boundary treatments are appropriate
<u>LD1</u>	Development and landscape schemes

8.6 The following NRWLP policies are also relevant:

<u>Min 3</u>	Development proposals and surface coal
<u>Water 1</u> <u>Water 6</u> <u>Water 7</u>	Water efficiency Flood risk assessment Surface water run-off
<u>Land 1</u>	Contaminated Land

Land 2 Development and Trees

Neighbourhood Planning

- 8.7 No made neighbourhood plans are relevant to this application. The Mabgate, Lincoln Green and Burmantofts Neighbourhood Forum was designated in 2021 and lasts for a period of five years. No vision, objectives or draft plan has yet been produced.

Supplementary Planning Guidance

- 8.8 Accessible Leeds SPD
Transport SPD
Sustainable Design and Construction SPD

National Planning Policy

- 8.9 The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.10 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 Framework. 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.
- 8.11 The following sections of the Framework are most relevant for the purposes of determining this application:
- 2. Achieving sustainable development
 - 4. Decision-making
 - 8. Promoting health and safe communities
 - 12. Achieving well-designed places
 - 16. Conserving and enhancing the historic environment
- 8.12 The Planning Practice Guidance (PPG) provides comment on the application of policies within the Framework. 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.

9.0 MAIN ISSUES

- 1) Principle/Loss of Playing Pitch
- 2) Design and Heritage
- 3) Highway Matters

- 4) Landscape and Biodiversity
- 5) All Other Matters
- 6) Planning Balance

10.0 APPRAISAL

Principle / Loss of Playing Pitch

- 10.1 The area on which the new building is to be constructed lies immediately adjacent to allocated green space under AVL14(1), which is now enclosed within the school but which is allocated as open, civic green space. The building and carpark are located on an area of existing playing pitch / sports field which will be wholly lost due to the development.
- 10.2 Policy G6 of the Core Strategy (CS) seeks to protect existing Green Space, and states that Green Space will be protected from development unless: there is an adequate supply of green space within the area *and* the development site provides no opportunity for alternative open space; or the green space is replaced by an area of at least equal size, accessibility and quality in the locality; or where redevelopment proposals demonstrate a clear relationship to improvements of existing green space in the same locality. This policy is similar to paragraph 104 of the Framework and the policies of Sport England, all of which seek to protect open spaces from development and retain access to good quality recreation opportunities.
- 10.3 As is set out in the Sport England objection, the total loss of the pitch to provide land for the building and car park is not justified by sufficiency, and the replacement provision on site (the former staff car park) is not of an appropriate size to be considered replacement provision, nor is the area to be laid out or maintained as a sports pitch. Sport England therefore object to the loss of the pitch. The loss of this area of existing open space providing sports opportunities for school pupils is also contrary to G6 of the CS and paragraph 104 of the Framework. It is noted that policy colleagues do not consider there is a conflict with G6, however as an area that is capable of delivering a sports pitch is to be lost, and an area not capable of delivering a sports pitch is to be formed, the requirements of the policy are not met. There is thus conflict with the local plan, and this principle conflict is afforded significant weight.
- 10.4 The impact upon the northern protected public open space must also be considered. The Green Space Background Paper of the SAP identifies that the Burmantofts and Richmond Hill ward has a deficiency of outdoor sport provision, and indeed is deficient in most green space typologies (see below/over).

	Parks and Gardens	Outdoor Sports (excluding education)	Amenity	Children & Young People Equipped Play	Allotments	Natural	
Standard	1ha/1000 people	1.2ha/1000 people	0.45ha/1000 people	2 facilities/1000 children	0.24ha/1000 people	0.7 hectares/1000 people (main urban area and major settlements)	2ha/1000 people
Armley	Deficiency -0.25ha	Deficiency -0.03ha	Surplus 0.44ha	Surplus 0.59	Deficiency -0.09ha	Deficiency -0.08ha	N/A
Beeston & Holbeck	Surplus 1.2ha	Deficiency -0.25ha	Surplus 0.21ha	Surplus 1.41	Surplus 0.13ha	Deficiency -0.7ha	N/A
Burmantofts & Richmond Hill	Deficiency -0.09ha	Deficiency -0.46ha	Surplus 0.09ha	Surplus 1.84	Deficiency -0.15ha	Deficiency -0.7ha	N/A
Chapel Allerton	Deficiency -0.13ha	Deficiency -0.27ha	Surplus 0.4ha	Surplus 1.09	Surplus 0.02ha	Surplus 0.24ha	N/A

