



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 5th January 2012

Subject: APPLICATION 11/04226/FU – Demolition of existing school and erect 12 dwelling houses at the former Methley Infants School, Little Church Lane, Methley, Leeds LS26 9EF

APPLICANT

Linden Homes North

DATE VALID

06/10/2011

TARGET DATE

05/01/2011

Electoral Wards Affected:

Kippax & Methley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Approve in principle and defer and refer the application to the Department of Communities and Local Government as a departure from policy in relation to a Council owned site and delegate approval to the Chief Planning Officer subject to the specified conditions and Unilateral Agreement to secure a Green Space contribution of £33,689 should the Secretary of State decide not to call in the application for determination.

Suggested conditions:

1. Time limit
2. Plans as approved
3. Samples of materials to be approved
4. Use of local materials
5. Details of boundary treatments (including retention of stone wall)
6. Hours of construction and demolition
7. Construction management plan (including contractor parking, hours of working etc.)
8. Provision of sightlines to south of proposed junction with Little Church Lane
9. Removal of Permitted Development Rights
10. Minimum driveway lengths

11. All areas to be used by vehicles to be hard surfaced and drained prior to occupation
12. Details of measures to prevent mud on highway
13. Development in accordance with submitted Method Statement in Bat Survey
14. Submission and implementation of Landscape scheme to be agreed (including details of hardstanding materials)
15. Arboricultural Method Statement
16. Protection of existing trees/hedges
17. Provision for replacement trees/hedges
18. Landscape Management Plan
19. Pre-commencement meeting to check tree protection measures in place
20. Archaeological evaluation prior to demolition and commencement of development
21. No building over or within 3m of water mains or sewers
22. Separate systems of drainage foul and surface water
23. Surface water scheme/implementation
24. No piped discharges until completion of surface water works
25. Porous surfacing used where practicable
26. Development carried out in accordance with FRA
27. Contaminated land information
28. Remediation Verification reports
29. Unexpected contamination to be reported to LPA
30. Development implemented in accordance with recommendations contained in Noise Report

Reasons for approval: The principle of development is considered to be acceptable, as very special circumstances have been demonstrated to justify the inappropriateness of the residential development in the Green Belt. It is also considered that the proposal will enhance the character and appearance of the Methley Churchside Conservation Area and will not harm the character and appearance of the landscape. Having regard to all other material considerations, including residential amenity, landscaping, nature conservation, archaeology, drainage and highway safety the application is considered to comply with policies GP5, GP7, GP11, GP12, BC7, BD5, H4, LD1, N2, N4, N6, N12, N13, N18A, N18B, N19, N20, N25, N26, N32, N33, N37, N51, ARC6, T2 and T24 of the UDP (Review 2006), and relevant supplementary and national planning policy guidance. As such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel East, as the application constitutes a departure from Green Belt policy and due to the various designations of the application site, including Green Belt, Conservation Area, Special Landscape Area and protected playing pitch.

2.0 PROPOSAL:

- 2.1 The proposal seeks permission for the demolition of the existing school building and the erection of 12 dwelling houses. The houses will be two storey in height, and will consist of detached and semi-detached, 3, 4 and 5 bedroom properties. The properties fronting onto Little Church Lane will be of brick construction to match the existing terraces along the same road. The houses along the southern section will be constructed in stone, to reflect the stone built properties at Churchside and the properties in the northern section will be rendered in appearance.
- 2.2 The layout of the proposed development forms a courtyard style arrangement when entering the site from the main access point off Little Church Lane, which will serve

