



**Report of the Chief Planning Officer**

**PLANS PANEL SOUTH AND WEST**

**Date: 26<sup>th</sup> October 2023**

**Subject: Planning Application 22/06335/RM**

**Reserved matters (appearance, landscaping, layout, and scale) application for 50 dwellings and 4 apartments to outline permission 21/10203/OT, on land at Owlcotes Road, Pudsey, Leeds.**

**APPLICANT**  
Leeds Federated Housing  
Association and Keyland  
Developments Ltd

**DATE VALID**  
16th September 2022

**TARGET DATE**  
27<sup>th</sup> October 2023

<p><b>Electoral Wards Affected:</b></p> <p>Calverley and Farsley</p> <p><input type="checkbox"/> Yes Ward Members consulted</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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**Appendix A of the report has been designated as exempt from publication under the provisions of the Councils Access to Information Procedure Rule 10.4 (1)**

**RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the specified conditions (or any amendment to the same or others as the Chief Planning Officer seems necessary):**

- 1. Compliance with Approved Plans**
- 2. Access to be completed prior to first occupation of development**
- 3. All vehicular spaces to be laid out**
- 4. Installation of 3m high hoarding along southern boundary with the properties located along Owlcotes Road, prior to commencement of development**

- 1 The application is brought to Plans Panel given the large-scale nature of the development, and the very high level of local interest, at the request of Councillor Andrew Carter, who has stated he considers the application needs to be brought before Members due to design and amenity concerns. These are valid planning reasons for an application to be referred to Plans Panel as set out in the adopted 'Development Management and Enforcement and Member Communications Protocol'.
- 2 Given that the proposal concerns an application within the Member's Ward which they represent and that the Ward Member considers that the development would have a significant effect on the Ward, affecting more than just neighbouring properties. It is considered that one of the exceptions, as set out in the Officer Delegation Scheme, is met and it is appropriate to report the application to Plans Panel for determination.
- 3 Since the application was deferred from the last South and West Plans Panel (28<sup>th</sup> September) the Equality Impact Assessment has been updated to take into account the new information received. As a consequence, further negotiations have resulted in amendments to the scheme. Plots 51-52 being sited a further 2m away from the rear boundary of no 74 Owlcotes Road. The exact relationship with this property is explained in full in paragraph 40 of this report. It is also worth noting that a Panel site visit took place on 28<sup>th</sup> September 2023 where Members viewed the site and surrounding context.

## **PROPOSAL**

- 4 The proposal is determination for Reserved Matters following the granting of Outline planning consent which established the principle of residential development plus means of vehicular access for Outline Planning Permission ref 21/10203/OT. Reserved Matters approval is therefore sought for the appearance, landscaping, layout, and scale of the proposed development. The scheme is to be developed by a Housing Association and will provide 100% affordable housing.

A total of 54 dwellings are proposed comprising the following mix:

<b>Type</b>	<b>Amount</b>	<b>Percentage</b>
1-bed house (58 sq. m)	1	1.9%
2-bed house (70 sq. m)	25	46.3%
2-bed bungalow (80 sq. m)	2	3.7%
3-bed house (86 sq. m)	12	27.7.%
4-bed House (120 sq. m)	10	18.5%
1-bed Apartments (2x 52sqm + 2x 62.3 sq. m)	4	7.4%

- 5 The majority of the development comprises of semi-detached properties (42 units). The four flats are within 2 separate blocks, and there are two blocks of 3 terraced properties (6 units) and 2 detached bungalows.
- 6 The properties are mainly 2 storeys in height (with the exception of the two bungalows). A select few have accommodation within the roof space. There is a centrally located area of green space and a landscaping buffer is also proposed along the northern boundary of the site. The scheme does include the planting of a total of 86 trees, including a number of trees to be planting along the main spine road through the site.
- 7 The application is supported by the following documents
- Design and Access Statement
  - Ecological Impact Assessment
  - Planning Statement
  - Statement of Community Involvement
  - Energy Statement
  - Bio-Diversity calculations

#### **SITE AND SURROUNDINGS:**

- 8 The site consists of an irregular shaped area of green field land, which lies on the northern side of Owlcotes Road. The site is approximately 2.06 hectares in size and is currently vacant except for two telecommunication masts, one to the northern boundary on the southeastern side and one to the south-eastern corner. The site is verdant in nature and is covered with well-maintained short grassland.
- 9 Suburban styled semi-detached properties lie to the west on Hillfoot Crescent, and to the south (in part) fronting Owlcotes Road. The properties on Owlcotes Gardens lie adjacent to part of the eastern boundary of the site. Adjacent to the site, to the north-east lies a Yorkshire Water covered reservoir which is open and verdant in nature, bound by a high metal fence and trees. Access to the reservoir is currently provided from the eastern corner of the application site. The locality is suburban in character with adjacent properties appeared to have been constructed in the 1950/ 60's. To the north of the site lies open green fields, which are designed as an Urban Green Corridor and other Protected Open Land, through saved UDP polices.
- 10 Level changes across the site are minimal. There is a gentle slope down from east to west and a total level difference of approximately 7m. There is an existing access from Owlcotes Road which provides maintenance access to the telecommunication masts and to the reservoir beyond the site to the north. The reservoir adjacent to the site is bound by a metal fence to its perimeter. There is a timber post and rail fence in the southeastern part of the site.

