



Leeds
CITY COUNCIL

Originator: Umar Dadhiwala

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Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 28th July 2022

Subject: 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

APPLICANT

Amberstone Developments
(West Yorkshire) Ltd

DATE VALID

04.05.2021

TARGET DATE

10.08.2021

Electoral Wards Affected:

Roundhay

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: DEFER AND DELEGATE to the Chief Planning Officer for approval subject to the conditions specified below, and any amendment to the same or addition of others which the Chief Planning Officer considers appropriate, and subject to the completion of a Section 106 agreement to secure the following:

- **Contribution for off-site highway works for a Traffic Regulation Order (£10.000).**

In the circumstances where the Section 106 has not been completed within 3 months of the Panel resolution to grant planning permission, the final determination of the application shall be delegated to the Chief Planning Officer.

1. Time Limit
2. Plans to be approved
3. Walling and roofing materials
4. Driveway materials (porous surfacing)
6. Details of fences and boundary treatment
7. Hard and soft landscaping
9. Landscape management plan
10. Details of safe removal of Japanese knot weed

11. Plots 2, 4, 6 and 7 to be constructed to meet M4(2) Building Regulations.
12. Details of cycle parking and facilities
13. Electric Vehicle Charging Points
14. Off-site highway works as shown on plan 2024.04.01 Rev F comprising a new vehicular access and associated traffic regulation order at the site entrance of Oakwell Mount shall be fully delivered.
15. Additional technical approval and permissions to be submitted including an Approval In Principle (AIP), for structures impacting the adopted highway.
16. Internal road layout to be built to adoptable standards and offered for adoption under Section 38 of the Highways Act 1980. The applicant to make early contact with s38@leeds.gov.uk to initiate the Section 38 process.
17. Statement of construction practice including details of vehicle routing, means of access, location of site compound, storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures.
18. The Contractor should provide a Statement of Construction Practice and a Risk Assessment for the piling works. Including measures to protect the existing properties nearby from the noise and vibration generated by the piling works in line with government and Environmental Agency guidance. Measures to ensure the structural integrity of the properties nearby is not affected. A program with the duration of the piling works and a strategy to inform residents of the proposed works.
19. The Contractor to undertake ground investigations and site inspections to identify the location, type and depth of the foundations of 29 and 31 Oakwell Mount
20. Drainage works to be undertaken in accordance with the External Works Plan 8010/020 Rev. P9 and the other supporting documents that relate to drainage details.
21. Details of proposed and existing ground levels and finished floor levels to be submitted to and approved in writing by the local planning authority.
22. Use of water butts.
23. Details of and implementation of tree protection during construction.

INTRODUCTION:

1. The application is brought to the North and East Plans Panel for consideration at the request of Councillor Lisa Martin, who has raised the following concerns:
 - The construction of a gated community, with no access directly to the supermarket.
 - It is not clear how the foul water drainage from five houses 25, 25A, 27, 27A and 29 (Oakwell Mount), that passes under the development site will be managed, given that the proposed road will be unadopted.
 - There are several revised plans that have been submitted, which has caused confusion on what is being proposed.
 - It is unclear how the developer plans to remove soil that will be excavated from the site during the construction process, and what impact this and other construction traffic will have on residents.
 - The large number of objections that have been raised by members of the public.
 - The style and size of the proposed dwellings not being in-keeping with the style and size of the dwellings that generally exists within the area.
 - The proposed dwellings being much taller than any of the neighbouring houses and would thus appear dominant and overbearing from nearby dwellings.
 - Inappropriate loss of amenity caused by the proposal's massing, over-bearing and proximity, especially to both 27 and 27A Oakwell Mount.
 - The lack of access directly to Oakwell shopping centre.

2. The concerns raised by the Ward Councilor have been addressed within the report.
3. As the matters raised by the Ward Councillor are based on material planning considerations that give rise to concerns affecting more than neighbouring properties, the request meets tests set out in the Officer Scheme of Delegation and it is appropriate to report the application to Panel for determination.

SITE AND SURROUNDINGS:

4. The site is approximately 0.47 hectares in size and was previously used as a car park to a former supermarket (currently occupied by Home Bargains retail store). The site has been boarded off from customer use and the applicant states that Home Bargains retail store do not benefit from a legal right to use the car park and that the parking area is in separate ownership.
5. The application site features the former car park, which is fairly level with the land along its eastern boundaries and the retail units to the east. The site, however, rises steeply up an embankment to a plateau along the western and northern boundaries. The steep embankment is landscaped with trees. There is a slight cross fall from north-west to south-east on the projection of land extending out to Oakwell Mount. There are other trees within the site which benefit from Tree Preservation Orders (TPO) including prominent trees that are located close to the new access road.
6. The site is located within Oakwood Town Centre, as identified in Core Strategy Policy P1 and designated by SAP Policy RTC1. The site lies behind the main shopping frontage of the centre and does not form part of a Primary Shopping Area or any protected shopping frontage. The boundary of the Gledhow Valley Conservation Area is located to the northeast and to the east of the site
7. Currently, the site is accessed off Gledhow Rise but this access is proposed to be closed off under the proposed scheme. The submitted block plan proposes to access the site off Oakwell Mount between two dwellings.
8. The dwellings in the area are generally two storey semi-detached structures. The commercial buildings on the small High Street to the east are two to three storey structures that take a varied form and design. A dominant feature of the area is the large roadside trees, which gives it a leafy suburban feel.

PROPOSALS:

9. The applicant seeks full planning consent for eight semi-detached dwellings set across four blocks. Each of the blocks will be similar in design, set over three floors and include rooms in the roof space. The footprint of the semi-detached blocks will measure approximately 9.6m by 9.8m (not including garage). The structures will be approximately 10.4m in height. The construction material includes stone and render. The dwellings will have three bedrooms each.
10. The properties each include private front and rear gardens with private parking spaces. Some of the dwellings will also include attached garage space.
11. The site will be accessed from a single access point taken from the residential estate of Oakwell Mount. The new access point will be created over an overgrown parcel of land between No's. 29 and 31 Oakwell Mount. There are three trees mature trees close to this overgrown land, two of which are proposed to be removed. Other landscape features include the mature trees that are located on top of the embankment along the western and

northern boundaries. Approximately 9 additional trees are proposed to be planted within the site to supplement the existing landscaping. New native hedging is also proposed particularly along the eastern boundary between the application site and the adjacent retail units.