11 out of the 12 properties. The site will also have a second minor access point off Little Church Lane, which currently provides access to the electricity substation, and will also provide access to the property at plot 1. All of the properties have off-street parking provision, with the five bedroom properties and the majority of the four bedroom properties, all having a double drive and garage. The overall footprint of the dwelling houses will equate to just under that of the school, at approximately 1490 sqm with proposed hard standing areas equating to approximately 1900 sqm. The housing development will be orientated towards the front of the site, with retention of the open space to the rear as a grassland meadow. The proposal also retains the majority of the protected, mature trees which are present throughout the site and the existing stone wall which extends along the boundary with the A639 Churchside/Barnsdale Road.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of the former Methley Infants School site, which is a relatively large site in the area, of approximately 1.7ha. The existing school building is a part two storey, part single storey, red brick built building, which is sited well back from Little Church Lane, the complex is interspersed with associated areas of hard standing, including a large playground to the rear of the building. The footprint of the school buildings comprises of approximately 1495 sqm with approximately 3500 sqm of hardstanding. The school also features a large chimney over 14m in height. An existing vehicular access is situated off Little Church Lane.
- 3.2 The site is situated in the predominantly residential, Methley Churchside Conservation Area, at the end of Little Church Lane at the junction with Church Side (A639). Methley Churchside Conservation Area is characterised by a variety of building types and architecture ranging from the 17th, 18th and 19th Centuries, including brick built terrace houses along Little Church Lane, modern houses at The Cedars to the north of the site, and older traditional stone buildings at Churchside.
- 3.3 The village bowling green and cricket pitch are situated on the opposite side of Little Church Lane, to the west of the site, with the old Police House (now in residential use) adjacent to the north-west corner. A modern housing development, The Orchards, extends beyond the northern boundary and the Cedars nursing home is situated to the south of the site. The railway embankment and track provides a natural enclosure to the eastern, rear boundary of the site.
- 3.4 The site as well as being situated within the Methley Churchside Conservation Area, is also designated Green Belt and Special Landscape Area. The topography of the site is relatively level throughout, except for the railway embankment along the rear boundary. The site features many protected, mature trees, particularly within the existing open space along the rear and southern areas of the site. The existing trees and landscaping provide substantial screening to the site, and due to the difference in levels between the site and Churchside, whereby the site occupies a lower ground level to the adjacent road, the main building is barely visible from this aspect.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/04225/CA – Conservation Area application for the demolition of the former school, pending decision.
22/245/98/FU – single storey rear extension to school approved 01/02/99.
H22/246/77 – 14.63m high chimney to boiler plant of school, approved 01/08/77.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 The application was initially advertised by site notices dated the 21/10/11. The publicity period expired on 11/11/2011.
- 5.2 Three letters of representation were received from neighbouring properties which about the site, expressing the following points/concerns:
- The whole plan is good and will enhance the area, except for plot 10.
 - The proposal erodes the green space adjacent to 45 Little Church Lane and to the rear of The Orchards.
 - No objection in principle, but plots 9 & 10 should be re-sited next to plot 12.
 - Development is outside of existing footprint.
 - May improve the visual impact on part of the site but this should not mean that green belt land should be destroyed.
 - Have been misled by Council representatives who assured them that development would be restricted to the footprint of the existing school.
 - Loss of 2 blossom trees to the rear of no.45 which currently provide screening of the site.
- 5.3 A targeted re-consultation to the neighbouring properties (including the 3 which originally commented on the proposal), was undertaken by letter in recognition of some minor amendments made to the scheme. The consultation period expires on 19/12/11 and to date no further comments have been received.
- 5.4 Any material planning considerations are addressed within the Appraisal section of the report.

6.0 HISTORY OF NEGOTIATIONS:

- 6.1 The applicant entered into pre-application discussions with officers and Ward Members from March 2011. The earlier draft layouts raised a number of concerns including the potential impact on the properties at The Orchards, and the overall spread of development. As such, the total number of houses was reduced from 14 down to 12 and the scheme revised to re-orientate the buildings further away from The Orchards.
- 6.2 Further to several discussions and meetings involving officers from Highways, Conservation and Landscaping, a final draft layout was arrived at, which was largely considered to be acceptable (albeit on the premise that the applicant would be required to demonstrate very special circumstances to justify the inappropriate development in the Green Belt). As part of the pre-application discussions, Ward Members were also approached regarding the best method of public consultation, prior to submission of a full application. As a result, a public consultation evening was arranged by the applicant on 21 September 2011 at the Methley Cricket Club, which itself had been advertised in the local press, in writing to local, nearby residents and with posters locally.
- 6.3 In excess of 80 people attended the consultation evening, with 10 comments sheets completed as a result. The comments included the following:
- The proposal was impressive and well thought out and would fit in well with the character of the village and conservation area.