#### **RELEVANT PLANNING HISTORY:**

- 11 Outline planning consent for residential development, up to 77 units with the means of access, was granted on 10<sup>th</sup> September 2021 (Ref/ 21/10203/OT).
- 12 Planning consent was granted on 23rd October 2017, ref (17/02105/OT) for '*Outline application for residential development up to 12 dwellings including access*', for

approximately 1/5 of this application site area. This consent has not been implemented. This consent has now lapsed.

## **HISTORY OF NEGOTIATIONS**

- 13 The layout of the application has been altered since its original submission to address Officer concerns on the spacing, relationship between plots, and dominance/ amount of frontage parking, improved landscaping and tree planting. As a result, a total of 12 units have been omitted from the scheme since its original submission.

## **PUBLIC/LOCAL RESPONSE:**

- 14 The application was originally publicised by 5 site notices which were posted adjacent to the site on 17<sup>th</sup> October 2022. A notice was also placed in the local press on 7<sup>th</sup> October 2022, and letters of notification were sent out to all the contributors to the outline application. To date 17 objections have been received from local residents. The points raised in these objections are highlighted below.

- The scheme lacks quality. Should provide a design appropriate to the locality
- No additional infrastructure to support this development
- Local schools and doctors cannot cope with additional population
- Access is dangerous, highway mitigation is required
- The proposal is totally contrary to the climate change emergency declared by Leeds City Council
- Brownfield land should be developed ahead of greenfield land
- The proposal has a 'low' biodiversity net gain
- Impact on traffic
- Disruption for local residents during the build
- Proposal will endanger kestrels
- A 3m wide landscape buffer to the boundary with the properties located on Owlcotes Road should be included in the plans
- Noise from play area. This is not required, other play areas exist nearby
- A reduced palette of materials, would suit the area better
- Loss of view, privacy and loss of light to gardens of adjacent properties
- A solar glint assessment is required, to ensure glare doesn't affect drivers on Owlcotes Road
- The proposal could encourage anti-social behaviour
- Loss of wildlife and nature
- Traffic calming measures are required on Owlcotes Road
- Concern over possible contaminated as land was previously a quarry
- Local roads cannot cope with additional traffic
- Proposal will have a disproportionate. adverse impact on the health of an adjacent resident who has a protected characteristic

- 15 Ward Members Councillors Amanda and Andrew Carter have objected to the application on the following grounds.

- The site should not have been included for housing
- The existing green space has much local amenity value
- Potential to develop adjacent Green Belt land
- Proposed public space is not adequate

- Dwellings are sited too close to existing dwellings, causing privacy issues
- Off-site highway works are required to mitigate the development

## **CONSULTATION RESPONSES:**

- 16 Contaminated Land  
No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent are still outstanding.
- 17 West Yorkshire Archaeology Advisory Services  
The scheduled monument of Owl Cote deserted medieval village lies 300m to the north of the application site but is not threatened or impacted by the development (National Heritage List for England 1005779 and WYHER MWY1457). There is no requirement for archaeological work
- 18 Environmental Studies  
No objection, the A647 is situated some distance away. No acoustic assessment is required
- 19 Yorkshire Water  
No objections subject to conditions being imposed on the approval which relate to the protection of existing infrastructure, separate systems of drainage and no piped discharge.
- 20 Highways  
No objections subject to conditions.
- 21 Mains Drainage  
No new information has been submitted with this Reserved Matters application. Conditions placed on the outline consent, which restricts water discharge to 3.5 l/s still applies.
- 22 Landscape  
Raised concerns on the size of the buffer to the Green Belt, amount of frontage parking, gradients and surveillance over the area of central green space.
- 23 Nature Conservation  
The proposal although provides a net gain in bio-diversity hedgerow planting, overall the scheme provides a net loss of 4.39 habitat units or a biodiversity net loss of 60.77%.
- 24 Environmental Health  
No objections, construction activities should be covered by planning conditions.
- 25 Design  
No objection to the revised layout and house types.

## **PLANNING POLICIES:**

- 26 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

## Development Plan

The development plan for Leeds currently comprises the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP), the Site Allocation Plan (2019) and the Natural Resources and Waste Local Plan (NRWLP) 2013, and any made Neighbourhood Plan (although there is no made neighbourhood plan for this area).

