



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 11th March 2010

Subject: APPLICATION 09/01417/FU – Retention of use of building as a school and 2 storey extension at New Horizons Girls School, Newton Hill Road, Potternewton, Leeds, LS7 4JE

APPLICANT

Mr T Mahmood

DATE VALID

31/03/2009

TARGET DATE

26/05/2009

Electoral Wards Affected: Chapel Allerton

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. CFTL3 – Development to commence within 3 years.
2. CPLAN – Approved plans.
3. Notwithstanding the submitted details, the walling and roofing materials for the proposed extension shall be natural stone and slate to match the materials used in the original building. Development shall not commence until details and samples of all external walling and roofing materials have been submitted to and approved in writing by the local planning authority. Such materials shall be made available on site prior to the commencement of their use, for the inspection of the local planning authority, who shall be notified in writing of their availability. The building works shall be constructed from the materials thereby approved.
4. CMSPS – Sample panel of stonework to be approved.

5. Development shall not commence until samples and/or detailed sections and elevations of the proposed windows have been submitted to and approved in writing by the local planning authority. All new windows and doors shall be timber and shall be painted white to match those in the original building. The works shall be carried out in accordance with the details thereby approved.
6. Any hard landscaping works shall be completed prior to the occupation of any part of the development. The soft landscape works, including the replacement tree planting to compensate for the loss of the TPO horse chestnut tree, as shown on the approved landscaping plan received 11th February 2010, shall be completed in accordance with the approved details no later than the end of the planting season following the substantial completion of the development. The landscape works shall be implemented to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.
7. CLPRES – Preservation of existing trees and other vegetation.
8. Method statement for preserving retained trees and root systems.
9. The hours of use of the premises shall be restricted to 0800 hours to 1700 hours and 1800 hours to 2000 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays and Sundays.
10. The hours of delivery to and from the premises, including refuse collection, shall be restricted to 0730 hours to 1700 hours Monday to Friday and 0900 hours to 1200 hours on Saturdays. No deliveries or collections shall take place on Sundays and Bank Holidays.
11. Within 4 months of the date of this permission a bin store shall be provided within the site in accordance with a scheme which shall first be submitted to and approved in writing by the local planning authority. The scheme shall include details of the siting, materials and means of enclosure of the proposed bin store, which shall be built in accordance with the approved details and retained as such thereafter.
12. Within 4 months of the date of this permission a 2 metre high close boarded acoustic fence shall be erected along the eastern boundary of the site between the school and the neighbouring property, 2 Harehills Lane in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The details shall include elevations and a specification of the thickness and design of the proposed fence. The fence shall thereafter be retained.
13. No assemblies or lessons shall take place outside the school building and no amplified sound or music shall be relayed from the school to any external areas associated therewith.
14. CELR – Lighting restrictions.
15. No more than 120 children shall be on the premises at any one time.
16. The extension hereby approved shall not be occupied or brought into use until the car parking area to the east of the school building has been laid out and marked out in accordance with the details on the approved site plan. This area shall thereafter be retained for the parking of vehicles only and shall not be used as part of the outdoor play area for the school.

17. The extension hereby approved shall not be occupied or brought into use until all temporary classroom buildings have been removed from the site.
18. The building and extension shall be used as a school and for no other uses within Use Class D1 of the Town and Country Planning (Use Classes) (Amendment) Order 2005.
19. Development shall not commence until details of works for dealing with surface water discharges from the proposed development (including plans and a summary of calculations) have been submitted to and approved in writing by the local planning authority. The extension shall not be occupied or brought into use until the drainage works have been completed in accordance with the details thereby approved.
20. CCLUNX – Dealing with unexpected contamination
21. CCSOIL – Importing of soil

The application is considered to comply with policies GP5, BD6, T2, T24, LD1 and N8 of the UDP Review, as well as guidance in PPS1, and having regard to all other material considerations, is considered acceptable.

