



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 5th September 2013

Subject: 13/01857/FU – Residential development of eleven detached dwellings with associated access, car parking, drainage and landscaping at Castle Mona Lodge Wetherby Road, Scarcroft, Leeds, LS14 3AS

APPLICANT

Mr Shaun Linton

DATE VALID

1st May 2013

TARGET DATE

31st July 2013

Electoral Wards Affected:

Harewood

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 specified conditions and following completion of a Section 106 Agreement (Deed of Variation) to cover the following obligations:

- i. Provision of off-site land for Greenspace;
- ii. Provision of commuted sum of £18,512 towards Greenspace;
- iii. Metro contribution towards MetroCards; and
- iv. S.106 Management Fee

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

Conditions

1. Time limit on full permission;
2. Plans to be approved;
3. Sample materials to be approved;
4. Boundary treatment materials and finish to be approved in writing;
5. Area to be used by vehicles laid out;

6. Landscape protection during construction;
7. All trees and hedges indicated on plans to be retained;
8. All works to be carried out as specified within the Arboricultural Method Statement;
9. Detailed Landscape scheme for additional buffer planting to be submitted and approved in writing;
10. Ecological enhancement to be carried out as specified;
11. Contaminated Land;
12. Development carried out in accordance with the measures detailed within Flood Risk Assessment;
13. Development carried out in accordance with the approved drainage plan;
14. Development shall not commence until a scheme detailing surface water drainage works has been approved in writing;
15. Development shall not commence until details of the methods to prevent mud, grit and dirt being carried onto the public highway;
16. Offsite highway works;
17. Access road to adoptable standards;
18. Details of hard-surfacing and parking areas;
19. Construction Management Plan;
20. No conversion of garages;
21. PD removed (classes A, B, E and walls/fences);
22. Gate piers to be relocated as per layout plan;

1.0 INTRODUCTION

- 1.1 This application seeks permission for the erection of eleven dwellings to an allocated housing site within Scarcroft Village. This follows an outline consent which was discussed by Panel in early 2012 and subsequently deferred and delegated to officers for approval. This permission established the principle of the development, the access arrangements and the layout of the dwellings as well as addressing some landscape and ecology issues. All other matters were reserved. The application before Members is a full application as small changes have been made to the footprint of the houses as thus the layout of the development. This submission also includes all matters relating to design and scale.
- 1.2 The application is brought to Panel at the request of Councillor Rachael Procter due to the history of the site and its important location within Scarcroft Village.

2.0 PROPOSAL

- 2.1 The applicant seeks permission to construct eleven dwellings on an allocated housing site. The land is situated to the north of the village hall and access will be taken from Wetherby Road, utilising an existing, disused access point.
- 2.2 The houses are two and two and a half storeys in height and although there will be a varied streetscene and a mixed palate of materials the overall scale and mass of the dwellings within the development are broadly similar. The development has two distinct character areas. Plots 9-11 which are the most southerly and will be visible from the Wetherby Road, are stone built houses which are designed to resemble a simple, historic style. These houses include chimney detailing. Plots 1-8 which border existing modern housing are to be built of brick and are more reflective of recent styles, although the houses are still fairly simple in their design.

- 2.3 The development is a simple cul-de-sac with houses set back from the road frontage behind short front gardens. The houses are detached and reasonable gaps retained between each dwelling. Parking is provided within garages and on domestic driveways. Gardens are largely provided to the rear of the houses although some plots include side gardens. These side garden areas are enclosed by a mix of open boarded fencing with soft landscaping to the front. As the site adjoins the Green Belt buffer planting is proposed to the east and south boundaries.
- 2.4 The applicant also proposes to provide an area of land for offsite greenspace provision. This is located just south of the development and lies adjacent to the Village Hall. The land will be transferred to the Parish Council, along with a commuted sum for maintenance.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is a 0.98 hectare paddock which located to the north of Scarcroft's village hall. Although the site is a relatively large area of open land with the Green Belt located to the immediate west, established housing lies to the north and east, and the site lies adjacent to the built-up areas of the village. The surrounding housing is of mixed character and includes some historic dwellings although the bulk of the housing stock reflects the styles of motifs of the twentieth century. The existing disused access point is bracketed by two pairs of stone gateposts.
- 3.2 There is a slight gradient within the area with the land falling away to the north-east. Protected trees lie within the site and along its borders. The boundary planting is augmented with other largely self seeded vegetation and this landscaping forms a buffer to the adjacent Green Belt as well as the established housing. A small section of the access road does lie within the Green Belt. This is exactly the same as the outline permission.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 33/232/99/OT Outline application to erect residential development
Withdrawn
- 33/240/00/OT Outline application to erect residential development
Refused
Appeal Dismissed
- 11/01550/OT Laying out of access road and erection of 11 houses
Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been revised during the course of its consideration. Changes have been made to the design of the dwelling with officers and Ward Members keen to see the overall design of the properties simplified and the quality of design to enhanced, particularly to plots 9-11. As a consequence decorative articulation has been removed from the majority of dwellings and traditional details such as chimney pots added to plots 9-11. The house types within some plots have also been revised to ensure the retention of greater gaps between the dwellings.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised site notice and newspaper advert as a Major development. Objection letters have been received from:

- Scarcroft Parish Council who initially raised concerns regarding the loss of the gateposts and later offered their support to other objectors;
- the occupant(s) of 27 The Meadow who raise concerns regarding overlooking;
- the occupant(s) of Beaconsfield Villa who raise concerns regarding the loss of the gateposts and the potential design of later streetlights;
- the occupant(s) of 31 The Meadow who raise concerns regarding flood risk, massing, overlooking, impact on protected trees and potential damage to property;
- the occupant(s) of Meadow House who raise concerns regarding loss of view, overshadowing, overlooking, noise and disturbance, contravention of the Human Rights Act, land access and impact on house prices.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

Highways	raise no objection in principle but express concerns regarding the size of openings to some garages and the proposed length of driveway to plot 7. Tracking for refuse vehicles is requested as is the widening of a section of the footpath. All conditions included upon the previous outline consent are requested to be imposed.
Environment Agency	raise no objections subject to conditions

7.2 Non-statutory

Contaminated Land	no objection subject to conditions
Nature Conservation	no objection subject to conditions
Yorkshire Water	no objection subject to conditions
Mains Drainage	no objection subject to conditions
Metro	no objection subject to conditions

8.0 PLANNING POLICIES:

8.1 Section 38(6) 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. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006).

Local Planning Policy

8.2 **The Leeds Unitary Development Plan (Review 2006)** is the development plan for the whole of the Leeds district. Relevant planning policies in the Leeds Unitary Development Plan (Review 2006) are listed below:

- GP5: Development proposals should resolve detailed planning considerations.
- SG4: To ensure that development is consistent with the principles of sustainable development.
- SA1: To secure the highest possible quality of the environment throughout the district.
- BD5: All new buildings should be designed with consideration given to both their own amenity and that of their surroundings.
- A4: Development and refurbishment proposals should be designed to ensure a safe and secure environment, including proper consideration of access arrangements, treatment of public areas, service and maintenance requirements, materials and lighting, including external lighting of prominent buildings and their surroundings.
- H3: Phased release of housing land.
- N2: Hierarchy of greenspace.
- N4: Greenspace provision within residential developments.
- N12: Proposals for development should create good urban design.
- N13: The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.
- N24: Development proposals which abut the Green Belt should assimilate into the wider landscape
- N25: Boundaries of sites should be designed in a positive manner, using walls, hedges, or railings where appropriate to the character of the area. All paving materials should accord with the character of adjacent buildings and surrounding areas.
- N49: Protection of wildlife, habitats, geological features and landforms.
- N50: Development which harms an SSSI, LNR or SEGI will not be permitted.
- N51: New development should enhance existing wildlife habitats.
- LD1: Any landscape scheme should normally incorporate good landscape design.
- T2: New development should not adversely affect the highway network:
- T24: Parking provision in all development proposals should reflect the detailed guidelines contained in appendix 9 in volume 2.

8.3 **Supplementary Planning Guidance/Documents**

Neighbourhoods For Living: A Guide for Residential Design in Leeds was adopted as Supplementary Planning Guidance by the Council in December 2003.

Street Design Guide Supplementary Planning Document (Main Report) was adopted in August 2009 and includes guidance relating to highway safety and design.

Sustainable Design and Construction (Building for Tomorrow Today) Supplementary Planning Document was adopted in August 2011.

Greenspace Relating to New Housing Development Supplementary Planning Document was adopted in July 1998.

Public Transport Improvement and Developer Contributions Supplementary Planning Document was adopted in August 2008.

8.4 **Emerging Local Development Framework Core Strategy**

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. It is expected that the examination will commence in September 2013.

As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

The following draft policies from the Core Strategy are considered relevant to the application:

<u>Spatial Policy 1:</u>	Location of new development
<u>H2:</u>	New Housing Development on Non-Allocated Sites
<u>H3:</u>	Density of Residential Development
<u>H8:</u>	Housing for Independent Living
<u>P10:</u>	Design
<u>P11:</u>	Conservation
<u>P12:</u>	Landscape
<u>T2:</u>	Accessibility Requirements and New Development
<u>EN1:</u>	Climate Change
<u>EN2:</u>	Sustainable Design and Construction
<u>EN5:</u>	Flood Risk

National Planning Policy

- 8.5 The National Planning Policy Framework (2012) 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. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.6 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.
- 8.7 Paragraph 50 of the NPPF states that authorities should plan:
- “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”

Para 49: Presumption in favour of sustainable residential development.