### Relevant Policies from the Core Strategy are:

SP1	Location of development in main urban areas on previously developed land.
SP6	The Housing Requirement and Allocation of Housing Land
SP7	Distribution of Housing land and Allocations
H2	Housing development on non-allocated sites.
H3	Housing density
H4	Housing mix
H5	Affordable housing
H8	Housing for Independent Living
H9	Minimum Spacing Standards
H10	Accessible Housing Standards
P10	High quality design.
P12	Good landscaping.
T2	Accessibility.
G4	Greenspace
G8	Protection of Important Species and habitats
G9	Biodiversity improvements.
EN1	Climate Change – Carbon Dioxide Reduction
EN2	Sustainable design and construction
EN4	District heating
EN5	Managing flood risk.
EN7	Protection of mineral resources (coal, sand, gravel).
EN8	Electric Vehicle Charging Infrastructure
ID1	Implementation and Delivery Mechanisms

### 27 Relevant Saved Policies from the UDP are:

GP5	General planning considerations
N8	Urban Green Corridor
N11	Other Protected Open Land.
N23	Incidental open space around development.
N24	Landscaping between development and open land
N25	Landscaping and site boundaries
BD5	General amenity issues
LD1	Landscaping

### 28 Relevant NRWLP Policies are:

GENERAL POLICY1	Presumption in favour of sustainable development.
MINERALS3	Surface Coal resources
AIR1	Major development proposals to incorporate low emission measures.
WATER1	Water efficiency, including incorporation of sustainable drainage
WATER4	Effect of proposed development on flood risk.
WATER6	Provision of Flood Risk Assessment.
WATER7	No increase in surface water run-off, incorporate SUDs.
LAND1	Land contamination to be dealt with.
LAND2	Development should conserve trees and introduce new tree planting.

## Supplementary Planning Guidance and Documents

29 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- Neighbourhoods for Living Memoranda to 3<sup>rd</sup> Edition (2015)
- Transport SPD (2023)
- Travel Plans SPD (2023)
- Sustainable Design and Construction SPD: Building for Tomorrow Today
- Accessible Leeds SPD (2016)

#### National Planning Policy Framework

30 The National Planning Policy Framework was updated September in 2023 and sets out the Government’s planning policies for England and how these are expected to be applied. The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

Given the nature of the application, the following paragraphs in the NPPF are considered relevant: -

Paragraph 65	Inclusion of Affordable Housing within new major housing developments
Paragraph 77	Ensure that proposals for new Housing are implemented in a timely manner
Paragraph 111	Seeks to ensure that any proposal has safe access and will not have a severe cumulative impact upon the site and wider area.
Paragraph 130	Relates to high quality developments that respect the distinctive character of a site and wider area. It also stresses the importance of design in creating good living conditions for existing and future occupants.
Paragraph 174	Planning decisions should contribute to and enhance the natural and local environment
Paragraph 180	Biodiversity should be integrated into the design of new developments and gives overall principles to be applied when determining planning applications with regard to biodiversity.

#### 31 National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) offers guidance in addition to the NPPF. The NPPG advises that reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application (i.e. that can be ‘reserved’ for later determination). These reserved matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as:

- ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’ – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’ – the height, width and length of each building proposed within the development in relation to its surroundings.

## 32 The Equality Act 2010

Through the application process, the Local Planning Authority (LPA) have been made aware of some particular circumstances and sensitive issues, where it is necessary to have regard to the Equality Act (2010). The Equality Act 2010, defines discrimination under the law as unfair treatment because of what it terms ‘protected characteristics’.

As a decision maker, LPA’s have a duty under the Equality Act to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations. In particular, the Public Sector Equality Duty states that public body must, in the exercise of its functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In accordance with (2) above, a public body must also have due regard to the need to advance equality of opportunity persons who share a relevant protected characteristic and persons who do not share. This involves having due regard, in particular, to the need to:

1. remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
2. take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
3. encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Based on information received, this application raises matters of Protected Characteristics which must be considered by the Local Authority in its capacity as LPA, in discharging its Public Sector Equality Duty. In taking the information received into account, having regard to the Equality Act 2010 in the assessment of this particular application. Consequently due regard has been given to the impact of the application on a nearby resident who shares a protected characteristic. More detail and assessment is provided in relation to this later in the Report.