- Plot 10 is too close to no.45 Little Church Lane (the Old Police House) and nos.2-4 The Orchards and is on the existing green field playing area.
- Concerns about the impact of traffic along Little Church Lane, particularly during construction and at the junction with Church Lane.
- Concerns regarding the open space to the rear of the site, that it would not be public open space as they were led to believe. Also that this open space would be vulnerable to fly tipping and unauthorised access, including by travellers.
- Felling of two trees which currently screen the site from The Orchards.
- The proposed new frontage to Little Church Lane would not work well.
- Affordable housing needed.
- Impact of drainage into the existing sewers.
- Development is not confined to the footprint of the school and will thus impact on the Green Belt.
- Check the Church of England Covenant on the land.
- Only benefits the rugby club not the whole community.

- 6.4 In response to the comments expressed at the consultation evening, the applicants submitted detailed supporting documents with the current planning application, to cover the issues raised.
- 6.5 Further to this public consultation exercise, a full planning application was submitted on the 6 October 2011.
- 6.6 During the course of the formal application, the layout has also been slightly amended in order to provide an improved relationship with the properties at The Orchards.

7.0 CONSULTATION RESPONSES:

7.1 Statutory

Sport England – no objections, subject to S106 contribution towards new changing rooms at Methley Church Lane playing fields.

Environment Agency – no objections, subject to drainage conditions relating to surface water drainage and an assessment of the hydrological and hydro-geological context of the development.

7.2 Non-statutory

Highways – no objections as the scheme raises no specific road safety concerns, subject to demonstration of required sightline to the south of the proposed junction with Little Church Lane and confirmation regarding driveway lengths.

West Yorkshire Archaeology Advisory Service – the site lies in the middle of an extensive cropmark landscape. As such, a detailed evaluation of the site is required prior to demolition or development, to demonstrate the full archaeological implications of the development. To be dealt with by pre-commencement conditions.

West Yorkshire Ecology – submitted bat survey considered to be acceptable. Natural England licence required for demolition. Support for the open space provision which has the potential in time to become a UK Biodiversity Action Plan Priority habitat.

Yorkshire Water – no objections, subject to standard conditions.
Network Rail – no objections, demolition method statement should be agreed with their Asset Protection Engineer Team.

Flood Risk Management – No objections further to receipt of indicative drainage layout to demonstrate on-site storage areas.

Land Contamination – no objections, subject to standard conditions.

Neighbourhoods & Housing – no objections, provided that the recommendations of the submitted noise report are implemented to ensure compliance with noise criteria.

Public Rights of Way – no objections, as the PRW is not affected by the demolition or erection of the houses.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. 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 including housing.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008)

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.3 Leeds Unitary Development Plan (Review):

The site is designated as Green Belt, Special Landscape Area and in part, Protected Playing Pitch. The site is also situated in the Methley Churchside Conservation Area. The following policies are therefore relevant to the determination of this application:

H4 – residential development on sites not identified for that purpose

GP5 – seeks to resolve detailed planning considerations including design, access and amenity.

GP7 – Planning obligations

GP11 – Sustainable Design Principles

GP12 – Sustainability Assessment

BD5 – all new buildings should respect their amenity and that of their surroundings.

BC7 – Development in Conservation Areas will normally be required to be in traditional local materials.

T2 – Highway safety.
 T24 – parking guidelines
 LD1 – Landscaping schemes
 N2 – Greenspace hierarchy
 N4 – Greenspace provision
 N6 – Protected playing pitch
 N12 – Urban Design Principles
 N13 – High quality design
 N18A – Presumption against demolition of building which makes positive contribution to Conservation Area.
 N18B – No consent for demolition in Conservation Areas until detailed plans for redevelopment of the site have been approved.
 N19 – New buildings or extensions within or adjacent to a Conservation Area should preserve or enhance the character and appearance of the area
 N20 – Demolition or removal of other features which contribute to the character of the Conservation Area and are subject to planning control, such as trees, boundary walls and railings, will be resisted.
 N25 – Boundary treatments
 N26 – Requirement for landscape scheme
 N32 – Green Belt Designation
 N33 – Development in the Green Belt
 N37 – Special Landscape Area
 N51 – Nature conservation
 ARC6 – Archaeological recording