1.0 INTRODUCTION

- 1.1 This application was discussed at Plans Panel on 19th November 2009 following a site visit that morning. Members resolved to defer the application to allow further discussions to take place between officers and the school and their architect with the aim of overcoming concerns regarding the size, scale, design and location of the proposed extension.
- 1.2 As a result of discussions with the applicant and their architect, revised plans have now been received, showing the size and scale of the extension reduced and a landscaping scheme showing new planting to compensate for the loss of the TPO horse chestnut tree which is now proposed to be removed as part of the scheme. The revisions are considered to overcome previous concerns regarding the size and scale of the extension and its impact on the streetscene, the amenities of neighbouring residents and trees within the site, and the application is now therefore recommended for approval.
- 1.3 Permission is also sought to continue the use of the building as a school, for which permission expired in 2003.

2.0 PROPOSAL:

- 2.1 Permission is sought to continue the use of the building as a school and to replace the existing temporary classrooms at the site with an extension. The proposed extension has been reduced in size by setting it back 2.3 metres from the front of the building (1m further back than was previously proposed), reducing the width by 2 metres, and reducing the ridge height by 1.3 metres. The proposed extension is now in a 'wrap-around' design, extending to the side and rear of the existing building. The internal staircase which was formerly proposed within the extension has been relocated and would be housed within a gable projection to the rear elevation of the proposed extension, served by a feature window similar to that within the rear elevation of the existing building.
- 2.2 It is proposed to construct the extension in materials to match the existing building. According to the submitted plans, the proposed extension would be 8.3m wide and

14.7m deep, with a bay window at ground floor level to the front projecting a further 1.5m and a stair tower to the rear projecting 2.1m.

- 2.3 Internally, the proposed extension would provide an enlarged assembly hall to the ground floor, in addition to the school's existing refectory/sports hall, and three classrooms and a tutorial room on the first floor.
- 2.4 Following discussions with the landscape officer a landscaping scheme for the site has been submitted. The horse chestnut tree on the corner of the site, which is subject to a Tree Preservation Order (TPO), is now proposed for removal given its proximity to the proposed extension, however all other TPO trees are now proposed to be retained, and additional planting is proposed which seeks to compensate for the loss of the horse chestnut tree.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to New Horizons, an Islamic girls' school in Potternewton. The school is housed in a large stone building with a slate roof, which has formerly been used as a training centre, and has been in use as a school since 2000. The building has two large bay windows at ground floor level to the front and a single storey extension to the rear, constructed of concrete blocks with render panels and a tiled roof.
- 3.2 The site contains a number of temporary classrooms which are proposed for removal. There is an area of hardstanding to the west of the building, which is used as an outdoor play area, and an area of loose gravel to the east. The site boundaries along Newton Hill Road to the south, Chapeltown Road to the west and Harehills Lane to the north are marked by stone walls which vary in height, with trees behind. Five of the trees around the site boundaries are protected by Tree Preservation Orders (TPOs), including a lime and a horse chestnut close to the site of the proposed extension.
- 3.3 The site is in a predominantly residential area with residential properties to the east, at a lower level than the application site, and on the opposite side of Chapeltown Road to the west. There is an area of open land to the north and a Polish Catholic community centre/social club to the south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Permission was granted in April 1982 for the original change of use of the building from a house to an industrial training unit, including workshops and offices (application H30/113/82).
- 4.2 The extension to the rear of the building was approved in March 1986 (application H34/368/85).
- 4.3 Permission for a detached prefabricated classroom unit to the training centre was approved in September 1991 (application H34/189/91/).
- 4.4 The change of the use of the building to an educational facility with a further two prefabricated classrooms was approved in July 2000 for a temporary period until 31st December 2003 (application 34/28/00/FU). Alterations to increase the height of the boundary wall to the site were approved in April 2002 (application 34/75/02/FU).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following concerns regarding the size, scale and design of the proposed extension in relation to the existing building, its visual impact in the streetscene, its height and position in relation to the neighbour's garden and likely impact on their amenity, and a lack of information regarding trees within the site and the potential impact of the extension on them, a site meeting was convened by Councillors Dowson and Rafique, and attended by representatives of the school together with planning and highways officers. Discussions took place regarding the size of the extension, the difference in levels between the site and the neighbour's garden and concerns that the proposed extension would appear overbearing when viewed from this neighbouring property. Concerns were also raised regarding the potential impact on TPO trees in the vicinity of the proposed extension, and further details were requested by highways in relation to pupil numbers and the proposed additional floorspace. Suggestions were made as to how the extension may be made more acceptable, including setting it in from the front and rear of the building and reducing its width and roof height. Alternative locations for the extension were also suggested.
- 5.2 A further meeting took place between planning officers and representatives of the school in early July. Some revisions were made to the plans prior to this meeting, including the deletion of the large dormers which were originally proposed, and alterations to the design of windows and the roof to more closely reflect the existing building. The extension had also been set back 1.2m from the front of the building, however no further amendments to reduce the height or depth/width of the proposed extension had been made. Further details were provided regarding pupil numbers, but no further information regarding the TPO trees was received. Concerns were raised that the proximity of the extension to the TPO trees would almost certainly result in their loss and that, even were the horse chestnut to survive, its proximity to the proposed classroom windows was such that it would result in shading conflicts and was likely to come under pressure for removal in any case. A further request was made for a tree survey.
- 5.4 Discussions took place at the meeting regarding potential alternative schemes. Suggestions included relocating the internal staircase to provide more useable hall space at ground floor level and classroom space above, and providing a 'wrap-around' side/rear extension which would move the massing of the extension away from neighbouring properties and from the TPO trees.
- 5.5 Following the deferral of the application from the Plans Panel meeting in November, a further meeting was held, attended by the applicants and their architect, at which various options for an alternative design for the proposed extension were discussed. Revised plans have now been received showing a wrap around extension which has been reduced in size and height and moved away from the boundary with the neighbouring residential property on Harehills Lane to the east. A landscaping scheme, showing the retention of the TPO lime and sycamore trees to the south and south east of the proposed extension, and additional planting to compensate for the loss of the TPO horse chestnut tree in the corner of the site, has also been received.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was publicised by site notice. When it came to light that temporary permission for the use of the building as a school had expired in 2003 the application was readvertised with a revised description. Following receipt of the most recent set of revised plans, the application has been readvertised, and the occupier of the neighbouring property renotified, as requested by Panel Members.