## MAIN ISSUES

- Layout
- Layout/ Impact on adjacent Occupiers
- Layout- Highway Arrangement
- Appearance
- Scale
- Climate Change Emergency, Sustainability and Bio-Diversity
- Landscaping
- Public Sector Equality Duty

## APPRAISAL

33 The principle of this development has already been established through the granting of the outline planning permission for up to 77 units, with means of access. The site is allocated through the SAP as a Housing site (ref HG2-67). The appraisal of this application will therefore not re-assess matters granted through the outline consent such as the principle of development, means of access, and impact on the local highway network. Reserved Matters approval is sought for the appearance, landscaping, layout, and scale of the proposed development.

### Layout

34 The layout of development has been subject of much negotiation between Officers and the applicants. A series of amendments have been made which have reduced the quantum of development to increase the spacing within the site, between the dwellings. It is now considered that the layout is acceptable. The amendments have re-sited the on-site green space so that it is now centrally located. A few of the properties proposed face onto this area of green space, which does provide a focal point for the development. The layout has also improved the patterning between the plots (with fewer house types) to provide a more cohesive appearance and a greater number of properties which feature side driveways with front garden areas, as opposed to frontage parking. The layout also provides an active frontage along the Owlcotes Road frontage with 3 properties orientated onto it.

35 The majority of the properties are semi-detached which matches the urban grain of the surrounding properties. It is considered the site provides a good degree of visual relief through the site and the proposal is not overly dense or cramped. There is a degree of frontage parking, however this is generally broken up by an adjacent property which does not have frontage parking, but which has a front soft landscaping area.

36 It is important to note that layout of the development and any design/ spacing aspirations must be considered in tandem with the need to provide a minimum density. Within urban areas, policy H3 of the adopted Core Strategy requires a minimum of 40 units per hectare. This development equates to 26.2 units per hectare. This is mainly due to the requirement not to develop over the mains water supplies. Therefore, increasing the space between the properties within the site would further increase the deviation from the requirements of policy H3. The proposal also provides a good mix of housing, which range from 1-bed to 4-bed and includes

bungalows, dwellings and flats. The proposal does accord with policy H4 with regard to Housing Mix.

37 The centrally located open space includes trees which are adjacent to the highway, and the layout does include a number of street trees which are located adjacent to the spine road, but outside the curtilage of individual properties. This will enhance the quality, appearance and character of the development. A development of this housing mix at 54 units, generates a minimum on-site green space at 0.1975ha (following the formula of policy G4). This proposed layout provides on-site green space at 0.223. This exceeds the minimum requirements of G4.

38 All of the properties have their own private rear gardens, the majority of which are generous in size. The two blocks of flats, also have a dedicated garden area which is shared between 2 units. All of the units proposed meet the minimum spacing standards of policy H9. The size of each unit type is illustrated in the table in paragraph 4. It is therefore considered the proposal will offer a good degree of amenity to its future occupiers.

#### Layout - Impact on Adjacent Occupiers

39 The application site is surrounded by dwellings to the south, located on Owlcotes Road, Hillfoot Crescent to the west, and Owlcotes Gardens to the east. The properties situated along Owlcotes Road have generous rear gardens, which vary between 18.5m and 21m in length. The existing properties situated on Owlcotes Road which are located opposite the proposed development, are numbers 74, 86, and 88. The application is also supported by sectional drawings which show the land levels and heights of the proposed properties, in relation to the existing dwellings which surround the site.

40 A landscaping buffer is proposed beyond the rear boundary of no 74, which includes retained trees. Beyond this, is the side elevation of plot 54. The blank side elevation of this plot faces towards the rear of no 74. The distance between the rear elevation of no 74, and the side elevation of Plot 54 is between 27.5m and 29m. Whilst comments have been received regarding the proximity of the proposed development to existing properties, it should be noted that the distances far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living'. This SPD requires a minimum distance of 12m between opposite Main and Side elevations. This exceedance equates to between 15.5m and 17m.

41 The side elevation of Plot 54, at its nearest point is also located between 8.5m and 10m from the rear garden boundary of no 74. This also far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum distance of 2.5m between a side elevation and opposite side boundary. This exceedance equates to between 6m and 7.5m.

42 Similar distances exist between the side blank gable of Plot 42, and the properties located opposite at no's 86 and 88, all of which significantly exceed the minimum spacing standards of 'Neighbourhoods for Living'. The development is also located to the north of these properties which further minimises the impact of the development.

43 A significant landscaping buffer is retained along the western boundary and the rear of the plots 35-39 lie approximately 45m from the nearest properties located along Hillfoot Crescent. This far exceeds any minimum spacing standards of 'Neighbourhoods for Living.'

44 The side elevation of Plot 7 faces opposite the rear of 14 Owlcotes Gardens. The distance between these properties varies between 13.2m and 16.4m. This side elevation is also located 8.8m away from the boundary with this property. This also exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living' which requires a minimum of 12m between main and side elevations. The rear elevations of plots 3, 4 and 5 lie 12m from the side boundary of 58 Owlcotes Road and 16.9m from the actual side elevation of this property. These distances too, all exceed the minimum spacing requirements of 'Neighbourhoods for Living'. It is not considered that the proposed development would over-look or over-shadow any existing properties which surround the application site. The development is generously spaced and significantly exceeds all the minimum spacing requirements of the adopted SPD 'Neighbourhoods for Living'.