10.5 A review of historic Streetview / google earth data shows that the northern playing pitch was public open space until 2011. At some point after this date and before 2013 it was enclosed within perimeter fencing and brought into the school. It is unclear whether the public still has access to this land, or whether the school has annexed this land into private ownership. While the principle of whether the land is in public or private ownership / use is not a matter that would form a material consideration in planning decision-making, its allocation as Green Space means it should also be protected from development, including the impact of buildings upon the useability of the space. As set out within the Sport England response, the proximity of the school building to the protected playing pitch means that ball strike is of concern, and the potential for damage to property could impact the useability of the space, with ball sports being restricted. The applicant is undertaking a ball strike survey, but to date it is not known how the building and the playing pitch will function together. It is likely that subject to the construction of fencing, ball strike can be avoided, however in the absence of a ball strike survey, the height, extent and location of any mitigatory fencing is not known. It is therefore not possible to know whether there will be a physical reduction in the size of the playing pitch to accommodate the fencing, and thus it is not known whether this playing pitch will be harmfully impacted. In the absence of this information officers are not in a position to advise Members on the impact upon the northern protected green space. Any reduction in the useability of this space would be a further harm against which the benefits of the building must be weighed.

10.6 What are Members' views on the principle of the development taking place, including the loss of the playing pitch?

Design and Heritage

10.7 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 10.8 Section 12 of the Framework strongly encourages good design and section 16 of the Framework requires that the impact of development upon a heritage asset be accurately assessed, and if harm is identified that there are public benefits to outweigh that harm. At a local level, policies P10 and P11 of the CS seek to protect heritage assets and visual amenity and further policies relating to the protection of heritage, good design and integration into adjacent open space are saved from the UDP Review (2006) (N19, N24 and N25).
- 10.9 The applications could impact heritage assets in three distinct ways. There is firstly the direct repairs and renewal to the fabric of the listed building, and the loss of some original windows. This will cause some harm to the heritage asset, as original fabric is to be lost, however conservation officers are satisfied that the proposals are necessary and will not cause undue harm. Nonetheless, there is some harm to the heritage asset that must be weighed in the planning balance. The second impact is upon the spatial setting of the listed school buildings, and the associatively linked church and presbytery beyond the northern boundary. The original layout of the church, convent and surrounding residential areas has been comprehensively lost, with the school and church severed from each other, modern terraces and flats replacing historic terraces, and the school complex developed with a range of modern buildings. The demolition of the Ellerby Road frontage buildings will reveal the historic convent behind, and the new landscaping scheme will soften the visual transition between the public realm and the school, and these are improvements that will be of benefit to the historic buildings and the wider area. The new building is essentially a large, flat roofed box constructed of pale brick. It has limited architectural merit, but viewed within the context of other large, flat roofed boxy buildings on the site will not appear unduly out of character within the complex. As such, harm to the setting of the school buildings is not anticipated.
- 10.10 There is however the setting of the adjacent St Saviours Church and presbytery to consider. St Saviours Church is a Grade I listed building with links to Temple Moore and Pugin, and carries one of the highest heritage protections possible. At present the church occupies a commanding position overlooking the Aire Valley. Its churchyard to the south, the open space of the northern green space, and the visual space around the building are an important part of its setting. The tree lined bank along Ellerby Road strongly contributes to this setting. The new entrance, car park and elevated three storey building will harmfully impact this setting. The engineered, formalised access point will contrast harmfully with the listed wall and boundary of the church, the loss of trees will harmfully impact the green, landscaped setting, and the elevated building will compete with the church for dominance within the immediate visual environment. As set out within the Historic England response, these harms, whilst significant, amount to less than substantial harm.
- 10.11 At present the plans indicate that the tree loss along the church frontage will be limited to the access point. However, as set out in the landscape officer's response, the submitted AIA does not account for the impact of the drainage proposals, with permeable hard surfacing set within the RPA of these trees, which will potentially result in the loss of almost all the frontage trees along this stretch of Ellerby Road, which would be a significant additional harm. To date the interrelationship of the drainage proposals and the landscape impacts are not fully known.
- 10.12 As set out at paragraph 215 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is understood from the application that the current Ellerby Road building is in a poor