Para 50: LPAs should plan for a mix of housing, identify sizes, types, tenures in particular areas and identify affordable housing opportunities.

Para 56: Government attaches great importance to design of the built environment.

Para 58: Policies and decisions should aim to ensure developments:

- function to ensure quality over the long term;
- establish strong sense of place, creating attractive, comfortable places;
- optimise potential of site to accommodate development ;
- respond to local character and history ;
- create safe and accessible environments;
- visually attractive (architecture and landscaping).

Para 69: Planning policies / decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life and community cohesion.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Design and Character
- 3) Residential Amenity
- 4) Highway Safety
- 5) Landscape and Ecology
- 6) Greenspace
- 7) Representations

10.0 APPRAISAL

Principle of the Development

10.1 Section 38(6) of the Planning and Compensation Act 2004 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The application is on a phase three allocated housing site that is currently a greenfield site. As a consequence of the Grimes Dyke appeal decision all phase two and three housing site have been released for development. As established by the outline permission housing on the site is acceptable in principle provided that the location is considered reasonably sustainable.

10.2 This issue of sustainability was assessed on the previous application with the case officer noting that whilst the village of Scarcroft does not have a wide range of services and facilities itself, it is served by public transport and includes a local public house with additional facilities available in nearby villages. These factors taken together were considered to amount to a reasonably sustainable location. Attention was also drawn to an appeal decision in 2011 which considered Scarcroft to be a reasonably sustainable village. There are no substantial changes in either policy or the circumstances of the village which would suggest these conclusions are no longer appropriate.

- 10.3 It should also be noted that a section of the site does lie within the Green Belt. The area of land in question is the southern most part of the access road, and this area of land was included within the previous Outline permission. The inclusion of this land within the development has no significant impact upon the openness and character of the Green Belt and thus is not considered to conflict with the aims and intentions of Green Belt policy. As such the development is considered to be acceptable in principle.

Design and Character

- 10.4 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. This focus on good design is replicated within local policies and the creation of high quality residential development which responds positively to its context is strongly encouraged.
- 10.5 The proposed development is considered to achieve these aims in relation to the spatial layout of the scheme, the detailed design of the houses and the soft landscaping and boundary treatments. The development is laid out in a cul-de-sac arrangement with the houses set in individual plots and set back from the highway edge. The layout, density and scale of the development is very similar to that of The Meadow which lies to the north-east as well as other recent developments within Scarcroft. At the request of officers changes have been made to the placement of house types to increase the gaps between the dwellings, particularly plots 9-11 which are most visible from public areas. In its revised form the spatial character of the development is considered to be appropriate within the context of the wider village.
- 10.6 The detailed design of the houses is also considered to be acceptable. As noted above (Proposal) the development has two distinct character areas. Plots 9-11 which are the most southerly and will be visible from the Wetherby Road are stone built houses which are designed to resemble a simple, historic style and details such as chimneys have been added. These houses form the entrance to the development and make reference to the rural vernacular of the original, historic village. The transition into the second character area is then marked by one pair of the historic gateposts which are to be relocated from the road frontage. The housing beyond this point is to be brick built and its design is more reflective of recent styles, although the houses are still simple in design and appearance. These are less visible from public areas and the use of brick reflects the materials of The Meadow as well as other housing within the village, where a mixed palate is quite typical. As such the detailed design of the houses is considered to be appropriate. It is proposed that Permitted Development rights regarding roof extensions be removed. Significant care has been taken to ensure that the houses are well designed and respect the general vernacular of Scarcroft Village. A key part of their positive design is the simple appearance and clean lines of the houses. Dormers are not common within the wider area and the addition of large structures to the rear roofscapes could significantly harm the appearance of the houses.
- 10.7 It is noted that concern has been raised regarding the re-siting of the historic gateposts with residents and the Parish Council objecting to their wholesale removal from the A58 frontage. There are currently two pairs of gateposts on the A58 frontage. The inner pair need to be re-sited in order to satisfactorily widen the

entrance way and it is these which are to be relocated to the transition point between the two character areas. The outer pair will remain in situ in their original position. The retention of the outer pair of gateposts was not shown on the original site layout plan and this omission has likely created a degree of confusion and concern. The retained gateposts are indicated on the revised site layout. As such the application is acceptable in this regard.