#### Layout- Highway Arrangement

45 The means of vehicular access into the site, was approved at the outline stage (up to 77 units). The revised layout plan now shows a mixture of tandem and double driveways, which are acceptable. Bin and cycle stores have also been shown.

46 The Section 38 Highways Adoption team confirmed that the submission consists of mostly Type 2 Local Residential Streets, meeting the requirements of the Transport SPD. Further information will be required regarding the surface materials and some amendments to the kerb edging and tie-ins, which could be dealt with as part of the Section 38 process.

47 The overall level of car parking provision across the site is acceptable. The driveway dimensions are also acceptable. All driveway / parking spaces will need to be fitted with Electric Vehicle Charge Points (EVCP). This was secured through a planning condition placed on the outline planning consent, along with other standard highway conditions which relate to surfacing etc.

#### Appearance

48 The design of the properties has been amended to introduce features such as artstone cills and heads to all window openings (initially these were only proposed on the front windows), bay windows and additional windows to side elevations on corner plots (to reduce the general massing of the development) which also aids natural surveillance. Some properties feature bay windows and entrance canopies. The range of house types has been reduced to provide an increasingly cohesive and distinct appearance, with an increased degree of character and uniformity.

49 The proposed use of brick and re-constituted stone is appropriate given the location of the site and the appearance of surroundings properties. Conditions for the exact materials were conditioned on the outline consent. The properties feature over-hanging eaves and vertical rendered sections which add a degree of visual interest to the properties, whilst reducing their massing. Where properties are located at prominent junctions within the site, the side elevations feature large main windows to provide dual frontages, to avoid stark blank elevations. This also improves the degree of surveillance throughout the site. Overall, it is considered that the proposal complies with policy P10.

#### Scale

50 As stated in paragraph 36, the scale of development falls under minimum density requirements of H3. However, this is mainly due to the need to leave land over water mains undeveloped. The development matches the scale of the surrounding dwellings in terms of their height, footprint, general massing and roof pitch etc. It is considered that the development is of an appropriate scale.

Climate Change Emergency, Sustainability and Bio-Diversity

- 51 Leeds City Council declared a climate emergency on the 27th March 2019 in response to the UN's report on Climate Change. The Planning Act 2008, alongside the Climate Change Act 2008, sets out that climate mitigation and adaptation are central principles of plan-making. The NPPF makes clear at paragraph 152 that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions in line with the objectives of the Climate Change Act 2008.
- 52 As part of the Council's Best Council Plan 2019/20 to 2020/21, the Council seeks to promote a less wasteful, low carbon economy. The Council's Development Plan includes a number of planning policies which seek to meet this aim, as does the NPPF. These are material planning considerations in determining planning applications.
- 53 The Site Allocation Plan (SAP) was formally adopted on the 10th of July 2019. This application site was not previously designated as Green Belt in the UDP but was UDPR (2006) Policy N11 Rural Land. As part of the examination process, the Inspectors considered whether the Council's site selection process was sound. Paragraph 109 of their report refers to their conclusion:
- The overall process represents a sound approach to identifying those sites considered to represent the best and most sustainable choice for development in each HMCA to contribute to the target requirement.*
- 54 The Inspector therefore found the site HG2-67 as one of the best and most sustainable choices for development within the Outer West HMCA to meet the area's housing need. As part of the SAP process each site is scored on its sustainability, through a Sustainability Appraisal (SA). With the SA the site scored positively in sustainability terms for key indicators including SA3 (Education), SA4 (Health), SA15 (Transport network) and SA16 (local needs met locally). The SA is scored on 22 topics and only scored negatively on 2 topics, SA11 (Greenfield/ Brownfield) and SA21 (Impact on the Historic Environment).
- 55 The application site also scored highly in the SA when considered against the SA scores of the other sites that are allocated within the SAP and Outer West Area. The site scored 5/5 for highways accessibility. The SAP Infrastructure background paper defines:
- Accessibility to public transport - rank of 5/5 as it 'Meets Core Strategy accessibility standards with good footway network and walking distance of local services'.
  - Highway Access - rank of 5/5 as it has 'Adequate frontage/s for suitable access/s and visibility splays within site / adopted highway'
  - Impact on Local highway network - rank of 4/5 as it has 'Spare local capacity and suitable network but likely cumulative impact issues'.
- 56 The declaration of the Climate Change Emergency does not preclude new build housing on green field sites. The Council has a duty, following the advice of the NPPF to have a 5-year supply of housing across the city and the adopted SAP and Core Strategy enables the Local Planning Authority to have an up-to-date plan with sufficient housing to be delivered over the Development Plan period. However, the refusal of housing sites that have been identified and allocated in the Plan jeopardises the LPA's 5-year housing supply and erodes the effectiveness of the Development Plan. This in turn could mean development outside of the SAP will need to be considered in future and piecemeal development is likely to prevail that will not

contribute significantly towards local infrastructure, due to their individual scale and nature.