- 6.2 Councillor Rafique has advised that the development does not have many neighbouring properties and that there are very few objections to the applications, and that while the concerns raised by neighbours need to be looked into, he strongly feels that the educational and recreational needs of the young people attending the school far outweigh some of the other concerns put forward.
- 6.3 A letter of support was received from Chapel Allerton Ward Members shortly before the Plans Panel meeting in November. The Ward Members (Councillors Dowson, Rafique and Taylor) have been renotified following receipt of the most recent set of revised plans. All 3 Ward Members have now confirmed that as the majority of issues have been resolved, they are happy for the application to proceed with a recommendation of approval.
- 6.3 7 letters of objection were received from the residents of the neighbouring property, 2 Harehills Lane, to the east of the site prior to the Panel meeting in November, raising the following concerns:
- No details supplied regarding existing and proposed pupil numbers. *This information has since been provided.*
 - Size of extension will spoil the look of the surrounding area.
 - Loss of light.
 - Building too large for the site.
 - Extension too close to neighbouring property and at a higher ground level.
 - Overdominant extension, existing building already dominates views from neighbouring garden and obscures sunlight. Extension of building along the whole length of rear garden will block out all light.
 - Overlooking from proposed extension.
 - Noise from use of existing building as a school – school bells ring even at weekends, groups use the building on an evening resulting in noise from people talking outside, car engines, doors banging, bin collections early in the morning before 7am.
 - Car parking so close to neighbouring dwelling will cause noise and disturbance for neighbouring residents.
 - Noise during construction.
 - Proposed extension would block access to rear of school for emergency vehicles.
 - Impact of building works on stability of retaining wall between school and neighbouring dwelling.
 - Objection to building being used as a school.
 - Application form states that neighbour and community consultation has taken place. This is not true, as nearest neighbours of the site have not been informed.
 - Opening hours on application forms are incorrect, building is used 7 days a week by various groups.
 - Existing temporary classrooms do not have permission, will they be removed?
 - School has become too big for the site, can alternative sites be considered?
 - Rubbish left within the site – problems with rats.
 - Damage to boundary fence from fires within application site and cars driving into fence.
 - Trees not cut back – overhang neighbouring property – loss of sunlight and leaves fall into garden in autumn.
 - Reduction in property value.
 - Complaints regarding accumulation of rubbish,. Damage to fence and overhanging trees have been raised with the school, but nothing has been done.