Supplementary Planning Guidance:

- 8.4 Leeds City Council Street Design Guide
 Neighbourhoods for Living: A Guide for residential development in Leeds
 SPG 25: Greening the Built Edge
 Methley Churchside Conservation Area Appraisal & Management Plan

National planning policy guidance documents:

- 8.5 Planning Policy Statement 1: Planning for Sustainable Development
 Planning Policy Guidance: 2 Green Belts
 Planning Policy Statement 3: Housing
 Planning Policy Statement 4: Planning for Sustainable Economic Growth
 Planning Policy Statement 5: Planning for the Historic Environment
 Planning Policy Statement 9: Biodiversity & Geological Conservation
 Planning Policy Guidance 13: Transport
 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

9.0 MAIN ISSUES

- Principle of development
- Impact on Green Belt
- Impact on Conservation Area
- Special Landscape Area
- Protected Playing Pitch
- Impact on residential amenity
- Highways
- Landscaping
- Nature Conservation

- Archaeology
- Other issues
- Conclusion

10.0 APPRAISAL

Principle of development

- 10.1 The proposed site, being that of a former school with associated areas of hard standing and playgrounds, is considered to be previously developed, brownfield land, which would otherwise be acceptable in principle for residential development, in accordance with PPS 3 and housing policy contained in the Unitary Development Plan (Review) (UDPR). The site is close to a limited range of local amenities/facilities and as such is considered to be in a relatively sustainable location. However, the site is subject to a number of other designations, including Green Belt, Special Landscape Area, Conservation Area and Protected Playing Pitch. As such, the acceptability of residential development of the site, is subject to compliance with the relevant policies relating to the various designations, as discussed below.

Impact on Green Belt

- 10.2 The application site is situated in the Green Belt, as designated under policy N32 of the UDPR. Local and national Green Belt policy, namely Policy N33 of the UDPR and Planning Policy Guidance 2: Green Belts (PPG2), clearly specify the types of development that are acceptable, in principle, in the Green Belt. Any other forms of development are considered to be inappropriate development in the Green Belt, including new build residential development, unless it is for a replacement dwelling, an agricultural workers dwelling or constitutes limited infill development. Green Belt policy is based on a presumption against inappropriate development, unless very special circumstances are demonstrated to justify the harm that it is caused.
- 10.3 PPG2 (paragraph 3.2) confirms that:
- “Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of the inappropriateness, and any other harm, is clearly outweighed by other considerations.”
- 10.4 In this case, as there is already an existing building and areas of hard standing on the site, the most appropriate form of development (with the exception of demolishing the school and letting the site regenerate) in the Green Belt, would be for the re-use of the existing building, as this would not prejudice the openness of the Green Belt beyond the existing situation. Since closure of the school in 2005, after the site was declared surplus to education requirements, the City Council has pursued re-use of the school building through the marketing of the site on three occasions in 2006, 2009 and 2011, both on the open market and at auction. However, no interest was generated in the re-use of the existing building.
- 10.5 In light of the above, the latest marketing in 2011, emphasised all of the constraints and challenges to redevelopment of the site, and that any inappropriate forms of development would have to be justified by very special circumstances, through the planning process. It was indicated that any new build development would be

unlikely to be justified over and above the footprint of the existing building, based on the same criteria used for redevelopment of major sites in the Green Belt (PPG2 Annex C).