57 The application is also supported by an Energy Statement, which outlines the measures incorporated not the scheme to achieve Carbon Dioxide Reduction. The proposal includes Solar PV panels to all plots, which overall is predicted to provide 40% of the site energy demand. This far exceeds the minimum requirements of policy EN1 which states 10% of energy should be provide on-site. This is a real benefit, and positive trait of the development that all future occupiers would benefit from, due to reduced running costs.

58 The applicants, Leeds Federated Housing Association have adopted an energy efficient and Low and Zero Carbon approach which achieves a 20.62% reduction in predicted CO<sub>2</sub> emissions on the site. The reduction in CO<sub>2</sub> is due to the increased thermal performance of the building envelope along with controlled ventilation, solar PV panels and waste water heat recovery systems evidenced within the energy specification.

59 The application has been supported by a 'Ecological Impact Assessment.' This includes Biodiversity Net Gain calculations. This is summarised below.

- Baseline Habitat Units = 7.23 (6.84 to lose, 0.24 to retain, 0.15 to enhance)
- Post-development Habitat Units = 2.83 (0.24 retained, 2.27 created, 0.32 following enhancement)
  
- The figures provided in the EclA and Calculation Tool indicate the scheme will result in a reduction of 4.39 habitat units or a biodiversity net loss of 60.77%.
  
- Baseline Hedgerow Units = 0
- Post-development Hedgerow Units = 0.95 (0.95 created)
  
- The figures provided in the EclA and Calculation Tool indicate the scheme will result in an uplift of 0.95 hedgerow units or an acceptable level of biodiversity net gain for hedgerow units.

60 The proposal does result in a biodiversity net loss of 60.77% and is therefore not compliant with Policy G9 or NPPF to achieve a measurable net gain for biodiversity. The mitigation for 4.4 units x £25,000, equates to £110,000. However, as this application is for Reserved Matters only, this sum cannot be secured through a Section 106 Agreement and there were no related planning conditions attached to the outline permission. Notwithstanding that, this issue needs to be considered in the overall planning balance, notably the fact outline permission exists for up to 77 units, alongside the benefits of the application which include 100% Affordable Housing provision, which significantly exceeds the policy requirements of 15% within this locality.

#### Landscaping

61 All of the trees upon the site are situated around the site perimeters. The application has been supported by a full Tree Survey, which has revealed a total of fifteen individual trees and seven groups of trees. Of these, six trees/groups were identified as retention category 'B' and sixteen trees/groups were identified as retention category 'C'. There was no retention category 'A' or 'U' trees identified. Light pruning works have been recommended to one tree on this site, for reasons of public safety and to ensure the long-term health of this tree. Two category 'C' trees are proposed

for removal. Conditions were imposed on the outline application for the retention and protection of the trees on site.

- 62 The proposal does include significant new tree planting, 86 trees in total. 35 of these are defined as 'Extra Heavy Standard' being 4.25m – 6m in height. The remaining 51 are defined as 'standard' and are between 3m and 3.5m in height. These significantly exceed the requirements of policy LAND2, which requires replacement tree planting at a 3:1 ratio. The proposal includes a landscaping buffer between plot 54 and the existing property at 74 Owlcotes Road which includes the planting of 2 new trees and mixed native hedgerow planting. Conditions for landscape management and tree protection were imposed on the Outline approval.

#### Public Sector Equality Duty - Impact on Community and Mitigation Measures Proposed

- 63 This section looks in more detail at the impact on the Community that the development causes, and whether the Council fulfils its duty under the Public Sector Equality Duty to ensure its actions do not disproportionately affect a group of people. The proposal is considered here in terms of the existing and future residents with protected characteristics and whether they would be impacted negatively or positively. It is concluded that these very specific impacts have been reasonably considered and mitigated appropriately. Within this context, the Council has fully discharged its duties both proportionately and responsibly.