- 6.4 Further comments have been received from the occupiers of the neighbouring property in response to the revised plans. The following concerns are raised:
- Altering the height, width and depth by such a small amount does not change the loss of light, privacy and property value, which is still unacceptable.
 - The school have stated that they use the area to the rear of the site for outdoor play, however in recent weeks children have been playing in the area between the building and the adjacent property. Noise concerns.
 - The TPO which was important in the previous recommended reason for refusal will have to be broken if this application is accepted.
 - Additional pupil numbers are proposed, but toilet provision has not been increased accordingly. Why are they sited so far away from the classrooms, making it difficult for disabled pupils. Is the drainage system sufficient to cope with any additional toilet facilities?
 - Emergency services will be unable to access the rear of the site.
 - Plans don't specify what the ground floor of the extension is to be used for. Would this not be a better space to house classrooms?
 - Concerns that large ground floor hall could be used as a prayer or community hall or that building will be used as a religious or community centre – concerns regarding use of the building outside of school hours by other groups in terms of noise and traffic.
 - Classrooms could be accommodated at ground floor in a single storey extension to the rear, or by adding a first floor to the existing single storey rear extension. This would have a much lower impact on neighbours.
 - The objector advises that the local MP has indicated that the school may have outgrown the site, and has offered to help them find a more suitable site, and that the headteacher has agreed that this is not the best site for her school. The proposed extension is only likely to be a temporary solution before they outgrow the site and have to find other premises. Neighbours will then be left with the consequences.
 - Why are the Council agreeing that this unsuitable site should be retained as a school when there are other empty schools in Leeds which could be used?
 - Existing plans show 3 halls within the building, together with a general office and staff room, yet the school have a need for further classrooms. Cllr Rafique advises that the educational and recreational needs of the pupils outweigh any objections, but if so why are all of the classrooms on the first floor, with no consideration given to pupils with disabilities?
 - Those making the decision would not wish to have this next door to their properties.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Highways

Additional information regarding pupil numbers and existing and proposed floorspace was requested. Following receipt of this information, no objections are raised.

7.3 Mains drainage

No objections, subject to conditions.

7.4 Access officer

No objections.

7.5 Contaminated Land
No objections, subject to conditions.

7.6 Environmental Health
No objection in principle, but concerns are raised that, if granted, the premises could be used more intensively not only for educational purposes but for meetings/social functions in the evenings. Conditions are recommended with regard to use of the buildings, location of bin storage, acoustic fencing adjacent to the parking area, location of external play areas and hours of delivery, to protect the amenities of the occupiers of neighbouring residential properties.

8.0 **PLANNING POLICIES:**

Development Plan
8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The site is designated as Urban Green Corridor in the UDP. The following policies are relevant to the consideration of the application:

GP5 – General planning considerations.
BD6 – Extensions and alterations to existing buildings.
LD1 – Landscape and retention of trees.
T2 – Highway safety.
T24 – Parking requirements.
N8 – Urban Green Corridors.

National Policy and Guidance
8.3 Planning Policy Statement 1: Delivering Sustainable Development.

9.0 **MAIN ISSUES**

1. Principle of development.
2. Visual amenity.
3. Residential amenity.
4. Highways
5. Landscaping and TPO trees.
6. Other issues.