- 10.6 In responding to the above, the applicant has presented a case of very special circumstances in its supporting Statement, which accompanies the current planning application. The applicant's very special circumstances are advanced on the basis that the development will remove a building of utilitarian appearance which does not make a positive contribution to the Conservation Area, as confirmed by the Council's own Conservation Area Appraisal and Management Plan. The case goes on to state that the building will be replaced by development which results in a reduction in the built footprint and extent of hardstanding on the site. In addition, that the layout provides a strong vernacular inspired frontage to Little Church Lane and the retention of a very significant area of open space to the north east, east and south of the site. The case concludes by stating that:
- "Individually and cumulatively the outcomes of this approach delivers a very significant enhancement of the character and appearance of the Conservation Area, the visual amenities of the Green Belt and character of the Special Landscape Area, to the benefit of the public interest. Such outcomes are very special circumstances, which demonstrate and evidence compliance with the Secretary of State's advice in PPG2 and UDPR Policy N33."
- 10.7 In addition, to the above, the proposed dwellings being two storey in height, are no higher than the existing building and the development would also result in the removal of the 14m high chimney which is a particular eyesore. The layout, in addressing the grain of development along Little Church Lane for the benefit of the Conservation Area, also serves to keep the proposed built development orientated towards the existing built development, thereby protecting the openness of the Green Belt along the rear of the site.
- 10.8 In assessing the above, it is considered, that the case as presented by the applicant, in particular, the enhancement the development will bring to the Conservation Area (as discussed below in more detail), can constitute very special circumstances that outweigh the harm that would otherwise occur to the Green Belt by reason of the inappropriateness of the new build residential development.
- 10.9 It should be noted, that because the proposed development concerns inappropriate development in excess of 1000 sqm of floorspace in the Green Belt on a Council owned site, should Members approve the proposal in principle, it must then be referred to the Government office who will decide whether to call-in the application for determination or whether to allow the Local Planning Authority to decide.

Impact on Conservation Area

- 10.10 The application site is situated in the Methley Churchside Conservation Area, which is classed as a "Heritage Asset" in national Planning Policy Statement 5. PPS 5 contains a presumption in favour of the conservation of a designated Heritage Asset (policy HE9.1) and seeks to ensure that development does not result in any harm to or loss of significance of the asset.
- 10.11 Assessment of the harm or loss of significance to the Conservation Area in this case, begins with the issue of demolition of the existing building and whether this would result in harm or loss of significance to the Conservation Area. Policy N18A contained in the UDPR, seeks to ensure that the demolition of the existing building

is acceptable, based on whether or not it makes a positive contribution to the Conservation Area. The recently prepared Methley Churchside Conservation Area Appraisal & Management Plan confirms that the existing school site does not respect the character of the Conservation Area and contributes little to it. In addition, it is not identified as a positive building within the Conservation Area. In light of this, it is agreed that demolition of the existing building is acceptable in principle. However, demolition of a building in the Conservation Area is only acceptable if a detailed scheme for redevelopment is also agreed (policy N18B).

- 10.12 In terms of the proposed new build development, policy N19 of the UDPR seeks to ensure that all new buildings within or adjacent to conservation areas should preserve or enhance the character or appearance of the area. The Methley Churchside Conservation Area Appraisal in fact highlights redevelopment of the school site as an opportunity to improve the character and appearance of the Conservation Area, providing the scheme is sustainable, high quality and well designed and responds to its historic context. PPS5 also supports this approach and recognises that Local Authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment (policy HE7.5).
- 10.13 In this case, the applicant has consulted with the Council's Conservation Officer from pre-application stage, to ensure that the submitted scheme, respects the historical character of the Conservation Area in terms of design and layout, including respecting the spatial hierarchy and grain of development along Little Church Lane and achieving high quality, detailed design of the buildings. The proposed layout presents a continuation of the strong frontage of properties which align Little Church Lane, addressing the greenspace of the cricket ground and bowling green, which is a key feature of the Conservation Area. In addition, the detailed design of the dwellings, boundary treatments and materials, provides a link between the different types of properties/architecture which characterise the Conservation Area, including the brick built properties along Little Church Lane and the Stone built properties of Churchside. The scheme also retains important features such as the original stone walling along the southern boundary.
- 10.14 In light of the above, it is considered that the proposed development is a high quality development, which will not result in harm or loss of significance to the Heritage Asset, but will serve to enhance and make a positive contribution to the character and appearance of the Conservation Area.