- 64 An objector has stated that the proposal would disproportionately affect their family, as a family member suffers from a condition that means the development as proposed would have very serious implications for their health. Under the Equality Act 2010, such an illness is defined as a Disability and comes under the definition of protected characteristics. The LPA have therefore conducted an Equality Impact Assessment, in order to have proper regard to this characteristic. This Assessment (at Appendix A) is confidential in nature and has therefore been designated as exempt from publication under the Access to Information Procedure Rules 10.4 (1) and Schedule 12A to the Local Government Act 1972. Given that the information within this appendix relates to an individual, it is deemed that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The assessment ensures that the LPA have considered the impact regarding equality, diversity, cohesion and integration to accord with its Public Sector Equality Duty. The Assessment has been supplied to the decision makers (as exempt Appendix A) and will be discussed in a closed session at the meeting, should the Panel resolve to do so'.

- 65 In response to these circumstances being raised with the LPA, the application has been amended in respect of the comments/ objection received. The purpose of this is to minimise the impact of the development on their property and family member. These changes can be summarised as follows. The proposed plot located to the rear of their property has been rotated around by 90 degrees, to ensure a side gable end faces towards their rear garden, and not a main façade as previously proposed. This will ensure an increasing degree of privacy on this household. Officers have also negotiated the inclusion of a landscaping buffer, located at the end of this properties rear garden, located between the existing house and the proposed new development. This will also provide a visual screening function to the new development. The distances between this property and the

nearest new build (proposed through this application) far exceeds the minimum spacing standards of the adopted SPD 'Neighbourhoods for Living'. See paragraph 40 of this report.

66 The applicants have stated it is not possible to relocate plots 51-54 further north, so they were located directly behind plots 48-50 (essentially swapping the location of these with the open space), as it would not be a feasible option. This is due to the fact more trees would be lost (including T3/ T4 due to the need to relocate the storage tank), and it would erode into the Public Open Space, producing a less regular-shaped recreation area. They have also stated that an irregular shaped storage tank causes difficulties in respect of maintenance and may not be supported by Yorkshire Water.

67 Planning conditions were imposed on the Outline consent (no's 11 and 12 of 21/10203/OT) which related to details to minimize the impact through Construction, and a restriction on construction hours, and means to control dust. As such there is no need to repeat this condition on this Reserved Matters application. However, in response also to concerns raised with the LPA, a requirement to erect a hoarding along the boundary during the construction process will be imposed on this application.

68 The applicants have stated that in discharging the condition for the Statement of Construction Practice, they have already been liaising with Sirius (the construction contractors) who have suggested the following measures be put in place to have regard to this issue raised in the objection, specifically.

- Communication with the resident regarding the timing and duration of site activities close to this boundary, and those likely to cause low level vibration and noise.
- Once works in areas close to this boundary are complete a localised exclusion zone can be established. Works in this vicinity will be resourced to be as shorter duration as practicable.
- Location of the compound away from boundary in question.
- Location of stockpiles and haul roads away from the boundary in question, to minimise site traffic movements near to it.
- Install fence netting on the residential boundary fences to mitigate dust risk and reduce visibility of site activity. If optics were deemed to be a significant factor and a mitigation measure is required for the long term, the client may take the view that hoarding at this location might be appropriate.
- Haul roads and working areas to be damped down as necessary to mitigate the risk of fugitive dust leaving the site. (Fugitive Dust is an environmental air quality term of very small particles suspended in the air primarily mineral dust). This will be checked daily for its effectiveness and adjusted accordingly.
- During works in proximity to the boundary in question a freshwater atomiser will be positioned in between the works and the boundary to provide an additional level of mitigation to the risk of fugitive dust.
- Monitoring at sensitive boundaries for vibration, noise and dust to demonstrate compliance during the works.

These measures will be considered once the Discharge of Condition application is submitted.

69 The above interventions and changes to the proposed development, have been put in place in response to the concerns raised with the LPA. From a Planning perspective these changes are considered to be appropriate in addressing the

