

NORTH AND EAST PLANS PANEL

THURSDAY, 28TH JULY, 2022

PRESENT: Councillor J Akhtar in the Chair
Councillors N Sharpe, M Midgley,
B Anderson, E Flint, A Lamb,
R. Stephenson, D Jenkins, P Wray and
E Taylor

CHAIR COMMENT

The Chair welcomed everyone to the meeting, he made special mention of Cllr Taylor who was attending on behalf of Cllr Bithell.

The Chair asked for the Panel's view on whether a meeting should be called to consider a one item agenda or wait until more applications were ready for consideration.

It was noted that Members were content to accept the Chairs judgement on whether meetings should be called for one application.

12 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

13 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

14 Late Items

There were no late items.

15 Declaration of Interests

No declarations of interests were made at the meeting.

16 Apologies for Absence

Apologies were received from Cllr Bithell. Cllr Taylor attended the meeting as her substitute.

17 Minutes - 30th June 2022

RESOLVED – To approve the minutes of the previous meeting held on 30th June 2022.

18 21/03299/FU – Residential development of eight new dwellings with new access road, associated landscaping and parking, at Former Co-op Car Park, Off Oakwell Mount, Gledhow, Leeds, LS8 4AD

The submitted report of the Chief Planning Officer set out an application for a residential development of eight new dwellings with new access road, associated landscaping and parking, at Former Co-op Car Park, Off Oakwell Mount, Gledhow, Leeds, LS8 4AD

Members had attended a site visit earlier in the day. Photographs and slides were shown throughout the presentation.

Members were informed of some corrections to the report, points of clarification and advised that another representation critiquing the report had been received that morning:

Corrections

- Para. 6, p.21 – Should read Roundhay Conservation Area
- Para. 9, p.21 – clarify that proposal is to use artificial stone.
- Para. 11, p.22 – Not 9 additional trees but 131 trees comprising:
 - 31 extra heavy standard trees – 4/4.5m tall when planted – planted in groups or individually
 - 100 regular standard trees – 1.75/2m tall – planted on rear slope.
- Para. 73, p.32 – should again refer to 131 trees

Additional representations:

Since the report was published 3 further representations received:

- In places report refers to Oakwood Mount and should be Oakwell Mount
- 8 houses too many
- Doubt that all landscaping will be carried out
- Highway concerns of residents have not been adequately addressed
- There is not enough space to accommodate the proposed parking
- The land for the access road is only overgrown due to neglect by the owners
- Flood Risk Management comments were made before the access road was redesigned and therefore are out of date
- The officer view that the site is tucked away is refuted
- Should permission be granted a commuted sum should be required to cover repairs and maintenance of drains.
- The houses are overbearing
- Harm to wildlife
- Kitchen areas too small
- Embankment too steep to be used as gardens
- Clearance of Japanese knotweed needs to meet legislation
- Impact of excavation to create access will be impact on stability of No.29
- Concerns about impact of construction on drainage not addressed
- Excavation works will harm residential amenity

Officers sets out that should Members be minded to grant planning permission it is suggested that additional conditions should be imposed:

- Details of retaining structures to rear gardens and access road.
- Details of scheme of measures to be agreed to achieve bio-diversity net gain (bio-diversity assessment submitted and require identified measures to be implemented).
- Cond. 18 – wider out to include details measures to protect the integrity of drainage or services within application site including access road.

Members were provided with the following information:

- The proposed access was between 29 and 31 Oakwell Mount. It was noted that to provide the access, 2 trees which have a Tree Preservation Order (TPO) would be removed. The trees to be removed are a sycamore and an ash tree. It was noted that the landscape officer has no objection to the removal of the trees as they do not look to be in good health and are covered in ivy. A further tree, a sycamore overhangs the access route but is rooted within the garden of 29 Oakwell Mount would not be removed.
- The land for access is currently slightly higher than the car parking area and would require excavations to level this. Members were advised that to address the technicalities this would be undertaken as part of a Section 38 agreement to ensure that any services such as drainage are complied with.
- The scheme would be four pairs of semi-detached houses. Each property has an extensive garden that incorporates areas of the woodland.
- It was noted that the access road would become an adopted road.
- All the houses would be 3 bedroomed, with Juliet balconies. On each pair of houses one house would have a garage plus two parking spaces, the other house would have two surface parking spaces. There would also be provision for visitor parking.
- It was recognised that some of the 100 whip trees proposed to be planted on the embankment would fail over time.
- The boundary area linking to the retail development of Home Bargains would have landscaping.
- It was acknowledged that the gardens would be dominated by the current trees to the rear of the garden. The applicant had provided slides to show how they would address the slope of the land to provide usable garden space. Members were informed of the following information in relation to garden space:
 - Plot 1 and 2 - 7 metres of flat area with a retaining wall of 3 metres in height with steps up to the wooded area
 - Plot 3 and 4 – 9 metres before the rise
 - Plot 5 and 6 – 9 metres with the retaining wall 2.3 metres in height
 - Plot 7 and 8 – 2.5 metres of genuine flat garden with a retaining wall of 1 metre.