Special Landscape Area

- 10.15 In accordance with policy N37 of the UDPR, development in Special Landscape Areas will only be acceptable, provided it would not seriously harm the character and appearance of the landscape. The policy goes on to state that the development, in terms of siting, design and materials, must be sympathetic to its setting and, landscaping will be required where necessary. It is considered that in meeting the requirements and interests of the Green Belt and Conservation Area designations, that the development, in turn, meets the requirements of policy N37. It is not considered to seriously harm the character and appearance of the landscape, by concentrating development towards the existing built development and retaining the many protected trees which contribute so much to the character and appearance of the site. In addition, the development is also considered to be sympathetic to its historic setting, and also provides for additional landscaping to strengthen the existing belt of trees and provide a visual buffer to the built development.

Protected Playing Pitch

- 10.16 The area of open greenspace within the application site, is allocated as Protected Playing Pitch in the UDPR. Policy N6 of the UDPR, seeks to protect playing pitches from unacceptable forms of development by ensuring that development of playing pitches will not be permitted unless:
- 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.
- 10.17 In this case, although the site is still shown as protected playing pitch in the UDPR, the provision has already been replaced, since closure of the school, within the Methley area, on the Church Lane Playing Fields in 2010, as agreed with Sport England at the time. As such, it is considered that the replacement of the playing pitches from the application site on to the Church Lane site, in addition to the commuted sum for additional facilities on that site, meets the requirements of policy N6. The development is also considered to comply with national Planning Policy Guidance¹⁷, which seeks to protect playing fields, by ensuring that playing fields that would be lost as a result of development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location.
- 10.18 Further to the previous involvement of Sport England with the playing pitch allocation on the application site, they have also confirmed that this previous replacement of the protected playing pitches from the school onto the Church Lane playing fields, in addition to the commuted sum for Greenspace generated by the proposed development, meets their policy exception test (E4). Therefore, Sport England have no objection to the proposal, subject to the signing of a legal agreement to ensure that the commuted sum for greenspace is paid. They have also indicated that this sum should be paid towards new changing room facilities on the Church Lane Playing Fields site.
- 10.19 In light of the above, the proposed development is considered to be acceptable in accordance with local and national protected playing pitch and playing fields policies.

Design & Impact on visual amenity

- 10.20 The design of the proposed residential development is considered to be a high quality design which is a modern interpretation of a traditional court yard style development. The design pays particular attention to detail, with the incorporation of features and materials which reflect the surrounding historical context of the Conservation Area. These include the use of brick heads and sills, chimney stacks, and prominent gables and coursed stone with stone heads and sills. The scheme also includes variations in height with the main houses and their garages adding interest and variety, which is also characteristic of the area. The properties fronting onto Little Church Lane will be of brick construction to match the existing terraces along the same road. The houses along the southern section will be constructed in stone, to reflect the stone built properties at Churchside and the properties in the northern section will be rendered in appearance. As such, it is considered that the

scheme will provide a link between the different areas of the Conservation Area, and will improve the overall appearance of the site, the streetscene and wider Conservation Area.

Impact on residential amenity

- 10.21 It is considered that the proposed development will not adversely affect neighbouring residents living conditions as a result of overlooking, over shadowing or over dominance, due to the distances the proposed houses are away from the nearest residential properties, which are well in some cases is double the recommended distances contained in guidance (SPG13: Neighbourhoods for Living). Notwithstanding the acceptable distances between the properties, the applicant has submitted revised plans moving the houses at plots 9 & 10, another metre away from the boundary with The Orchards, in response to letters of representation received. This also moves it slightly further across from no.45, improving their outlook. It should be noted that although the presence of plot 10 will impact on the existing views across the site from those adjacent properties (a reported concern in the letter of objection), view is not a material planning consideration and a reasonable outlook would still be maintained due to the generous separation distances achieved.
- 10.22 In the revised layout, the applicant have also ensured that the area of greenspace to the other side of the boundary with nos.4 and 6 is fenced off, to prevent future occupants of no.10 from utilising this space and subsuming it into their property. This also creates an improved protective buffer to those properties than was originally shown which is welcomed.
- 10.23 In addition to the above assessment, it is also considered that a residential use is preferable to a D1 use in terms of potential noise disturbance to neighbouring residential amenity and accordingly the development is not considered to adversely impact on existing residents living conditions.