RELEVANT PLANNING HISTORY:

12. As has been mentioned, the site was previously used as a car park, and associated with a supermarket, now occupied by Home Bargains. The Home Bargains retail store does not benefit from a legal right to use the car park and the parking area is in separate ownership.
13. There have been many applications made over the years that relate to minor alterations to the associated retail unit, but these do not appear to be relevant to this application. Importantly, none of the historic planning applications have been found to link this site to the formally associated retail unit.
14. In 2019 an application was made proposing a block of 49 apartments in a three to five storey building. The application was refused for the following reasons:
 - Failure of the scheme to make adequate provisions for affordable housing
 - Inadequate Public Green Space provisions
 - The scheme failed to demonstrate whether the development had been designed to mitigate the effects of climate change
 - The scale and design of the building harming the character of the area
 - Potential harmful impact upon TPO trees.
 - Harmful impact upon the amenity of No's. 27a and 29 Oakwell Mount by way of dominance.
 - Substandard living conditions being afforded to future occupants as a result of the poor level of outlook and sunlight to some of the flats and the wholly inadequate level of outdoor private amenity space being proposed.

HISTORY OF NEGOTIATIONS:

15. During the course of the planning application the plans originally submitted have been amended. The following amendments have been made through negotiations:
 - The original plans showed nine houses, with a continuous block of parking to the front. The parking area was considered to harm the visual appearance of the proposed estate. Therefore, the scheme was amended, and the development was reduced from nine to eight houses. This allowed the parking area to the front to be broken up and further spaces to be created to the side of the individual dwellings.
 - Planning Officers considered that the original scheme did not provide adequate landscaping to allow for a biodiversity net gain on the site. As a result, an amended landscape scheme was submitted that proposed a much more meaningful landscape scheme.
 - The proposed plans showed a private road with access gates to the front. Following comments from the Highway Team in relation to the requirement for development of more than five dwellings to be designed to adoptable standards, discussions were held with the applicant and the access was re-designed to the required standards.

PUBLIC/LOCAL RESPONSES:

16. The application has been advertised by site notices which were posted on 03.06.2021. A second set of site notice were printed on 14.07.2022, this followed a change in the description of the application. As a result of this publicity, a total of 25 letters of objection

have been received. The objections have been duly considered by officers and the Council have tried to address these local concerns which can be summarised as relating to the following issues:

- Large number of trees have been removed from the site some of which may have been TPO trees.
- The applicant has not notified neighbours of the proposed development.
- The City Council has not adequately advertised the planning application.
- Adverse impact on wildlife.
- Highway safety issues around the access point.
- The proposed parking restrictions at the access point (double yellows) would push on street parking issues further up the residential street of Oakwood Mount.
- The excessive height of the proposed dwellings would adversely impact the neighbouring residential dwellings by way of overshadowing, overlooking, and dominance.
- The close proximity of the proposed new access road to neighbouring dwellings, will cause disturbance by way of noise from comings and goings.
- The new gates at the access point to the development would cause noise issues, when the gates are open and closed.
- Discrepancies in the supporting documents with regards to the size of the dwellings and the number of bedrooms being proposed and with regards to the tree within Plot 6 not being subject to a TPO.
- The drainage pipes for the adjacent dwellings being located within plot 6, which raises concerns in relation to potential access for the repair and maintenance of the pipes.
- The three storey dwelling appearing out of scale with the surrounding dwellings and thus having a negative impact upon the character of the area.
- Highways safety concern in relation to bins being collected at the access point.
- The residential development not being compatible with the adjacent commercial units in that the future occupants would be subjected to a high level of noise.
- Alternative uses for the site should be sought.
- The dwellings potentially being converted into HMO's.
- The development should have direct access to the adjacent retail unit.
- The kitchen area is proposed within the dwellings are too small.
- A full survey is required of the landscape outside the site.
- A topographical survey is required given the difference in land levels within the site.
- Due to the differences in land levels, the proposed garden areas are not usable.
- Presence of Japanese knotweed within the site, and inadequate discussions within the supporting documents as to how this will be removed.
- Exposure of the foundations of No. 29, due to the proposed excavation works.

17. The occupant of No. 31 Oakwell Mount has supported the application and states that the housing development is in keeping with this suburban environment. The occupant of No.31 however comments that the Council should ensure that the land adjacent to No.31 is not destabilised during the construction period.

18. Leeds Civic Trust make the following comments:

- The site is not suitable for housing.
- TPO trees being felled.
- Poor design.
- Inadequate garden space being proposed.
- It is not clear where the solar panels would be positioned.

19. Councillor Lisa Martin has raised the following concerns:

- The construction of a gated community, with no access directly to the supermarket.
- It is not clear how the foul water drainage from five houses 25, 25A, 27, 27A and 29 (Oakwell Mount), that passes under the development site will be managed, given that the proposed road will be unadopted.
- There are several revised plans that have been submitted, which has caused confusion on what is being proposed.
- It is unclear how the developer plans to remove soil that will be excavated from the site during the construction process, and what impact this and other construction traffic will have on residents.
- The large number of objections that have been raised by members of the public.
- The style and size of the proposed dwellings not being in-keeping with the style and size of the dwellings that generally exists within the area.
- The proposed dwellings being much taller than any of the neighbouring houses and would thus appear dominant and overbearing from nearby dwellings.
- Inappropriate loss of amenity caused by the proposal's massing, over-bearing and proximity, especially to both 27 and 27A Oakwell Mount.
- The lack of access directly to Oakwell shopping centre.

CONSULTATION RESPONSES:

20. Highways: Latest comments in relation to revised plans state that scheme has provided a revised Housing Layout which shows 8 units instead of 9 units. The internal road layout remains the same and the car parking provision is also adequate, with cycle storage and bin stores being shown for all houses. Highways Team have no objections to the amended layout subject to the recommended conditions and the contributions towards off site highways works via a S106.
21. Landscape Team: Do not raise objection to the scheme and states that the additional tree planting shown on the revised plans are welcomed. With regard to the loss of the trees at the proposed access point it is noted that the trees are close together with ivy growing far up the stems which diminishes the quality of the individual specimens. The Landscape Officer sets out that it is positive that the design has been revised to show T7 as retained and garden retaining walls offset from tree Root Protection Areas (RPAs).
22. Streetscene Services: No issues with refuse vehicles entering the site as long as vehicles are not blocking the road and causing obstruction.
23. Yorkshire Water: No objection, subject to condition requiring the scheme to be constructed in accordance with the approved drawings.
24. Access Officer: applicant should provide a H10 form.
25. Flood Risk Management: No objection, subject to a condition requiring the scheme to be constructed in accordance with the submitted drainage details.
26. Contaminated Land: No objection, subject to conditions

RELEVANT PLANNING POLICIES:

The Development Plan

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, the Development Plan for Leeds currently comprises the following documents:
- The Leeds Core Strategy (Amended 2019)
 - Saved Unitary Development Plan Policies (2006), included as Appendix 1 of the Core Strategy
 - The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013)
 - Site Allocations Plan (2019)
28. These development plan policies are supplemented by supplementary planning guidance and documents.
29. The following Core Strategy (CS) policies are relevant:
- General Policy: Sustainable Development and the NPPF
 - Spatial Policy 1 Location of development
 - Spatial Policy 2: Hierarchy of Centres
 - Spatial Policy 6: The Housing Requirement and Allocation of Housing Land
 - Spatial Policy 7: Distribution of Housing Land and Allocations Policy
 - Policy H2 New Housing Development on Non-Allocated Site
 - Policy H3 Density of Residential Development
 - Policy H4 Housing Mix
 - Policy H9 – Minimum Space Standards
 - Policy H10 – Accessible Housing Standards
 - Policy P10 Design
 - Policy P12 Landscape quality, character and biodiversity of townscapes is preserved or enhanced
 - Policy T1 – Transport Management
 - Policy T2 Accessibility requirements and new development
 - Policy G2 – Creation of Tree Cover
 - Policy G9 Biodiversity Improvements
 - Policy EN1 Climate Change and carbon dioxide reduction
 - Policy EN2 Sustainable design and construction
 - Policy EN5 Managing flood risk
 - Policy EN8 Electric Vehicle Charging Infrastructure
 - Policy ID2 Planning Obligations and Developer Contributions

Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

- Policy GP1 Land use and the Proposals Map
 - Policy GP5 General planning considerations
 - Policy BD2 Design and siting of new buildings
 - Policy BD5 Amenity and new Buildings
 - Policy LD1 Seeks to ensure that development is adequately landscaped
 - Policy N39A Sustainable Drainage Systems
30. The Natural Resources and Waste Local Plan (NRWLP) sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Relevant policies are as follows:

- General Policy 1: Support for Sustainable Developments
- Policy AIR 1: The Management of Air Quality through Development
- Policy WATER 2: Protection of Water Quality
- Policy WATER 7: Surface Water Run-Off
- Policy LAND 1: Contaminated Land
- Policy Land 2: Development and Trees

Supplementary Planning Guidance / Documents:

- Neighbourhoods for Living SPG (2003)
- Neighbourhoods For Living Memoranda to 3rd Edition (2015)
- Street Design Guide SPD (2009)
- Sustainable Design and Construction SPD (2011)
- Guideline Distances from Development to Trees (2011)
- Parking SPD (2016)
- Accessible Leeds SPD (2016)
- Sustainable Urban Drainage SPG (2004)
- Designing for Community Safety: A Residential Design Guide SPD (2007)
- LCC Achieving Net Gain for Biodiversity - Guidance for Developers (*Draft*)
- S106 Agreements and Developer Contributions
- Building for Tomorrow Today, Sustainable Design and Construction SPD (2011)
- Strategic Flood Risk Assessment DPD (2011).

Site Allocations Plan (SAP) (2019)

31. The Site Allocations Plan was adopted in July 2019. Following a statutory challenge, Policy HG2, so far as it relates to sites which immediately before the adoption of the SAP were within the green belt, has been remitted to the Secretary of State. The ongoing remittal is at an advanced stage, with public comments on the main modifications proposed closing in late January 2022. The Inspector will take these representations into account before issuing final conclusions. However, at this stage it remains that Policy HG2 is to be treated as not adopted. All other policies within the SAP remain adopted and should be afforded full weight.

This site is covered in the SAP under Policy RTC1 which relates to designation of centre boundaries, shopping areas and protected shopping frontages.

Roundhay Ward Neighbourhood Design Statement:

32. Roundhay Ward Neighbourhood Design Statement (October 2010) was delivered by residents within Roundhay Ward and is adopted as a Supplementary Planning Document. It represents the values residents ascribe to living in the Roundhay Ward; the community's aspirations to retain and develop the intrinsic qualities and characteristics as reflected in the built and environmental qualities of the area; and the aim to ensure it remains as a unique and distinctive residential area. As a Supplementary Planning Document, the Neighbourhood Design Statement is to be taken as a material consideration in the determination of planning applications within the Ward.

National Planning Policy Framework (NPPF)

33. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system to ensure the delivery of sustainable

development through the planning system and to promote good design, but all to the extent that it is relevant, proportionate and necessary. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

34. 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 NPPF, the greater the weight they may be given.
35. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to note that achieving sustainable development means that the planning system has three overarching objectives - economic, social and environmental objectives – which are interdependent and need to be pursued in mutually supportive ways.
36. Paragraph 10 sets out that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 states that decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
37. Paragraph 48 sets out that in decision taking local planning authorities may give weight to relevant policies in emerging plans according to the stage of its preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
38. Paragraph 56 outlines that planning conditions should be kept to a minimum, but can be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable. Paragraph 57 sets out that planning obligations must only be sought where they are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development. Paragraph 58 sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.
39. Section 5 of the NPPF is entitled 'Delivering a sufficient supply of homes'.
40. Section 8 of the NPPF is entitled 'Promoting healthy and safe communities' and sets out at paragraph 91 that planning decisions should aim to achieve healthy, inclusive and safe places including encouraging layouts that would encourage walking and cycling. Paragraph 91 requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Paragraph 98 sets out that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 100 sets out that planning decisions should protect and enhance public rights of way and access.
41. Section 9 of the NPPF is entitled 'Promoting sustainable transport' and sets out at paragraph 102 that transport issues should be considered from the earliest stage of development proposals including opportunities to promote walking, cycling and public transport. Paragraph 104 also sets out that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account and that patterns

of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

41. Paragraph 111 states the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, paragraph 112 sets out, amongst other things, that development should give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, minimize the scope for conflicts between pedestrians, cyclists and vehicles and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
42. Section 11 of the NPPF is entitled 'Making effective use of land' and at paragraph 119 sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
43. Section 12 of the NPPF is entitled 'Achieving well-designed places' and at paragraph 126 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
44. Paragraph 130 states that planning decisions should ensure, amongst other things, that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 sets out that there should be early discussion between applicants, the local planning authority and the local community about the design and style of emerging schemes. In assessing planning applications, local planning authorities should have regard to the outcome of these and related processes (paragraph 133).
45. Paragraph 134 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.
46. Section 14 of the NPPF is entitled 'Meeting the challenge of climate change, flooding and coastal change and at paragraph 152 sets out that the planning system should support the transition to a low carbon future in a changing climate.
47. Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment'. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment including through minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Climate Change

48. The Council declared a climate change emergency on 27th of 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 153 and footnote 53 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.