10.0 **APPRAISAL**

Principle of retaining use of building as a school
10.1 Prior to the permission in 2000 for the change of use to an 'educational facility', the building's former lawful use was as an industrial training unit with workshops and offices. The use of the building for educational purposes is therefore well established. Both a neighbouring resident and the Environmental Health Officer (EHO) have raised concerns regarding the way the building is used outside of school hours and the potential for noise associated with this. However the EHO has

raised no objections to the continuing use of the school in principle, subject to conditions which would seek to minimise noise and disturbance for neighbouring residents. On this basis and subject to such conditions, it is not therefore considered that refusal of the ongoing use of the building as a school could be justified.

- 10.2 There are a number of existing temporary classrooms at the site. These were only approved for a temporary period, as their retention on a permanent basis was considered to be detrimental to the character of the area. A permanent extension to the school to replace these classrooms is considered acceptable in principle, however it is important that any such extension would not detract from the character of the host building and the streetscene, the amenities of neighbouring residents, the health of trees within and around the site, and highway safety.

Visual amenity

- 10.3 Policy BD6 of the UDP states that extensions to existing buildings should reflect the scale, form, detailing and materials of the existing building. Since the application was considered by Members in November, the scale of the proposed extension has been considerably reduced in terms of its height, depth and set-back from the front of the building, and its design has been revised such that the extension would now 'wrap around' the corner of the building, thereby further reducing its width and projection. It is considered on balance that the revisions reduce the dominance of the proposed extension and give it a more subordinate appearance, retaining the host building as the predominant feature, and are sufficient to overcome previous concerns regarding the visual impact of the extension.

- 10.4 The new staircase which was previously proposed within the extension has now been relocated into a separate 'stair tower' on the rear elevation, thereby freeing up floorspace within the extension itself and allowing for a more efficient use of the space within the extension. The proposed stair tower has been designed as a gable feature to the rear of the extension, with a feature window of a similar design to that in the rear elevation of the existing building. It is proposed to construct the extension of materials to match those in the existing building, including timber windows, and it is considered, subject to conditions requiring materials to be submitted and approved in writing prior to the commencement of development, that the proposals would not detract from the existing building or from the character and appearance of the surrounding area.

Residential amenity

- 10.5 Concerns have been raised by a neighbouring resident to the east of the site that the proposed extension would overshadow their property and appear overbearing. The neighbouring properties to the east of the site are located at a considerably lower level than the application site, and concerns had previously been raised that the depth and height of the proposed extension, in combination with this difference in levels, would lead to overshadowing of the neighbour's garden and give the development an overbearing and overdominant appearance when viewed from neighbouring properties.
- 10.6 Since the application's deferral from Plans Panel in November the width of the proposed extension has been reduced by 2 metres, and it has been pulled back from the front of the existing building, and thus from the neighbouring property's boundary, by a further metre. While the proposed extension would still form a prominent feature when viewed from the rear garden of the neighbouring property, it is considered that the reduction in its depth, together with the additional set back from the neighbour's boundary, are such that the extension would largely be screened from view by the existing building when viewed from the rear windows of

the neighbouring property. It is also considered that the setting back of the extension and its reduction in height would be sufficient to overcome previous concerns regarding overshadowing. On balance therefore it is not considered that refusal of the application on these grounds could be justified.

- 10.7 Concerns have been raised by a neighbouring resident regarding noise and litter from the existing school, and the extent of the outdoor play area and proximity to their property. The EHO has suggested that conditions relating to bin storage and hours of collection, hours of use of the building and the provision of acoustic fencing between the car parking area and the neighbouring property could be attached if permission were to be granted, and has advised that they have no objections subject to these conditions. A further condition requiring the laying out of the parking area to the east of the building and forbidding use of this area, between the building and the neighbouring property, for outdoor play, is also recommended in the interests of minimising noise and disturbance for neighbouring residents. On this basis, it is not considered that refusal of the application on these grounds could be justified.

