

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 APPEAL

RULE 6 STATEMENT BY THE LOCAL PLANNING AUTHORITY

APPEAL AGAINST NON DETERMINATION BY THE MORLEY HOUSE TRUST OF THE APPLICATION WITHIN THE SCHEDULE LISTED BELOW

LEEDS GIRLS HIGH SCHOOL, VICTORIA ROAD, HEADINGLEY, LEEDS

APPEAL REF & LPA REF:

- a. **08/04214/OT – Outline application for residential development.
APP/N4710/A/10/2140564/NWF**
- b. **08/04216/FU – Change of use and extension including part demolition of
school building to 32 flats and conversion of stable block to 4 houses.
APP/N4720/A/10/2140572/NWF**
- c. **08/04217/CA – Conservation area application for part demolition of main
school building. APP/N4720/E/10/2140575/NWF**
- d. **08/04219/FU – Change of use including alterations of Rose Court school
building to form 12 flats. APP/N4720/A/10/2140578/NWF**
- e. **08/04220/LI – Listed building application for alterations to listed building
to form 12 flats. APP/N4720/E/10/2140587/NWF**

INTRODUCTION

The local planning authority (LPA) will describe the appeal site, its surroundings and the local highway network. The appeals are against non determination. The reasons for refusal should the Council have determined the applications are set out in the December 14th Panel Paper, along with the following reason which Panel requested. The appeal proposals will be described. The grounds of appeal will be assessed and the following reasons for refusal justified:

a) Application 08/04214/OT (Outline application for new build development) – That the application would have been refused for the following reasons:

1. *The proposed development, due to its scale, layout, density and impact on the character of the site including its open areas, would be harmful to the setting of the listed buildings and the character and appearance of the Headingley Conservation Area. In addition, the submitted plans fail to adequately demonstrate that the development, and in particular the 4/5 storey flats block to the south-west corner of the site and the potential for impact on trees in the vicinity of that block, would preserve or enhance the character of the Conservation Area. The proposal would therefore be contrary to policies N12, N13, N19 and LD1 of the Unitary Development Plan Review 2006, the*

Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set out in PPS1, PPS3 and PPS5.

2. *The proposed development would incur the loss of open playing pitches which currently make a significant visual contribution to the character and appearance of the site within the Conservation Area. The proposal would therefore be contrary to National Guidance PPG 17*

b) Application 08/04216/FU (Change of use and extension including part demolition of school building and stable block to 32 flats and 4 terrace houses in Stable Block) - That the application would have been refused for the following reason

1. *The proposed demolition of that part of the main school building to the east of the retained section of building would result in the loss of part of a building which makes a positive contribution to the character and appearance of the Headingley Conservation Area; and would consequently cause harm to the character of the Conservation Area. In addition, there is no acceptable scheme for the redevelopment of the site and the submitted plans fail to adequately demonstrate that the proposed replacement development would justify the extent of demolition and would therefore adversely affect the character and appearance of the Conservation Area. The proposal would therefore be contrary to policies N12, N13, N19 of the Unitary Development Plan Review 2006, the Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set in PPS1, PPS3 and PPS5*

c) Application 08/04217/CA (Conservation Area Consent for the demolition of rear and side extensions to main school building) - That the application would have been refused for the following reason

1. *The proposed demolition to the east of the retained section of building would cause the unacceptable loss of parts of the building which contribute positively to the character of the Headingley Conservation Area. In addition, there is no approved scheme for redevelopment of the site against which to assess the proposed demolition. The proposed demolition would therefore be contrary to policies N18a and N18b of the Unitary Development Plan Review 2006, the Headingley and Hyde Park Neighbourhood Design Statement and to national planning guidance set out in PPS5*

d) Application 08/04219/FU (Change of use involving alterations of Rose Court to form 12 flats) - That the application would have been approved subject to the specified conditions contained within the report plus an additional condition to ensure the submission of a detailed plan setting out access arrangements which follow the existing hard standing; and parking arrangements to be agreed in writing by the Local Planning Authority

e) Application 08/04220/LI (Listed Building application for alterations of Rose Court to form 12 flats) - That listed building consent would have been granted subject to the specified conditions contained within the submitted report

2. PLANNING POLICIES:

Development Plan

The statutory development plan consists of the adopted Leeds Unitary Development Plan (UDP) Review (2006) and the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008). The site is within the Headingley Conservation Area and part of the site is covered by a UDP Policy N6 designation (Protected Playing Pitches).

Relevant UDPR Policies:

- SA1 Securing the highest environmental quality.
- SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport.
- GP5: General planning considerations.
- GP7: Guides the use of planning obligations.
- GP9: Promotes community involvement during the pre-application stages.
- BD5: Consideration to be given to amenity in design of new buildings.
- H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- H3: Delivery of housing land release.
- H4: Residential development on non-allocated sites.
- H11, H12 and H13 Affordable Housing.
- H15, Area of Housing Mix
- LD1: Criteria for landscape design.
- N2 and N4: Provision of green space in relation to new residential developments
- N3; Priority given to improving greenspace within the priority residential areas identified.
- N6 Protected Playing Pitches.
- N12: Development proposals to respect fundamental priorities for urban design.
- N13: Building design to be of high quality and have regard to the character and appearance of their surroundings.
- N14 to N22: Listed buildings and conservation areas.
- N19, Conservation Area assessment
- N23: Incidental open space around new built development.
- N38B and N39A: set out the requirement for a Flood Risk Assessment.
- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network.
- T15: Improving vehicle accessibility.
- T24: Requires parking provision to reflect detailed guidelines.