49. As part of the Council's Best Council Plan 2020-2025, 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.

MAIN ISSUES:

- Principle of Development
- Housing Mix
- Impact Upon the Character of the Area
- Landscape
- Highways Consideration
- Residential Amenity
- Public Representation

APPRAISAL:

Principle of Development

50. The site is approximately 0.47 hectares in size and was previously used as a car park to a former supermarket. It contains the remnants of the car parking and areas of mature trees, shrubs and vegetation, some probably self-seeded.
51. The loss of car parking within a town centre is not ideal, however the site is privately owned, fenced off and not linked to any commercial use therefore there is limited justification to resist the development on this basis.
52. The site is located within Oakwood Town Centre which is identified in Core Strategy Policy P1 and designated by SAP Policy RTC1. Spatial Policy 2 directs retailing, offices, intensive leisure and culture, and community development to designated town centres to promote their vitality and viability as the focus for shopping, employment, leisure, culture, and community services. It goes on to highlight that proposals which would undermine that approach will not be supported. Policy P2 whilst recognising the role of town centres in providing shopping and services intended to meet weekly and day-to-day requirements also encourages new housing above ground floor in the primary and secondary shopping frontages, or outside the shopping frontages, providing it would not compromise the function of the town centre.
53. Whilst Policy SP2 does not explicitly refer to housing, national guidance and Policy P2 recognises the role it can play in complementing the key town centre uses. As the application site is not specifically identified as Primary Shopping Area or being within any protected shopping, it is not considered that the development would compromise the vitality or viability of the town centre. The housing development on the site is therefore not considered to conflict with policy SP2 or P2 of the Core Strategy.
54. Leeds Core Strategy Spatial Policy 6 sets the housing requirement for the plan period and the Leeds Site Allocations Plan identifies housing land for housing delivery in order to meet the wider housing requirement in Leeds. It is recognised that in this approach the plan is reliant on a proportion of housing coming forward on non-allocated or 'windfall' sites.
55. The application site constitutes non-allocated land as defined by policy H2 of the Leeds Core Strategy.

56. Policy H2 itself includes a number of criteria that new housing developments on non-allocated land should meet. The first part of policy H2 requires new housing development on non-allocated land to not exceed the capacity of local infrastructure and to meet the accessibility standards set out in Table 2 of Appendix 3 of the Core Strategy.
57. The proposed development is for a relatively small number of units and is located within walking distance of local stores, amenities and services e.g. convenience store, post office, library, public house, restaurants, schools, doctors and dentist. A Tesco superstore, DIY store and sports retailer are located within half a kilometre to the south of the site. There are bus stops on Roundhay Road. The location of the site in close proximity to existing local services with good road and public transport links, suggests that the proposed dwellings on the site would not exceed the capacity of local infrastructure and therefore the proposal is considered to meet the aims of Policy H2 in this respect.
58. The second part of policy H2 states, amongst other things, that greenfield land should not be developed if it holds intrinsic value as amenity space or for recreation or for nature conservation, or makes a valuable contribution to the visual, historic and/or spatial character of an area.
59. The eastern part of the site contains a hardstanding area of disused car parking whilst the western part is dominated by trees, shrubs and vegetation. The site is tucked away behind surrounding development and has amenity value for those residents who overlook it. The proposed scheme focusses development mainly on the area of hardstanding, whilst the natural green areas would be incorporated into gardens and therefore the green spaces of the site will be retained. Whilst there are trees that would be lost, these would be replaced with additional tree planting. In general, it is considered that the proposal would not undermine visual, historic and/or spatial character of an area and therefore the proposal does not conflict with the second part of policy H2.

Housing Mix

60. Core Strategy Policy H4 states that *“Developments should include an appropriate mix of dwelling types and sizes to address needs measured over the long term taking into account the nature of the development and character of the location.”*
61. The scheme consists entirely of 3-bed dwellings which does not comply with the preferred housing mix set out within the explanatory text of the policy, which prefers a mix of 1, 2, 3 and 4 bed dwellings. Therefore, the preferred housing mix has not been met. It is important to note that the explanatory text to the policy, at paragraph 5.2.11 sets out that *“For small developments, achievement of an appropriate mix to meet long term needs is not overriding. The form of development and character of the area should be into account too.”*
62. It is considered that the deviation from policy H4 is acceptable in this instance, as the proposed housing development is relatively small, with only eight dwellings being proposed. The size of the development does not allow for much flexibility in terms of the different house types that can be proposed on the site without compromising the cohesiveness of the development as a whole. In any case there is a demand in the area for three-bedroom houses and the proposal will meet this need. It should also be noted that policy H4 provides a preferred but not mandatory housing mix and that *“...the policy is worded to offer flexibility”* (para. 5.2.11 of the Core Strategy).

Impact upon the Character of the Area

63. The application site is tucked away from public view behind the residential dwellings of Oakwell Mount from the south and an embankment of mature trees and dwellings providing a screen from Fitzroy Drive (to the north and north west). Commercial properties of

Roundhay Road screens the site from the east. The most prominent views of the site would be from the public car park behind the Home Bargains retail store. This is also the most prominent view from the adjacent conservation area. However, this is a very limited and localised view.