Highways

- 10.8 In view of the size of the proposed extension and the fact that this would replace existing temporary classrooms, the number of pupils and the parking provision proposed, the highways officer has advised that there are no objections to the proposals. It is therefore not considered that the proposed extension would not be detrimental to highway safety.
- 10.9 The concerns of the neighbour that emergency vehicles would be unable to access the rear of the site are noted. The highways officer has raised no objections in this respect. Matters of fire safety and escape routes would be covered by the Building Regulations.

Landscaping and TPO trees

- 10.10 Policy LD1 of the UDP states that sufficient space should be allowed around new structures to 'enable existing trees to be retained in a healthy condition and both existing and new trees to grow to maturity without significant adverse effect on the amenity or structural stability of the buildings'.
- 10.11 The existing building is already located within the root protection area of the TPO horse chestnut tree close to the site's southern boundary, and concerns have been raised previously regarding the lack of information regarding the likely impact on these trees and whether any replacement landscaping could be accommodated within the site.
- 10.12 Following discussions with the landscape officer, it has been concluded that the existing horse chestnut tree in the corner of the site, which is part of the TPO, is still likely to conflict with the proposed extension in terms of its proximity to windows and that, even if the roots are not damaged during construction, it is likely to overshadow the extension and come under pressure for significant pruning or removal in the future. A landscaping scheme has now been submitted, showing the horse chestnut removed but other TPO trees retained and additional tree planting proposed along the boundary to soften the appearance of the proposed extension and provide some compensation for the loss of the large horse chestnut tree. While the loss of the TPO horse chestnut tree is regrettable, it is considered on balance that subject to a condition requiring the submitted landscaping scheme to be implemented, refusal of the application on these grounds could not be justified.

Other issues

- 10.13 The neighbour's concerns regarding drainage are noted. The drainage officer has been consulted and has raised no objections to the proposals, subject to conditions. The application is therefore considered acceptable in this respect.
- 10.14 The neighbour has raised concerns that the extension and school building could be used by outside groups for other purposes, such as a religious or community centre, and raised concerns regarding the likely noise and traffic implications of such a use. The application is for use of the building as a school only, and the proposals have been considered on this basis. However, it is noted that schools are a D1 use and that, if approved, the use of the building could be changed without planning permission to other uses within the D1 use class. As the parking and access requirements of other uses within this use class, such as a health centre, place of worship or museum are likely to be greater than those associated with a school, it is considered reasonable to restrict the use of the building in this instance to that which has been applied for, giving the local planning authority control over any future changes of use, to allow the likely highways and parking implications of such uses to be fully considered. A condition to this effect is therefore recommended.
- 10.15 Concerns have been raised by a neighbour of the site regarding damage to his boundary fence caused by fires within the school grounds and cars driving into it. These are civil matters and as such can be given little weight in the consideration of this application.
- 10.16 Alternative suggestions for the siting of the extension have been put forward by the neighbour of the site. Throughout the course of this application various options, including those suggested by the neighbour, have been suggested to the applicants, some of which have been discounted for various reasons. While it is noted that there may be alternative sites for an extension which would be preferable to the neighbour, the proposals must be considered on the basis of the plans submitted, and it is considered on balance, and in the light of the considerations detailed above, that the revised proposals are now acceptable, and that refusal of the application could not be justified.
- 10.17 Concerns relating to the impact of the development on property values are not material planning considerations and therefore have been given little weight in the consideration of this application.