state of repair, and the decision has been taken to demolish this structure rather than undertake further surveys and repair work. It is the school's intention to keep this building in use until replacement provision has been constructed. This choice results in a significant constraint, as the only land available for building work within the school grounds is unoccupied open space. It is this which pushes the building and carpark into undeveloped eastern section of the site and leads to the identified heritage harms.

10.13 Are Members content that the need for upgraded facilities amounts to a public benefit that is sufficient to outweigh the identified heritage harms, including the potential loss of significant frontage trees?

Highway Matters

10.14 Policies T1 and T2 of the Core Strategy seek to ensure that development is adequately served by existing and planned transport network(s), that developments are located in sustainable (accessible) locations, that safe access is achieved, and that a development provides an appropriate internal road layout and meets its parking demand. These matters will be addressed in turn.

10.15 Highway officers are broadly content that the new access point is safe, with appropriate swept path analysis demonstrating that vehicles can adequately turn within the site. There remains some dispute relating to onsite and on-street parking provision associated with the school. There are currently 109 FTE members of staff, and in accordance with the Transport SPD, 109 on site spaces would therefore be required. At present there are 73 formal staff spaces, with 22 visitor spaces (85 spaces in total), and the application provides for 95 parking spaces for staff, and 7 for visitor (102 in total). There is therefore a shortfall in parking spaces required by the SPD, but an uplift on the current on-site provision, and highway officers consider that this onsite provision *may* be acceptable.

10.16 However, there is on-street parking that is associated with the school along what should be a grass verge on Ellerby Street (opposite the school), as this parking is absent in school holidays. Highway officers have asked for further information about this, but the applicant has declined to engage on this point, and merely reiterated that their on site parking is sufficient. Whilst it is well established that applications should not be required to address unrelated and existing problems, the on-street parking along Ellerby Road would directly impact visibility at the new entrance point, with the views of drivers cars exiting the site harmfully impacted by these cars.

10.17 The applicant has stated their intention to implement TROs, however the mechanism for delivering these remains unresolved. These would need to be delivered on land outside the red line and on land which is assumed to be owned by the council. It would be normal practice for a contribution meeting the costs of the TRO to be provided to the council (secured by an S106), however the applicant is keen to avoid the need for a legal agreement. As such it is possible to impose a form of Grampian condition, restricting either the commencement of works, or the use of the new access, until such a time as the TRO has been implemented to the council's satisfaction.

10.18 There are also concerns in respect of the Travel Plan, which is not a robust document in accordance with the current guidelines, as this does not include any survey detail about current travel patterns to and from the school, nor provide the

school's aims and objectives. It is also likely that the current on street parking is school related (as it does not occur outside of school hours and term time), and the loss of this additional, informal parking, means Highway officers are particularly keen to understand the sustainable travel options being offered by the school. At the present time it is not possible to know whether additional on site infrastructure, such as changing rooms, showers, cycle storage etc will be required as part of this application. The applicant has requested that the travel plan, and its monitoring fee is secured by condition, however as it is not clear what may need to be delivered on site, and whether this infrastructure would require planning permission in its own right, and/or require alterations to the site layout and building layouts, officers are concerned that this level of uncertainty means that imposing, monitoring and enforcing the condition would be difficult.