64. The residential area that surrounds the site has a typical leafy suburban appearance. To the north, south and west of the site are traditional two storey semi-detached pitched roof dwellings. The commercial centre (to the east), although featuring buildings of varied design, has a low rise feel with buildings generally one and two storeys high; some three storey buildings are also present. The commercial buildings have traditional pitched roofs and feature upper floor windows that are of a domestic proportion and scale.
65. The objectors and local Ward Councillors have raised concerns in relation to the height of the dwellings. Whilst it is noted that the dwellings are taller when compared to the dwellings on Oakwood Mount, the site being fairly well separated from the established streets that surround the site, it is considered that some flexibility can be offered when considering the design and scale of the dwellings that can be accommodated on the site. In this instance, given the relative separation of the site from the immediate residential estate, it is considered that the height of the proposed dwellings, in this instance, is not a concern.
66. Moreover, similar to the majority of the buildings in the area the dwellings will generally have a two-storey form but with accommodation in the roof. It is not considered that the proposals will appear unreasonably dominant when compared to the other dwellings and buildings of the area.
67. In terms of their design, the basic rectangular shapes of the proposed dwellings with traditional pitched roofs, together with the use of traditional materials such as render and stone, will allow the dwellings to tie in well with the simple traditional dwellings found on Oakwell Mount and Fitzory Drive. In general, it is considered that the dwellings proposed will not be out of keeping with the established character of the area either in terms of their design, scale or spatial setting.
68. The general layout of the dwellings is acceptable, with the front elevations facing the proposed new access road with the garden areas located to the rear. The gardens will be concealed from public view and allows for sufficient privacy.
69. Following consultation with the Agent, the large parking forecourt to the front, shown on the original plan, has been broken up with a good level of greenery proposed to the front and beside the access road. This allows the development to appear in keeping with the leafy suburban feel of the immediate residential street. The hedging proposed between the commercial area to the east and the proposed residential development, acts as a green buffer that provides a visual transition between the commercial and residential settings.
70. The scheme meets the separation distance guidance set out within SPG13, with the side elevation of Plot 1 maintaining a distance of approximately 14m from the adjacent boundary with No's 27 and 27a (and over 26m from the rear elevation of those properties as scaled from the application plans) and the front elevation maintaining approximately 20m from the boundary with the carpark opposite. Furthermore, the properties will feature over 20m long rear gardens. It is considered that the separation distances are in excess of those set out in Neighbourhoods for Living, and that the separation distances from boundaries are adequate to ensure the site does not appear overdeveloped and cramped. For these reasons is considered that the proposed development has appropriate regard to the established character of the area and will not harm views into and out of the conservation area. The retention of the embankment of trees and supplementary planting is a significant positive feature of the scheme and this is discussed in more detail below.

Landscape

71. Members of the public and the Local Word Councillor have raised concerns in relation to the number of trees that appeared to already have been felled on the site. Whilst this situation is not ideal, the Enforcement Team have investigated the matter and found that protected trees have not been illegally felled within the site. The Council had also referred the case to the Forestry Commission, who found no issues with the tree works that had taken place on the site.
72. It was however found that the applicant had obtained permission in 2017 to fell a Sycamore (TPO tree). This was granted subject to a replacement silver birch tree being planted elsewhere on the site. The silver birch was however never planted on site, and the council has instructed the applicant to plant this tree. The planting of this tree can be secured by condition.
73. In so far as the application is concerned, two trees are proposed to be removed T3 (Ash) and T4 (Sycamore) both are Category C trees (trees of low quality). In light of this the council's Landscape Officer has not raised objections to their loss. These trees will be removed to make way for the access road. Approximately 9 new trees will be planted, which is far in excess of the requirement as set out in the Council's Natural Resources and Waste DPD policy LAND2, which requires 3 replacement trees for every 1 lost. In addition to the new trees, additional hedging and shrubs are proposed and the existing trees will be protected during the construction period.
74. Overall it is considered that the landscaping proposals will provide for a good quality landscape and, in combination with additional trees and shrubs that will be planted, the scheme will provide for an overall enhancement in respect of biodiversity, as is advised by Leeds Core Strategy Policy G9, which requires developments to demonstrate an overall net gain for biodiversity. Moreover, the Landscape Officer has assessed the landscape scheme and the proposed tree removal and has raised not objections in respect of these. Conditions will be imposed to ensure the tree landscaping scheme, is fully implemented and that trees are protected during the construction period.

Highways Considerations

75. Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety. This means that the applicants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy, it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
76. It is noted that the proposal would be constructed over an existing parking facility within the designated boundary of the Oakwood District Centre. As such, the proposals would result in a permanent reduction in the availability of public parking for the wider commercial area. However, the site is currently fenced off for commercial or public use and it is understood that the existing car park is not owned or legally attached to any commercial use linked to the District Centre. A highway objection to the loss of parking would therefore be difficult to justify.
77. It is considered that the site meets all accessibility standards for a development of this type. The site is within walking distance of local amenities with excellent transport links on Roundhay Road.
78. The proposed access is located between dwellings number 29 and 31 Oakwell Mount via a priority vehicular junction. The Highways Officer has evaluated that access point and has not raised highway safety issues. Concerns were raised by Highways Officers, Ward Members and members of the public that a private gated road was being proposed. Concerns were raised by Streetscene Services that bin lorries would find it difficult to

access the gated road and that bins would need to be dropped off at the main adopted highway for collection. As a result of these concerns, revised plans were submitted to ensure the access road was built to an adopted standard with the gate at the front entrance being removed. The Highways Team has confirmed that the proposed road is designed to acceptable standards.

79. The Highways Officer has stated that the new access will require a separate technical approval and a s278 Highway Agreement, this can be secured via a condition. A street lighting column may need relocating on Oakwell Mount and this will be determined at the detailed s278 stage for the new vehicular access.
80. A total of 20 parking spaces are proposed including the garages. The revised layout incorporates bicycle parking for those units without garages, and electric vehicle charging points will be provided. Accordingly, the level of parking, EV charging points and cycle parking provisions are considered acceptable and the Highways Officer has not raised significant concern in respect to these details. Conditions will be attached to ensure these details are delivered on site
81. The Highways Officer has also recommended a planning obligation be sought (by way of a S106 Agreement) for a contribution towards traffic management measures – including a Traffic Regulation Order (TRO). The S106 Agreement will need to be signed before the decision is issued.
82. Given the above, subject to the inclusion of conditions and S106 agreement, the proposal is considered to provide a suitable means of access and parking and the development meets all other accessibility requirements.

Residential Amenity

(a) Neighbouring dwellings

83. Within the Council's Neighborhoods for Living document SPG 13 a range of minimum guidance distances are set out to protect the privacy and amenity of existing and future residents, albeit with an understanding that it is inappropriate to simply apply these distances without consideration of local character. Guidance within the SPG seeks to secure a minimum distance of 10.5 metres from a main ground floor (living room/dining room) window to the boundary, 12m from side elevation windows to main ground level windows and 7.5 metres from a bedroom or ground floor kitchen window to the boundary.
84. The closest dwellings to the proposed development are No.s 27, 27a and 29 Oakwell Mount (located southeast of the site). It is noted that the proposed units would be sited at a higher topographical level than the existing dwellings on Oakwell Mount. However, the side elevation of the nearest proposed dwelling (Plot 1) will be located approximately 14m from the boundary of the said dwellings and are shown to be over 20m from the rear elevation windows of the said dwellings themselves. Therefore, the proposal exceeds the 12m separation distance as advised by the guidance set out within SPG13, and therefore it is not considered that the proposal will significantly over-dominate, overshadow or cause a loss of light or outlook to the detriment of the amenity of the occupiers of the said dwellings.
85. Given the differences in ground levels, the far greater separation distances that exists between the development and the dwellings highlighted in the above paragraph, and as well as the presence of landscaping that screens the site, it is considered that the proposal will not cause harm to the occupiers of dwellings that adjoin the site by way of overshadowing or dominance.