National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing;
- PPG13: Transport;
- PPS5: Planning for the Historic Environment;
- PPG17: Planning for Open Space, Sport and Recreation; and
- PPS25: Development and Flood Risk.
- Draft PPS - Planning for a Natural and Healthy Environment.

Supplementary Planning Guidance

- Neighbourhoods for Living.
- Affordable Housing Policy.
- Greenspace relating to New Housing.
- Draft Headingley Neighbourhood Design Statement

3. CONSULTATION RESPONSES

Reference will be made to comments that have been made from both statutory and non-statutory consultees, details of which were provided with the questionnaire.

4. REPRESENTATIONS

Reference will be made to comments made by MP's, Councillors, local amenity groups and residents. Copies of all representations have been provided with the questionnaire.

5. THE CASE FOR THE LOCAL PLANNING AUTHORITY

The planning authority will present a case that assesses all relevant material considerations, attaches relevant weight to those considerations and in doing so justifies the reasons for refusal should the Council have been able to refuse applications a, b & c.

In addition the planning authority will explain the reasons why it was minded to grant planning permission and listed building consent for the conversion of Rose Court to apartments.

It will be demonstrated in the Council's evidence that applications a, b & c would be contrary to the adopted development plan and that no material considerations outweigh the harm caused by the conflicts with policy. The main elements of the Council's case will be as follows.

6.0 Design, density, scale, layout and open space, the character of Headingley Conservation Area and the setting of the listed buildings

- 6.1 The scheme proposes a development of predominantly three storey houses which will occupy substantial areas of the site which are currently open. These buildings will have an impact in particular on views of the site from Victoria Road across to the listed Rose Court building and the main school building, from Headingley Lane across the site to Victoria Road and views from within the site to the wider landscape. The impact of this, taken in conjunction with the substantial areas of car parking and access roads, serves to intrude into and detract from the setting of the listed buildings and the setting of those buildings which make a positive contribution to the character and appearance of the Conservation Area.

The development would thus not satisfy Council UDPR design and Conservation Area policies. It also does not provide the “landscape setting” envisioned by the Headingley and Hyde Park Neighbourhood Design Statement.

Furthermore the siting and scale of the proposed 4/5 storey block to the south-west corner of the site is, due to its scale and siting incongruous, intrusive and overbearing in the street scene.

The Council will assess the impact of the development in relation to the existing trees on site and provide analysis and comment upon the detrimental impact of the development proposals on trees.

7.0 Extent of demolition of building in a Conservation Area

- 7.1 The Council has significant concerns about the extent of demolition of parts of the main school building and in particular the library wing. The Council considers that parts of the building to be demolished demolition have merit and are worthy of retention. There is, in addition, limited information regarding the design of the buildings which would replace the demolished area.

8.0 Rose Court proposal

- 8.1 The Council’s Plans Panel West resolved to grant planning permission and listed building consent for the Rose Court application should the appeal against non determination not have been lodged.

9.0 Loss of playing pitch issue

- 9.1 This issue was discussed in detail during the course of the planning applications prior to the appeal being lodged. The Council will explain the approach taken on this matter and refer to the advice given by Leading Counsel in his opinion that Policy N6 (Playing Pitches) of the UDPR does not provide a robust and defensible basis on which to refuse planning permission notwithstanding the considerable concerns of the community on this matter. The written opinion of Leading Counsel have been made public. The advice is very clear and does not leave sufficient doubt to justify seeking a different legal opinion.

The loss of protected playing pitches in a qualitative or quantitative assessment does not form part of the Council's case. Rather the Council will argue that the loss of the protected playing pitches would be detrimental to the character of this part of the Headingley Conservation Area by reason of impacts on visual amenity.

10.0 REQUIREMENTS FOR SECTION 106 AGREEMENT

10.1 The proposed development hits a number of triggers that are set out in the policies and guidance documents listed above. The following provisions are required to be provided through a s106 agreement;

1. Greenspace provision – the provision of public open space within the site is generally acceptable in terms of size, such that a commuted sum payment for such space is not required. However the public open space has to be suitable and fit for purpose, and the s106 will need to cover issues such as adoption and maintenance issues. In addition a contribution towards Equipped Children's Play is required.
2. Affordable housing (15% all sub-market)
3. Public Transport Infrastructure Contribution.
4. Provision for education facilities.
5. Travel Plan – the s106 needs to cover issues such as implementation of the Travel Plan including its measures and provision for monitoring .
6. Highway improvements deemed necessary.

It is expected that a completed s106 agreement will be in place for consideration by the Inspector by the opening of the Inquiry.

11. CONCLUSION

The appeal proposals are contrary to the development plan and no material considerations exist which outweigh this harm. As such the proposal is not acceptable in planning terms and the Inspector will be respectfully requested to dismiss this appeal.