10.19 **Are Members content with the new access and arrangements, subject to the imposition of off-site highway controls?**

Landscape and Biodiversity

- 10.20 The development site has a number of identified landscape and ecological features. Key landscape features include the mature trees to the Ellerby Road frontage, and on site trees within the area of the new access road, and new building, and around the current car park. The AIA identifies that several trees will need to be removed to facilitate the development, however the plans also show the removal of at least one tree that does not appear to be required (T51), and also does not account for the impact of drainage and hard surfacing upon trees that are shown to be retained. It is possible that trees shown to be retained, particularly along the Ellerby Road boundary, will need to be removed, and/or will not survive the construction process. At the present time the impact upon landscape assets remains unclear.
- 10.21 The submitted surveys show that T51 has a high potential for bat roosts, and the applicant's ecology reports identify that this tree does not need to be removed, and recommend that it is retained. The plans show this tree to be removed, and the ecology report identifies that if removal is proposed further survey work between May and September to identify bat activity will be required before the impact of its loss can be understood. No survey has been submitted with the application, and this is highlighted as a concern by the council's Nature Conservation officers. Officers have also identified some errors within the BNG metric, with urban trees and grassland wrongly classified as less significant units. A revised BNG metric and up-lift plan are being prepared.
- 10.22 The new open space that is being provided within the current car park does provide some opportunities for biodiversity uplift, and there are opportunities to integrate habitat and ecology features within the new building design. It is therefore likely that the necessary BNG uplift can be provided on site, once the true impact of the proposals is understood. Nature Conservation officers have noted the need for onsite BNG to be monitored and reviewed by the council, with the costs of this monitoring met by the applicant. As with the Travel Plan and off site highway works, the applicant has declined to enter into a legal agreement to secure these matters, and as such an appropriate mechanism for securing and monitoring BNG remains outstanding.
- 10.23 There is some space within the site for additional planting to address some of the frontage tree loss. However, the space for this is constrained as planting would not

be encouraged within the playing pitch, as this would reduce its useability. Furthermore, officers would wish to see a robust landscaping scheme along the Ellerby Road frontage, and along the boundary with the adjacent open space, to accord with the requirements of policies N24 and N25. However, at the present time it is unclear whether frontage landscaping could establish with the constraints of below ground infrastructure, and whether there is available land within the application site for planting along the eastern boundary. Officers would not wish to encourage off site planting, further reducing the availability of public open space.

10.24 Do Members consider that further information relating to landscape assets is required prior to the determination of the application?

All Other Matters

- 10.25 Residential amenity, flood risk, contaminated land and the coal mining legacy are all material to the application. Contaminated Land officers and the Coal Authority are content that conditions are sufficient to address technical matters relating to land stability and ensuring the site is safe for its intended use. Flood Risk officers are content with the imposition of conditions relating to drainage, although at present the interplay with frontage landscaping remains outstanding.
- 10.26 The new building will bring the spread of the school closer to the residential dwellings on the south of Upper Accommodation Road, and to the flats along Ellerby Road, and increase general comings and goings around the building. Whilst the scheme does not increase pupil or staff numbers, the noise and disturbance caused by day to day school life will be spread over a greater portion of the site, and be closer to some dwellings. This said, there is a reasonable distance between the new building and the houses (50m), and noise is unlikely to be significant during the evening and at weekends, when people most reasonably expect the reasonable enjoyment of their houses as gardens. As such, the impact upon nearby dwellings from greater movement around the site is not considered harmful. The building will include some plant, but conditions can be imposed limiting the noise escape from any external plant / requiring the council's agreement before external plant is installed, which will help to protect neighbours from other forms of noise pollution.
- 10.27 The new building is a large, three storey block, set on the highest portion of the site, and will be a very visible and dominant feature within what is a currently open area. However, the distances retained to nearby dwellings is considered sufficient to prevent harm through direct dominance and overshadowing. The block does include windows to the upper floors, and applying the distances for primary windows would require a minimum of 27m to the main rear windows of nearby dwellings. With 50m retained toward South Accommodation Road / Place Street / The Spinney, and approximately 60m to the Ellerby Road flats, this minimum distance is easily achieved. As such harm from overlooking is not anticipated.