Highways

- 10.24 In light of the submitted Transport Assessment and the level of proposed off-street parking provision, which is compliant with guidance contained in the UDPR and the Street Design Guide, the proposal raises no specific road safety concerns. It is considered that the relatively small residential development will have less of an impact in terms of traffic generation than the former school use. As such, the proposal is considered to be acceptable on highway grounds, subject to conditions, including the implementation of agreed sight lines to the south of the vehicular access onto Little Church Lane and minimum driveway lengths.

Landscaping

- 10.25 One of the main constraints to development of the site, is the many mature trees which are present throughout the site, which are now subject to a recently administered Tree Protection Order. The Council felt compelled to administer the Order, due to the recent removal of trees along the embankment of the site, by Network Rail, despite the objection of the Council. The proposed layout of the residential development is based on avoidance of the majority of the trees, in particular those which are graded as high quality in the submitted Tree Survey. Although the scheme does involve the removal of a few trees, they are only trees that have been agreed as being of limited value in terms of their quality and species, as agreed with the Council's Landscape Officer. The proposal does also

incorporate replacement tree planting, which will be planted along the railway embankment, largely to compensate for the removal of trees carried out by Network Rail. The landscaping scheme also includes some buffer planting to the side of plot 7 to assimilate the built development into the adjacent green space.

- 10.26 In light of the above, the proposal is considered to be acceptable on landscape grounds, subject to conditions, including for a pre-start meeting with the Council's Landscape Officer to check that the correct tree protection measures are in place prior to demolition or construction.

Nature Conservation

- 10.27 The submitted bat survey identified small numbers of common Pipistrelle bats roosting behind the wooden cladding on the east facing gable wall of the school, which indicates a non-breeding summer roost. There was no evidence to suggest the presence of a maternity roost. Non-breeding roosts used by small numbers of common Pipistrelle bats are considered to have a low conservation status according to Natural England Bat mitigation guidelines. The proposed mitigation involving the use of temporary roosts during construction and the incorporation of new roost features in the new dwellings is considered to be acceptable and in proportion to the type of roosts present on the site, as assessed by the Council's Nature Conservation Officer and West Yorkshire Ecology.
- 10.28 Notwithstanding the above, bats and their roosts are protected under the European Habitats Directive and the City Council has a duty to have regard to the requirements of the Directive when carrying out its functions. The proposed development is considered to be an act that requires derogation from the requirements of the Directive by means of a licence issued by Natural England. As demolition of the school buildings will result in the loss of existing bat roosts a Natural England licence will be required.
- 10.29 The creation of the meadow in the open space along the rear and side of the site is also supported from a nature conservation perspective and has the potential in time, to become an important biodiversity resource for the area.

Archaeology

- 10.30 The application site lies within an area of archaeological significance, in the middle of an extensive cropmark landscape. As such, there is the potential for the proposals to disturb and destroy significant archaeological remains should they be present. On this basis, the developer is required to provide the Planning Authority with an evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. The evaluation will involve excavation of a number of archaeological evaluation trenches prior to the development taking place to establish if further works of investigation are necessary. It is considered that this issue can be adequately dealt with by a pre-commencement condition, such that the evaluation must be carried out and approved, prior to the commencement of development, including demolition.

Drainage

- 10.31 Further to the receipt of an indicative drainage layout, showing an on-site, underground storage tank for surface water attenuation and an additional detention basin for surface water in the open greenspace for extreme flooding events, the proposed development is considered to be acceptable on drainage grounds. This is subject to

standard conditions and implementation of the development in accordance with the submitted Flood Risk Assessment.

Other issues

- 10.32 In response to the suggestion in the letter of representation that plots 9 and 10 should be sited to the other side of plot 8, this would not be supported as it would lead to the loss of protected trees of high quality. The submitted layout is considered to be the most optimal solution, given all of the on-site constraints.

11.0 CONCLUSION

- 11.1 For the above reasons, although the proposed development is a departure from policy, in terms of representing inappropriate development in the Green Belt, it is considered that very special circumstances have been demonstrated which render the proposal acceptable. As such, with consideration to all other planning considerations, including playing pitch policy, design, highways, archaeology, landscaping and amenity, the proposed development is considered to be acceptable and is recommended for approval subject to conditions and the signing of a S106 agreement to secure the off-site greenspace contribution.