86. The front elevation windows of the proposed development will face the car park and retail space to the south east and the rear elevation will face the raised landscape areas to the west. The side elevation windows, particularly of Plot 1, that face the residential dwellings of Oakwood Mount, are landing windows. Taking into account the separation distances of approximately 14m from the dwellings in direct line of sight from these windows i.e. No.s 27, 27a and 29 Oakwell Mount, it is not considered that the proposed windows will raise overlooking issues and the proposal more than meets the separation distance guidance of 12m that is set out within SPG13.
87. It is noted that the proposed development will unavoidably lead to an increase in vehicle movements through neighbouring streets and in particular where the new access road cuts in between the residential dwellings of No. 29 and 31 Oakwood Mount. Comments have been made by objectors that the additional homes in the area will increase noise levels. It is considered that residential development of eight homes will generate relatively low levels of traffic from comings and goings and therefore the noise levels are not considered to be significant. Furthermore, the residential use of site will be much less noise intensive than the former use of the site as a car park.

(b) Future Occupiers

88. New residential development should look to provide a good level of amenity for future occupiers. This includes providing living accommodation which is of an appropriate size, offers appropriate outlook, gives good daylight and sunlight penetration and protects privacy. This also includes providing good quality outdoor amenity areas for the enjoyment of occupiers. Local plan policies and guidance including in 'Neighbourhoods for Living', also seeks to secure these same basic requirements.

In considering the above, regarding the issue of minimum space standards, Policy H9 requires all new dwellings to comply with the national criteria. It is considered that the houses proposed will meet the advice set out within Core Strategy policy H9, for three bedroom four person houses. The overall floor area of the dwellings will exceed the 90m² floor space requirement for houses of this type, with the smallest dwelling proposed with a floor area measuring approximately 112m². The bedroom areas will also meet minimum space standards with single bedrooms being 7.5m² in floor area and the smallest double bedrooms being 13.58m².

89. The proposal is for 4 of the dwellings, Plots 2, 4, 6 and 7, to meet the requirements of M4(2) 'accessible and adaptable dwellings'. The total number exceeding the 30% target set out within Core Strategy policy H10. A condition will be imposed to ensure the plots identified are designed to meet M4(2) accessibility standards.
90. The garden sizes proposed will also meet/exceed the minimum recommended garden size areas of two thirds of the gross floor area of the dwelling included within the Council's Neighbourhoods for Living SPG. As has already been mentioned within the report, the distances between properties are also in accordance with those separation distances set out in the Neighbourhoods for Living SPG and the combination of all of these factors will ensure that the properties provide for a good level of amenity for future occupiers.

Public Representations

91. Comments have been made by members of the public and the local Ward Councillor that a large number of trees have been removed from the site some of which may have been TPO trees. As has been mentioned within the report, the tree felling complaints have been investigated by the Local Planning Authority and it has been found that the tree felling that has occurred is not unlawful.

92. Comments have been made that the applicant has not notified neighbours of the proposed development. Whilst the local planning authority does encourage developers to engage with the local community, this is not a requirement under any planning legislation. Therefore, the application cannot be refused on this issue.
93. Comments have been made that the City Council has not adequately advertised the planning application. The application was advertised by way of site notice posted on 03.06.21 and a second set of notices were posted on 14.07.2022. Furthermore, the site notices being posted in the immediate vicinity of the site. The level of publicity complies with planning legislation.
94. Members of the public comment that the proposal will adversely affect wildlife. It is not considered that the proposal would affect any protected wildlife that are known to be active within the site.
95. Concerns were raised in relation to the highway safety around the access point. The concerns have been evaluated by the Highways Officer who has not raised significant concerns.
96. The comments made that the proposed parking restrictions at the access point (double yellows) would push on street parking issues further up the residential street of Oakwood Mount, are noted. Most the dwellings on Oakwood Mount feature off street parking and it is as such considered that any parking restriction would not cause local residents significant parking difficulties.
97. The comments made that the excessive height of the proposed dwellings would adversely impact the neighbouring residential dwellings by way of overshadowing, overlooking, and dominance, have been addressed within the report. It is considered that the proposed dwellings are located a sufficient distance away from the immediate neighbouring dwellings to the development so as not cause these adverse issues.
98. The comments made that the close proximity of the proposed new access road to neighbouring dwellings will cause disturbance by way of noise from comings and goings have been addressed within the report. It is considered that the levels of comings and goings from the access point would not be significant given only eight new dwellings are proposed.
99. Comments have been made that the gates at the access point to the development would cause noise issues. The gates have now been removed from the plans.
100. Members of the public have noted that there are discrepancies in the supporting documents with regards to the size of the dwellings and the number of bedrooms being proposed and with regards to the tree within Plot 6 not being subject to a TPO. The contradictions have been noted. This issue does not affect the determination of the application and more importantly the plans that are being considered are accurate.
101. The comments made with regards to the scale and design of the proposed dwellings and their impact upon the character of the area has been discussed within the report. The design and scale of the dwellings is considered to be acceptable.
102. The comments made in relation the bins having to be collected from Oakwell Mount are noted. Revised plans have been submitted that shows the access road designed to adoptable standards which now allow a refuse vehicle to access the new road to collect bins.