- It was noted that none of the construction areas would encroach on to the roots of the trees.

Officers recognised that the site was a difficult site, but it complied with planning policies. It was acknowledged that Members did need to consider the proximity of neighbouring properties, issues of the trees, amenities of future occupiers and the access road. It was noted that the application did meet size standards on rooms and parking provision. Officers acknowledged the concerns of the residents in relation to drainage issues but assured Members that this would be dealt with looking at the excavations works required and there was a condition to address this for a pre work survey and any remedial works as necessary.

Mr Bickley a resident attended the meeting as an objector to the application, speaking on behalf of his neighbours. He raised the following concerns:

- Flood risk management, highways matters and drainage during and after construction.
- He cited the planning authorities' reasons for refusing a previous application for this site, for a block of retirement apartments. He was of the view that the reasons presented then applied to this current proposal. He listed them as:
 - Poor design
 - Impact on Trees
 - Lack of affordable housing
 - Lack of green space provision. He recognised that the design of the gardens had been changed but the gardens would still slope steeply.
 - Impact on neighbouring amenity by the way of dominance. The proposed 10.4 metres in height would make them overbearing on neighbouring houses, particularly number 29.
 - Poor level of amenity afforded to future occupants had been noted by the Civic Trust in relation to the size of the kitchen area in some of the properties, which in Mr Bickley's view was no bigger than a walk-in wardrobe. Poor amenity also related to outside space which in his view would be largely inaccessible due to the steep embankment.
 - Poor level of outlook, as the houses would look over the nearby supermarket car park and loading bay.
 - It was his view that the development did not comply with climate change policy. The Civic Trust had identified that the design of the houses did not afford the use of solar panels due to the design of the shape of the roofs and dormers.
 - It was in the report that a biodiversity survey had been undertaken but he was unable to see it on the planning portal. He had concerns about the trees being felled during nesting season and the removal of two mature trees as well as the removal of flora and fauna and the impact this would have on the biodiversity of the area.
 - Mr Bickley also referenced another report in which an officer had asked a number of questions such as other options for this site,

- biodiversity and the need for the view of the conservation officer, which in his view had not been answered.
- Mr Bickley had noted some comments from the conservation officer which had said bat and nesting boxes should be included at this site.

Responding to questions from Members Mr Bickley said:

- Smaller houses were more in keeping with the area.
- Access from Gledhow Rise would be more suitable as the proposed access was narrow and there were concerns that earth removal at the proposed access would damage drainage.
- Residents had received no consultation and concerns raised about drainage had been ignored. When he had first heard about this application, he had tried to make contact by letter with the applicant and officers. He had also tried to make representation through the planning process but was of the view he had been ignored.
- The proposed access was narrow and would not have a footpath. Oakwell Mount is a busy road and has congestion due to parking. The parking is not from residents of Oakwell Mount but from people using the town centre.
- Some of the residents of Oakwell Mount did have loft conversions, however, this had not added to the height of the properties.