Background Papers:

Application file: 11/04226/FU

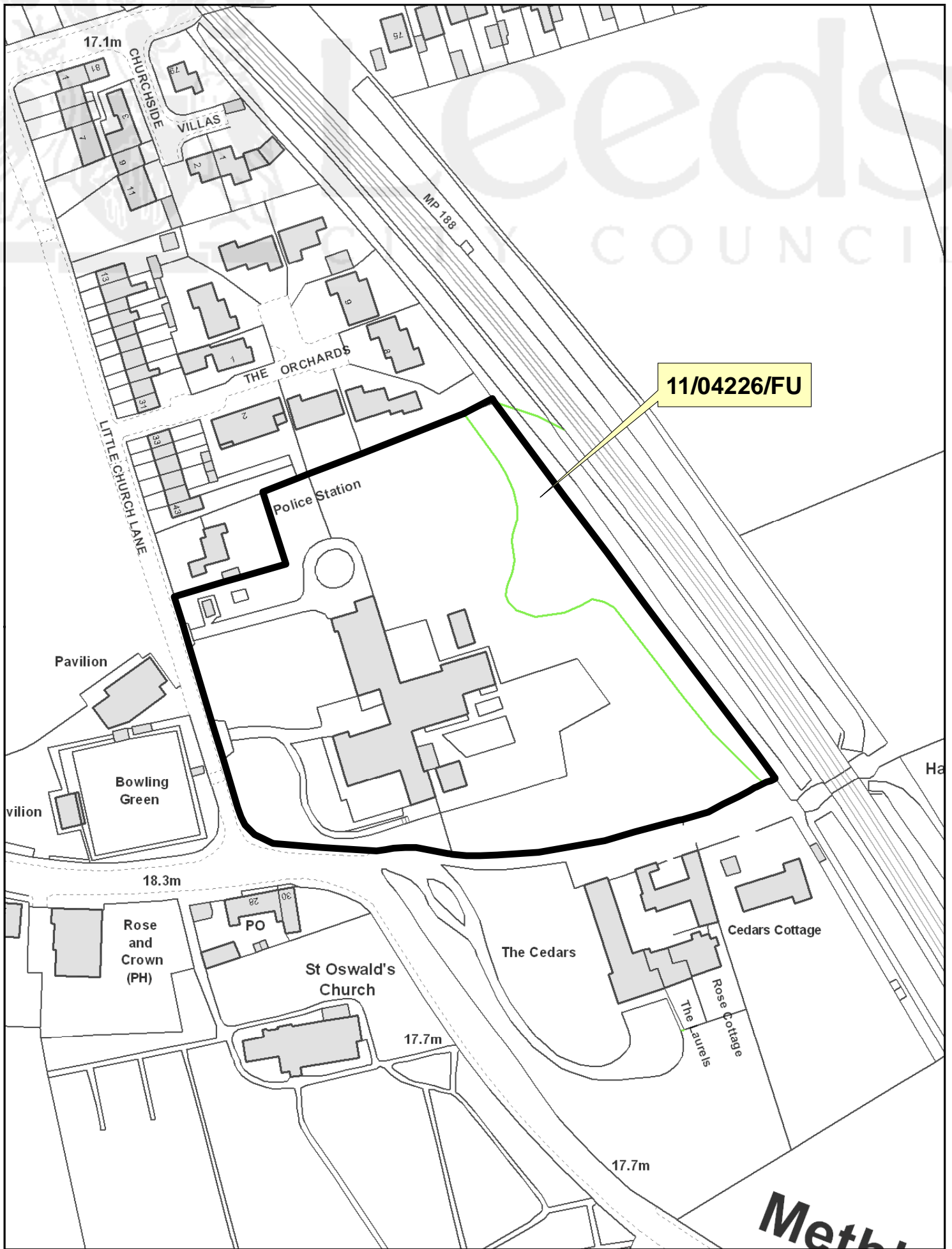
Certificate of Ownership: the applicant Linden Homes North

AX

11/04/2011
John R. Peley Associates
PROPOSAL SK08 | JUNE 2011 | 1-500



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EAST PLANS PANEL