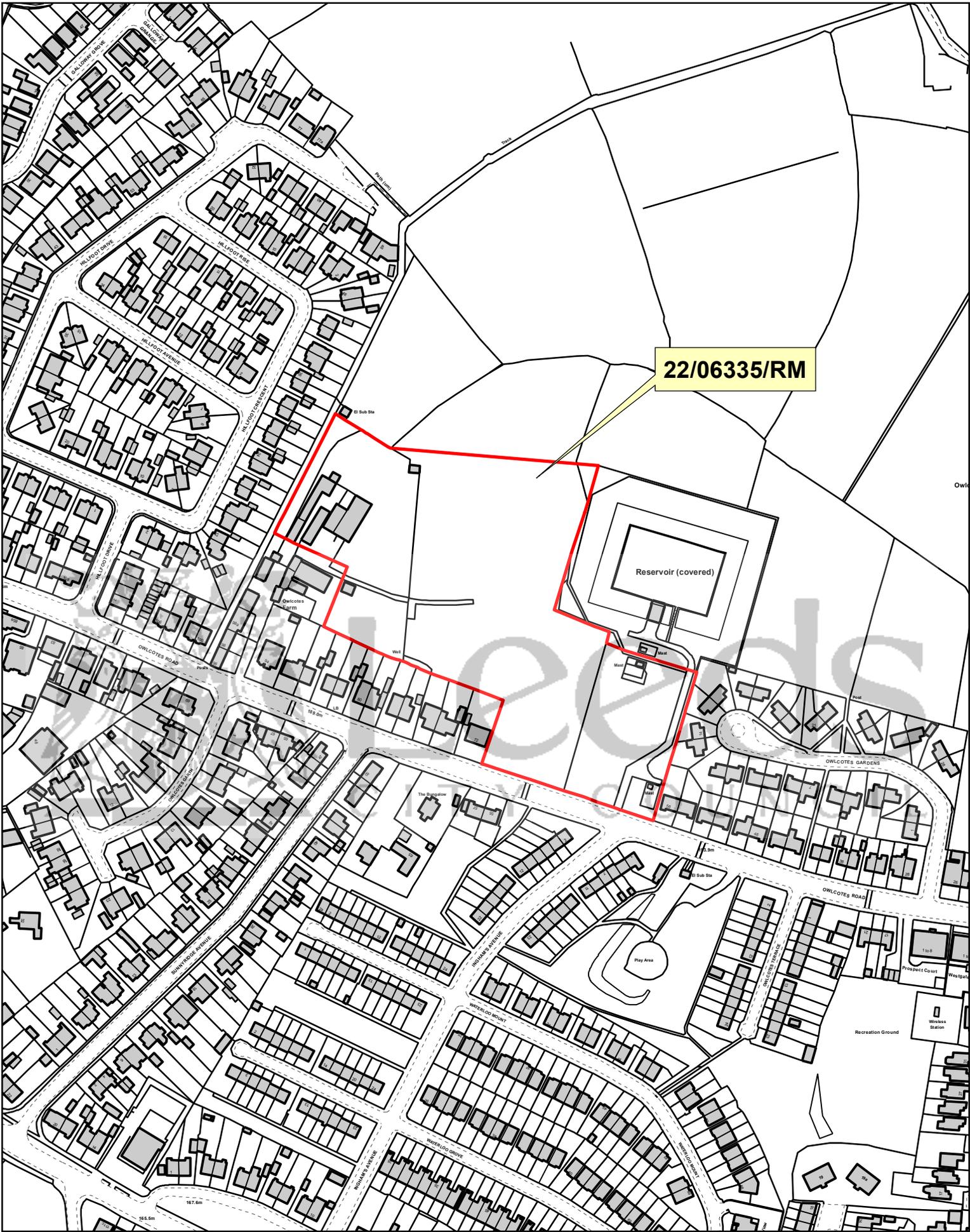
sensitive issues which have been raised in respect of protected characteristics and the Council's duties under the Equalities Act.

Other issues- matters raised by representations.

- 70 Many issues raised by the objections received are not relevant to this Reserved Matters application. The principle and means of access of this application have already been established through the granting of Outline Planning consent, and therefore is not a consideration of this application, nor is the loss of greenfield land.
- 71 There is no evidence to suggest the proposal would create anti-social behaviour, or excessive levels of noise from children playing. As discussed in paragraph 48 it is considered that the proposal would provide good levels of natural surveillance within the site which would discourage anti-social behaviour and crime. There is no requirement for the applicants to submit a solar glare assessment.
- 72 All of the others matters raised in the representations, such as design concerns, layout, potential over-looking and impact on wildlife and nature have been previously addressed in this report.

## **CONCLUSION**

- 73 As discussed above, the principle of the development for housing on this site is supported by the up-to-date Local Plan and the adopted SAP. The proposal is in accordance with the existing site allocations and this was afforded very significant weight in consideration of the outline application. This is such that the proposals here are bringing forward the Reserved Matters of appearance, landscaping, layout, and scale for consideration and determination by Members. The personal circumstances and sensitivity of the family who have been the subject of the Equality Impact Assessment have been carefully and fully considered through this application and as described in this report, the scheme has been amended, and mitigation proposed, to reduce the impact of this development on this family.
- 74 The LPA have a statutory duty to determine this Reserve Matters application, the development will provide much needed Affordable Housing, within a quality designed, and spaced development, which includes on-site open green space. The benefits of this, are considered to outweigh any harm caused by a net loss of biodiversity. With consideration being given to all other matters including those duties that are required by the Equality Act 2010 and the amendments more recently made therein, the application is recommended to be deferred and delegated to the Chief Planning Officer for approval, subject to the conditions noted (and any amendment to or addition of others that he in his discretion deems appropriate).



# SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500







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# PLANS PANEL PRESENTATION

SCALE 1:5500