11.0 CONCLUSION

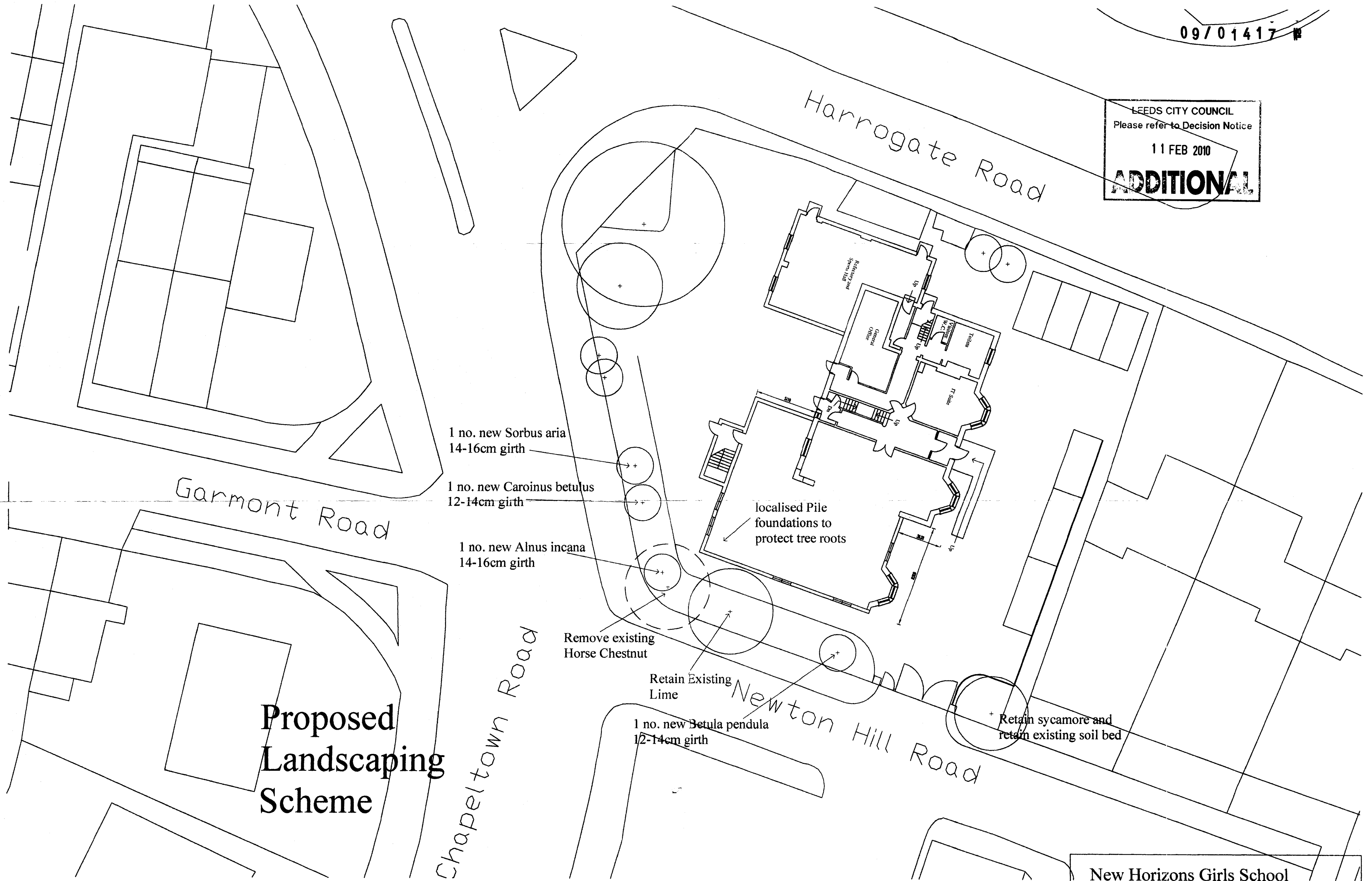
- 11.1 On balance it is considered that the revisions to the scale and design of the proposed extension are sufficient to overcome previous concerns regarding the impact of the proposals on the host building, the character and appearance of the area, and the amenities of neighbouring residents. While the loss of the TPO horse chestnut tree in the corner of the site is regrettable, a landscaping scheme for replacement tree planting to compensate for this loss and provide softening of the building's appearance has been submitted and it is considered that refusal of the application on these grounds could not therefore be justified. Subject to appropriate conditions as discussed above, it is therefore recommended that the application be approved.