Mr Windress the agent, Mr Whittaker the applicant and a resident of Oakwell Mount who was in support of the development attended the meeting and provided the Panel with the following information:

- This application complies with local and national policies. Detailed discussions had been taking place with officers for over a year.
- The proposals are acceptable in relation to living conditions for existing residents and future occupiers. It is a well laid out and designed scheme as set out in the report.
- All technical consultees had raised no objections. It was noted that conditions had been added to the proposals.
- This site is predominantly brownfield, in a sustainable location, close to amenities including Roundhay Park.
- The development would provide much needed family housing and a significant number of trees.
- Mr Windress said that the report robustly addressed all planning considerations, and the scheme meets or exceeds all local and national policies.
- Mr Whittaker explained that his company is a small local Leeds based developer which has successfully delivered similar schemes in the Oakwood area. He said that all those who worked for the company and suppliers to the company were from Leeds and the surrounding area.
- Mr Whittaker went on to say that he is a resident of Oakwood and had lived in the area for 25 years. He regularly uses the town centre for shopping and was of the view this gave him reasonable knowledge of the area and the site.

- He said that there had been difficulties with this site in relation to anti-social behaviour and that it had been illegally occupied by a third party which had resulted in eviction. Due to this the car park had been fenced off as it was in separate ownership to the large retail store and car park. The site had been derelict for approximately 6 years.
- The resident informed the Members that he was the resident of 31 Oakwell Mount. He supported this scheme as it was his view that this was better than previous schemes and would be better than looking over a derelict car park. He said that he had had concerns about the cutting down of the trees and the access road but was aware of the conditions to be imposed and was of the view that these were suitable and if necessary, would be enforced.

In answering questions from the Panel, the Members were provided with further information:

- The developers had engaged with officers and Cllr Martin and more recently with residents. It was noted that more engagement would be required going forward in relation to construction hours.
- It was recognised that the access road was close to properties 29 and 31 Oakwell Mount, but it would be constructed on own foundations. It was noted that there were no footpaths proposed, there had been one at the side of 31 Oakwell Mount on an earlier design. However, highways officers had preferred that the road was wider to allowing passing places and for large vehicles such as refuse vehicles to access the site.
- It was acknowledged that some of the gardens were smaller, but not everyone wanted a large garden, and the site was close to Roundhay Park.
- In relation to solar panels, it was noted that this would be considered by the developer to see if possible.
- The resident explained to the Panel about the anti-social behaviour which currently takes place on the site and the issue they have with dumped waste.

When Members questioned officers, the following points were noted:

- Point 94 of the submitted report was highlighted which addressed the issue of impact on wildlife. It was the view of officers that the site was unlikely to provide a suitable habitat for protected species.
- In relation to the management of the trees at the end of the gardens it would be difficult to control this as the land would be in private ownership. However, a condition could be imposed requiring details of a management scheme for the woodland to be submitted.
- It was noted that the hard standing, which is there at present and the lighting, would limit the biodiversity value of the site. There is no water course in the area. It was the view that the new substantial landscaping would provide net gain to biodiversity. There is birdlife in the wooded area, and it could be suggested that bat boxes and bird boxes form part of the conditions.
- Conditions could be added to limit any built structures and lighting.

- In relation to access from Gledhow Rise it was noted that this had not been raised as an issue, but it could be suitable for access. It was noted that this could be looked into.
- The refuse vehicle can enter from the proposed access and turn round. It was suggested that smaller refuse vehicles could be used.
- Members suggested that fencing might be better as a boundary treatment linking Home Bargains car park with a few trees to break up the view. Members also suggested the consideration of a wall and landscaping for this area which would be more sustainable and require less maintenance.
- Members did have concerns about the height of the retaining walls in the gardens and suggested that these should be fenced off.
- Members were advised that as this was a small cul-de-sac type development of 8 dwellings there was no requirement to have a footway, as movement of vehicles would be relatively low.

Members were of the view that this was half-way to being a good scheme. However, the Panel still felt that there were still issues to be addressed, and that consultation should be undertaken with residents and local ward councillors. Members were of the view that access from the opposite side of the scheme should be explored.

Cllr Stephenson also suggested that there was a need to explore boundary treatment and permitted development rights. He proposed a motion to defer and delegate to Roundhay ward members. However, after taking advice from the Legal Officer he withdrew this motion.

Cllr Lamb proposed a motion to defer and for the application to be brought back to Panel after consultation with residents and local ward members. This was seconded by Cllr Taylor. This was put to the vote.

RESOLVED – To defer for further consultation on issues as set out above and be brought back to Panel for consideration.

19 Date and Time of Next Meeting

To note the next meeting of North and East Plans Panel will be on Thursday 25th August 2022 at 1.30pm.

The meeting concluded at 15:20