103. Comments have been made that the residential development will not be compatible with the adjacent commercial units in that the future occupants would be subjected to a high level of noise. Residential developments within or close to commercial units i.e. within town centre location are not uncommon and planning policy encourages the location of residential developments within or close to commercial centres. Therefore, it is not considered that the development is incompatible with the adjacent commercial centre.
104. Members of the public have commented that the dwellings would potentially be converted into HMO's. There is no evidence that suggests that these dwellings would be converted to HMO's, in any case this is an area where an Article 4 direction is in place that prevents dwellings being converted into HMO's without planning consent.
105. Comments have been made that the development should have direct access to the adjacent retail unit. However, there is no overriding need for the site to have access to the adjacent retail units, which in any case are within walking distance from the proposed access point to the site.
106. The comments have been made that the kitchen areas proposed within the units being too small. The kitchen areas proposed, which for most of the dwellings, is designed as an open plan area linked to the dining and living space, are considered to be of a good size. Moreover, as has been discussed within the report, the dwellings meet the space standards set out within policy H9 of the Core Strategy.
107. The comments made that a full survey is required of the landscape outside the site, is unreasonable. The tree survey has indicated all landscaping that would be affected by the development and it would be unreasonable to ask for tree surveys to be carried out of the wider area.
108. The comments made that a topographical survey is required given the difference in land levels within the site are noted. The details of the site provided by the applicant are considered more than adequate to make an assessment on the impact of the development on affected landscaping.
109. Members of the public have commented that the differences in land levels within the site means that the garden areas are not usable. It is noted that the garden areas will be located on a slope, however, this would not render the gardens unusable. The gardens are of a significant length and it is not unusual for gardens to slope.
110. The comments made highlighting the presence of Japanese knotweed within the site, is noted. A condition will be imposed to ensure that the knotweed is safely removed.
111. Comments have been made that the proposed works for the access point may result in the foundations of No. 29 Oakwell Mount becoming exposed. The works are proposed within the redline boundary of the site, and it is not considered that the proposal would result in the exposure of the foundations of the Oakwell Mount properties. As a precaution a condition will be imposed to ensure the contractor undertakes ground investigations and site inspections to identify the location, type and depth of the foundations of 29 and 31 Oakwell Mount.
112. The supporting comments from the occupant of No. 31 Oakwell Mount are noted. The comments made that the Council need to ensure that the land adjacent to No.31 is not destabilised during the construction period. This issue will be covered by the condition highlighted in the above paragraph.

113. Comments have been made by Leeds Civic Trust that the site is not suitable for housing. This issue has been addressed in the report and it is considered that the proposal is acceptable in principle and complies with national and local policy guidance, which encourages new developments within brown field land close to local services.
114. Comments have been made that the garden space being proposed is inadequate. As has been mentioned in the report, the garden space meets policy guidance.
115. The comments made with regards to the proposed solar panels are not relevant. The application is not proposing solar panels.
116. The comments made by Councillor Martin in relation to the construction of a gated community, is noted. The gates to the front of the development have been removed.
117. Concerns raised in relation to how the foul water drainage from 25, 25A, 27, 27A and 29 Oakwell Mount, that passes under the development site, will be managed- particularly given that the proposed road will be unadopted. The revised plans now show the proposed access road to be designed to adoptable standards. In any case, the drainage currently passes through private land and therefore currently the residents of the site would not have rights to access the land.
118. Comments made that several revised plans have been submitted, which has caused confusion on what is being proposed, is noted. All plans that were not relevant have now been removed from the public access system.
119. Concerns have been raised in relation to how construction traffic would access the site. The applicant has advised that the proposed access road between No. 29 and 31 Oakwood Mount will be utilised by the contractors. The access road will be built first, which will allow the contractors easy access into the site. A condition will be attached to ensure construction practices within the site are appropriately managed taking into consideration highway safety and the living conditions of neighbouring residents.

CONCLUSION:

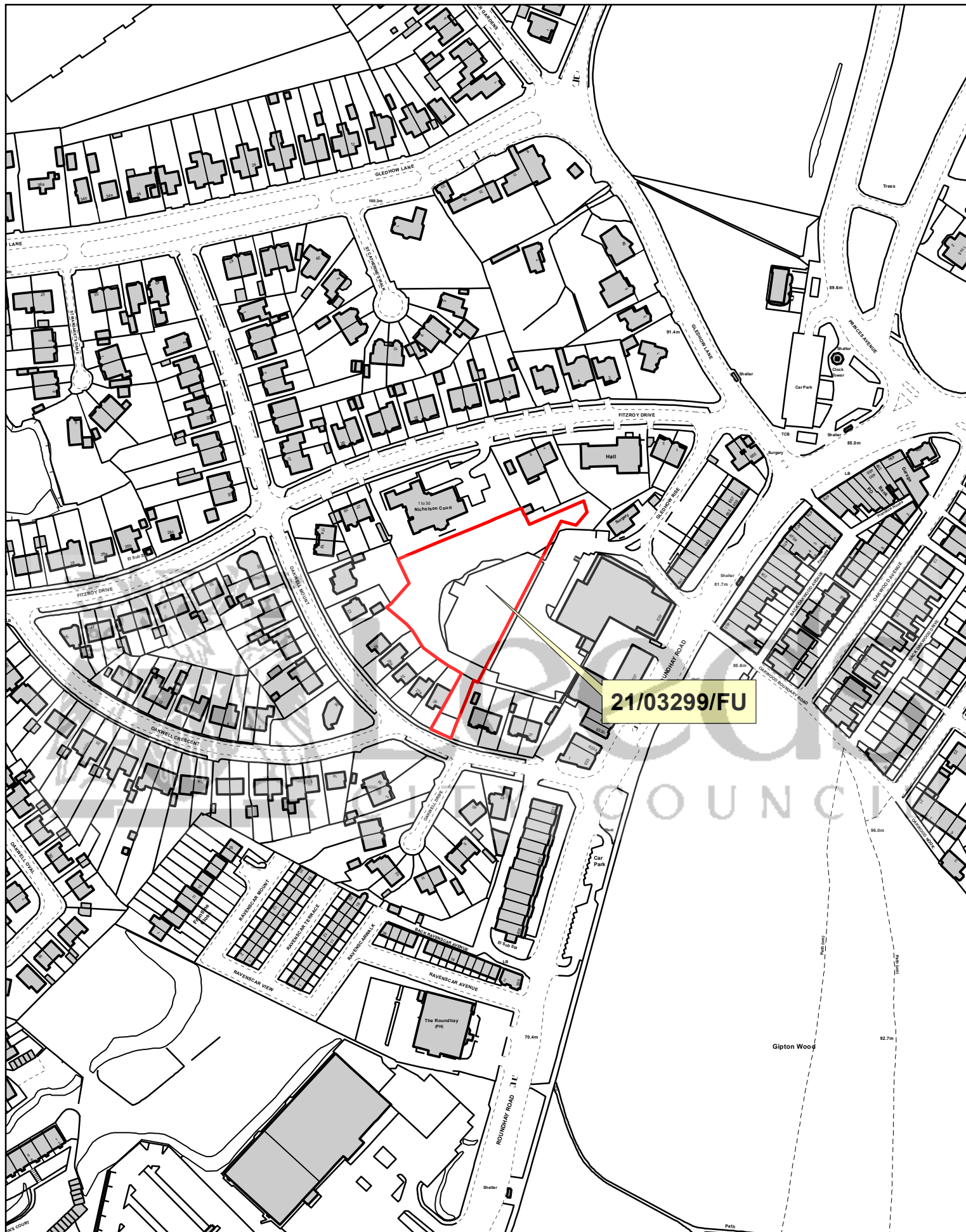
120. This proposal seeks permission for residential development on a site that is not allocated for housing, but the proposal meets the requirement of Policy H2 and is considered to be acceptable in principle. The proposed two/three storey traditionally designed dwellings are considered to tie in well with the residential dwellings in the immediate vicinity and are not considered to harm the character of the area.
121. Whilst two trees are proposed to be removed, the proposal provides a robust landscaping scheme that mitigates the impact of the tree loss, promises replacement planting in excess of the policy requirement and provides for a biodiversity net gain. Due to the position of the dwellings in relation to the neighbouring dwellings, it is not considered that the proposal would give rise to significant issues of overshadowing, dominance or overlooking – either for existing residents or future occupiers of the proposed development.
122. The amenity offered to future occupants is also acceptable, with the size of the dwellings meeting the space standards established within Policy H9 of the Core Strategy, a good level of outlook and light is proposed from all habitable room windows and the garden space meets the advice given within SPG13 Neighbourhoods for Living.
123. The Highways Officer has assessed the scheme and has found the new access road to be of a good design that does not raise significant highway safety concerns. The level of parking is also considered to be acceptable.