11.0 PLANNING BALANCE

- 11.1 The application would result in the loss of at least one playing pitch, with no replacement pitch provided on site, and may also result in allocated public green space (now enclosed within the school boundary) being harmfully impacted. This is a significant harm to which appropriate weight must be given. The application will cause some harm to the setting of the adjacent St Saviour's Grade I listed church, and although this is less than substantial, public benefits are required to justify the development. The proposal will cause harm to landscape assets and it is not clear

that adequate replacement planting can be provided on site. This is harm that weighs against the scheme.

- 11.2 The benefit of providing good school accommodation is a public benefit, albeit the applicant has not demonstrated that alternative proposals with lesser harms cannot deliver the same benefits. This benefit attracts a reasonable degree of weight. The improvements to the Ellerby Road setting of the former convent are given moderate weight.

12.0 CONCLUSION:

- 12.1 Members are asked to note the contents of the report and the presentation. In addition, Members are invited to provide feedback, in particular, in response to the key questions asked in the report above and as follows:

- 1. What are Members' views on the principle of the development taking place, including the loss of the playing pitch?**
- 2. Are Members content that the need for upgraded facilities amounts to a public benefit that is sufficient to outweigh the identified heritage harms, including the potential loss of significant frontage trees?**
- 3. Are Members content with the new access and arrangements, subject to the imposition of off-site highway controls?**
- 4. Do Members consider that further information relating to landscape assets is required prior to the determination of the application?**
- 5. Are there any other matters that Members wish to raise at this point?**

Background Papers:

Application files 24/04504/FU and 24/04433/LI
Certificate of ownership: Certificate B signed by the agent



Key

- Red Line Boundary
- Building Entry Points (refer to access plan for more detail)

Landscape Areas

- Amenity mown grass including retained existing playing field
- Existing retained trees
- Proposed trees
- Proposed native scrub
- Proposed native meadow grass to embankments
- Amenity/flower rich perennial planting
- Native hedge planting to soften proposed boundary treatments to top of embankments
- Hard informal-replace paving disturbed by new incoming services with new block paving
- Terraced seating
- Hard informal perimeter to new build

- Legend**
- 01 Existing MUGA rotated/made good to accommodate new building
 - 02 Fenceline and existing trees to be removed to improve sightlines. New biodiverse wildflower meadow to the existing embankment
 - 03 Existing car parking removed and area re-purposed as soft informal social space Staff car park: 61 No. General, 8 No. Electric charging, 4 No. Accessible Existing surfaces to be lined to accommodate 3nr existing minibus parking bays
 - 04 Visitor car park-7nr spaces
 - 05 2nr accessible spaces retained/refined
 - 06 New car park 73nr spaces inc. 4nr disabled parking bays and 8nr EV charging bays
 - 09a Photovoltaic (PV) canopy over new car parking spaces
 - 09b Photovoltaic (PV) canopy over existing outdoor dining area
 - 09c Photovoltaic (PV) canopy over new outdoor dining area (picnic benches shown indicatively, not funded in this project)
 - 10 New two-way vehicle access point from Ellersby Road
 - 11 Covered cycle parking-20nr spaces
 - 12 Pedestrian access point
 - 13 Ball stop netting to playing field edge
 - 14 Existing hard and soft informal retained
 - 15 New hard and soft informal spaces
 - 16 Retaining wall/balustrade/scrub embankment to level changes to north/west of new building
 - 17 Secure area managed as scrub/native habitat

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REFERENCE LIST:

1. THE DRAWING IS BASED ON THE FOLLOWING EXTERNAL CONSULTANT'S DRAWINGS:

CONSULTANT	REFERENCE FILE	DATE
SRP	SRP1070-PLZZ-ZZ-DL-0120	01/02/24

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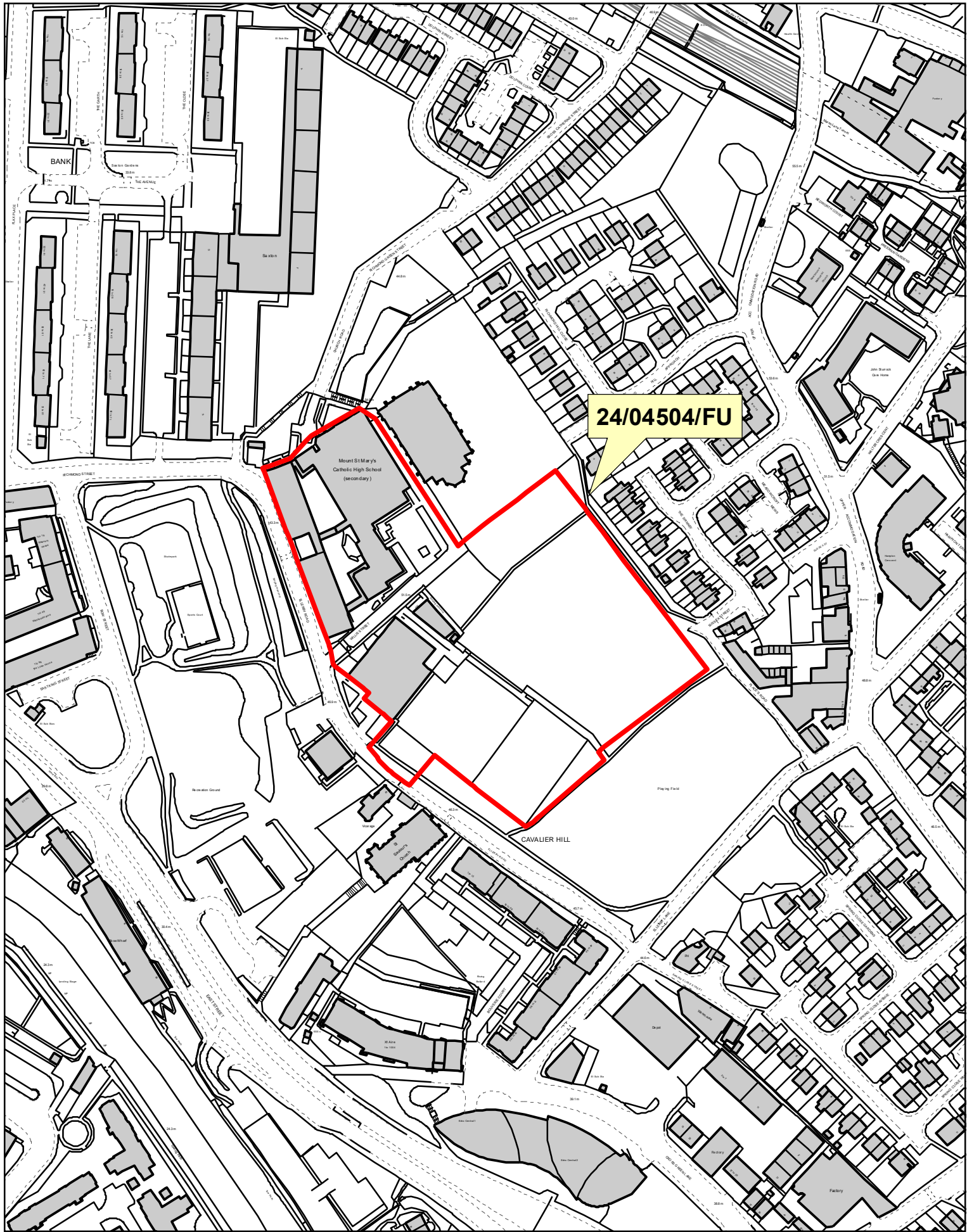
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24/04504/FU

Mount St Mary's
Catholic High School
(secondary)

CAVALIER HILL

NORTH AND EAST PLANS PANEL

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PLANS PANEL PRESENTATION

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