Background Papers:

Application file 09/01417/FU

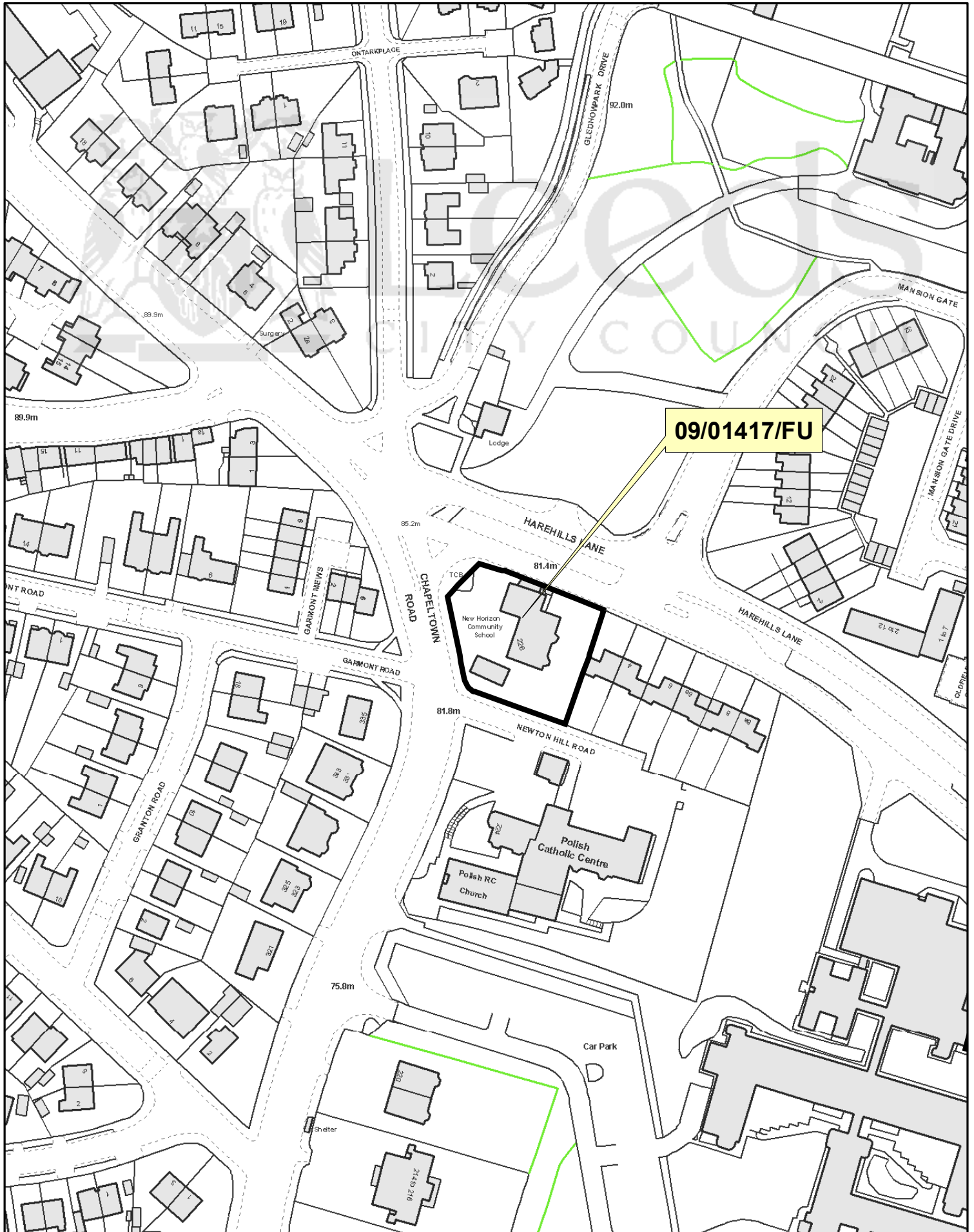
Certificate of Ownership: Signed by applicant

LEEDS CITY COUNCIL
Please refer to Decision Notice
11 FEB 2010
ADDITIONAL



**Proposed
Landscaping
Scheme**

New Horizons Girls School
Newton Hill Road, Leeds, LS7
New extension to replace temporary
classrooms
Feb 2010



EAST PLANS PANEL



Scale 1/ 1500

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