124. Taking into account all relevant factors, including representations made, the application is therefore recommended for approval, subject to the conditions outlined in this report and any others which may be deemed necessary, alongside the securing of planning obligation(s) by way of a Section 106 Agreement.

Background Papers:

Planning Application File: 21/03299/FU

Certificate of Ownership: Certificate A signed by the agent.



NORTH AND EAST PLANS PANEL

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

SCALE : 1/2500

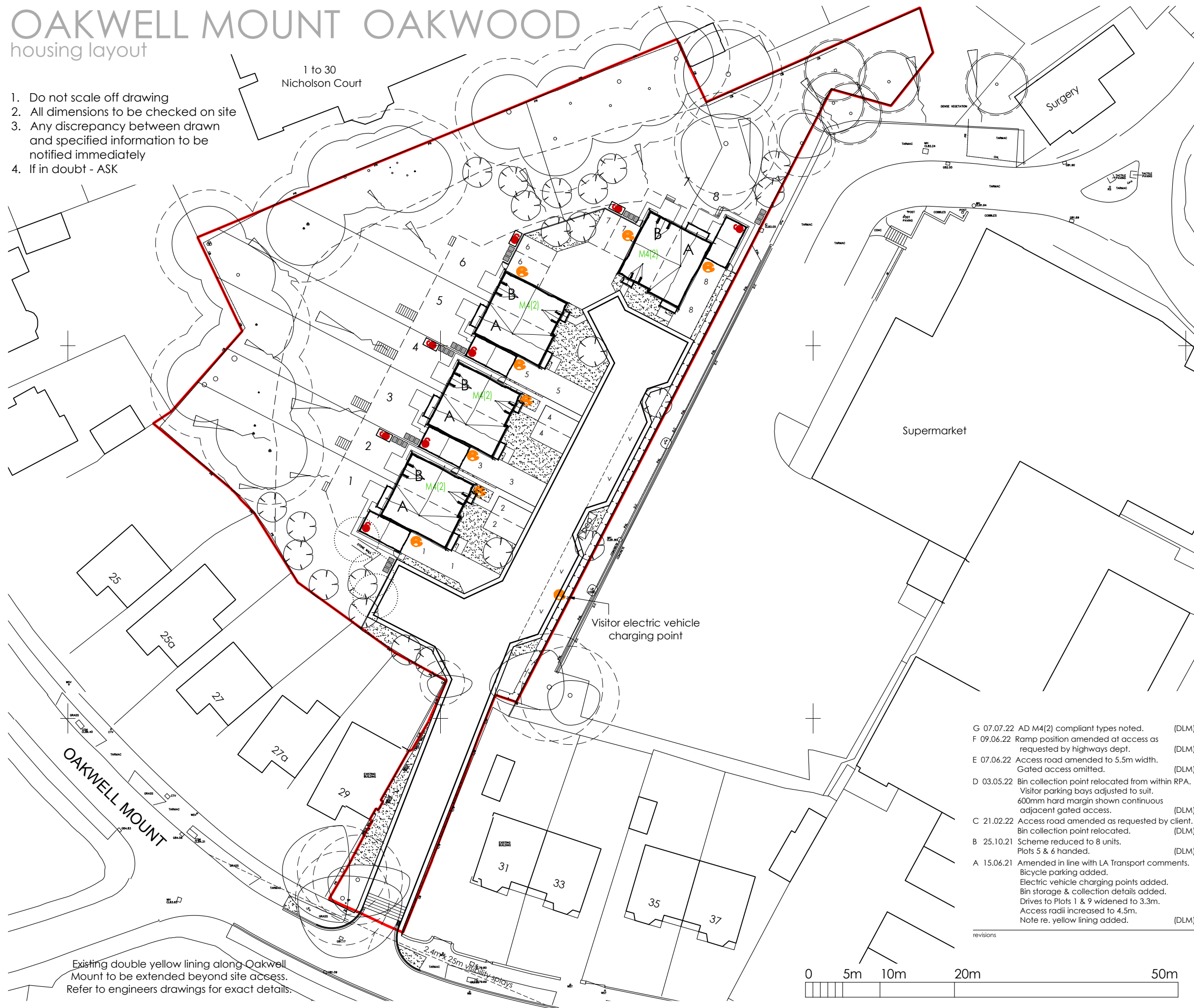


OAKWELL MOUNT OAKWOOD

housing layout

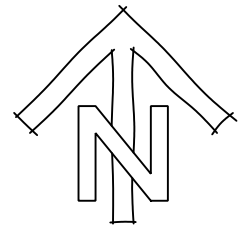
1. Do not scale off drawing
2. All dimensions to be checked on site
3. Any discrepancy between drawn and specified information to be notified immediately
4. If in doubt - ASK

1 to 30
Nicholson Court



Existing double yellow lining along Oakwell Mount to be extended beyond site access. Refer to engineers drawings for exact details.

Amberstone
DEVELOPMENTS



KEY TO SYMBOLS

- Secure bicycle parking either within garage or rear garden by way of a lockable cycle store or shed.
- Each dwelling to be provided with an electric vehicle charging point.
- Bin storage within rear gardens
- Bin collection point
- Plots 2, 4, 6 & 7 to be Building Regulations AD M4(2) compliant



client

Amberstone Developments

project

Land at
Oakwell Mount
Oakwood, Leeds

drawing title

HOUSING LAYOUT

drg. no.

2024.04.01 rev G

date
March 2021

drawn by
DLM

scale

1:500@A3

checked by
DLM

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PLANS PANEL PRESENTATION

SCALE 1:2500