

902073127535

FURTHER STATEMENT OF COMMON GROUND

Introduction

1. This further statement of common ground is entered into between the Appellants, Leeds City Council and Mr.Nigel Lees, Principal Landscape Officer with Leeds City Council.
2. This further statement of common ground concerns the effect of the proposed development on Kirkstall Abbey and its setting, the Kirkstall Abbey Conservation Area and the Scheduled Ancient Monument which includes Kirkstall Abbey and its precinct¹.
3. The requirement for this further statement of common ground arises by reason of the oral evidence given by Mr.Nigel Lees in which he stated that his professional view was that the development did not preserve the character and appearance of the Kirkstall Abbey Conservation Area. Mr.Lees evidence in this respect does not accord with the views of the Local Planning Authority on whose behalf he gave his evidence.
4. This further statement of common ground sets out the agreed position of the Appellant, the Local Planning Authority and Mr.Lees in respect of the legal and policy tests which apply to the heritage interests referred to in paragraph 2 above.
5. The parties to this statement of common ground record that as a matter of fact (a) the City Council's conservation officer has not raised any objection to the proposed development, (b) the Local Planning Authority, at the application stage, did not consider that the development gave rise to the statutory duty to consult English Heritage and (c) English Heritage has in any event raised no objection to the proposed development.

¹ A full description of which is give in paragraph A4.2 of the Appendices to the Leeds Unitary Development Plan Review 2006.

902073127535

Impact on the Listed Building and its setting

6. It is common ground between the Appellant, the Local Planning Authority and Mr. Lees that the proposed development will preserve the listed building comprising Kirkstall Abbey.
7. Furthermore, the Appellant, the Local Planning Authority and Mr. Lees consider that that the proposed development will preserve the setting of Kirkstall Abbey.
8. Neither the Local Planning Authority nor Mr. Lees considers that the development is in conflict with any national or development policy concerning the preservation of listed buildings or their setting.

Impact on the Kirkstall Abbey Conservation Area

9. The Local Planning Authority and the Appellant agree that the development will preserve the character and appearance of the Kirkstall Abbey Conservation Area. It is therefore agreed there is no conflict with either national or development plan policies which operate to preserve conservation areas
10. Mr. Lees considers that the development will not preserve the character and appearance of the Kirkstall Abbey Conservation Area. Mr. Lees acknowledges that this represents his view as Principal Landscape Officer and does not accord with the view of the Local Planning Authority. Mr. Lees considers that the extent to which the development fails to preserve the character and appearance of the Conservation Area is limited and does not suggest that this matter of itself gives rise to a reason why planning permission should be refused.

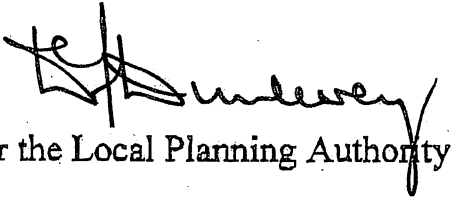
Impact on Scheduled Ancient Monument

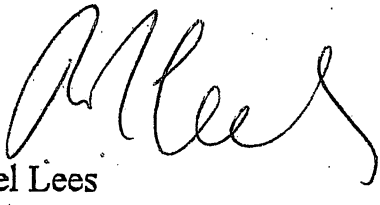
11. It is common ground between the parties to this further statement of common ground that the proposed development will not harm the Scheduled Ancient Monument nor the interests which that designation protects.

902073127535

Signed: 

For Appellant

Signed: 
For the Local Planning Authority

Signed: 
Mr. Nigel Lees