- 10.8 The soft landscaping and the proposed boundary treatments are also considered to be acceptable. As initially proposed tall walls and close boarded fences were to be used to enclose the side gardens and other private spaces. The layout of the development means that much of this hard landscaping would be visible and this would have created a very defensive feel to much of the street and resulted in an inappropriate sense of enclosure. These details have been revised. Fence heights have been lowered to 1.5m where they are highly visible from the road and their frontages augmented with landscaping. Some areas of taller fencing and a section of tall walling do remain. In the case of the fencing these are for limited areas and are unlikely to give rise to significant harm. The wall is located to the eastern boundary of plot 7 and its retention is unfortunate but given that this will not be visible from the majority of the development it is not considered to cause unacceptable harm to the character of the area. The positive changes which have been made to the design of the boundary enclosures could be gradually eroded by home owners erecting 2.0m fences and walls under Permitted Development. In order to prevent this harm is proposed to remove the right to erect fences and walls without planning permission.

Residential Amenity

- 10.9 In order to be considered acceptable new residential development must result in an adequate standard of living for those occupying the new dwellings. Care must also be taken to ensure that the existing residential amenity of those living close to the development is not unreasonably affected. Three residents bordering the site have raised concerns regarding the impact upon amenity. Before beginning to discuss these matters in detail it must be noted that the majority of development proposals will have an impact upon near neighbours and this impact will often lead to some loss of amenity. Development proposals cannot be refused simply because that have an impact upon neighbours, but only if that impact is harmful and unreasonable.
- 10.10 The development raises no concerns in respect of the amenity of the proposed residents. The provision of garden space for the majority of the plots is adequate and complies with the advice contained in Neighbourhoods for Living. This advice requires (among other things) that garden areas are not unreasonably overshadowed by vegetation. The protected trees along the western boundary means that plots 1-3 do not have a significant rear garden area which lies outside the canopies of trees, and thus these houses include side garden areas. It is noted that plots 10 and 11 on the eastern boundary have rear gardens which are similarly affected by protected trees. Although plot 11 has an area of side garden plot 10 does not, however this property is less affected than plot 11 and thus on balance the provision of garden space is considered to be reasonable. The siting of the houses also means that main windows are provided a reasonable degree of outlook and that private garden areas are not directly overlooked. Due to the constraints on garden space created by the protected vegetation it is considered reasonable to remove permitted development rights relating to class A and E to prevent usable garden areas being harmfully reduced. It should be noted that this does not mean

residents will not be able to build extensions and outbuildings, merely that the LPA would like the opportunity to assess their impact.

- 10.11 Policy GP5 (UDPR) notes that extensions should protect amenity and new development should not cause excessive overdominance, overshadowing or overlooking. These will each be discussed in turn. Concern has been raised by the occupants of 31 The Meadow regarding the scale and massing of the new houses with attention drawn to the fact that some of the houses are noted to be two and a half stories in height and the level differences between the site and The Meadow. The houses which are proposed are two stories in scale with an eaves height of around 5.0m (most being less than this) and a ridge height of approximately 8.0m. The maximum ridge height for plots 4-6 which border The Meadow is 8.7m, which is not unreasonable nor excessive. The houses which are noted on the house types to be two and a half stories contain rooms within the roofspace. The utilisation of void spaces within the roof for accommodation does not significantly increase the mass of the dwellings and does not result in the houses appearing excessively scaled or notably taller than their neighbours within and beyond the development. The slight gradient within the area does mean that plots 4-6 will be marginally elevated above The Meadow however the separation distances between the existing and proposed houses are considered sufficient to mitigate the impact. As such the application is acceptable in this regard.
- 10.12 Concern regarding overshadowing has been raised by the occupants of Meadow House which is situated east of the development and adjacent to plot 1. This is a relatively recent dwelling which was granted planning permission in December of 2000 and which has a tapering rear garden which faces north. The development will lead to some overshadowing of this garden during the early-mid morning but is not expected to have any significant impact after this time, with the garden overshadowed by the dwelling during the middle of the day and the development having no impact upon afternoon and evening sunlight. Although the development will have some impact upon the garden area of Meadow House the reduction in direct sunlight during part of the morning is not considered to be an unacceptable nor unreasonable impact. As such the application is acceptable in this regard.
- 10.13 Concern regarding overlooking has been raised by occupants of The Meadow and also the occupants of Meadow House. In respect of this latter property no unreasonable overlooking is expected. The house within plot 1 is angled away from the main garden areas and main windows of Meadow House and there will be no unreasonable, nor direct overlooking. There will be some oblique overlooking of the rear garden, however total privacy within a domestic rear garden is rare and is not a reasonable expectation; the significant majority of rear gardens are obliquely overlooked by neighbouring dwellings and this is neither unusual nor unreasonable. It is accepted that the neighbouring garden may well have long enjoyed a feeling of reasonable seclusion and that the addition of a two storey dwelling may result in the perception of being more overlooked, however as noted above the relationship between the two dwellings is not unusual, unreasonable nor unduly harmful. These judgments are also applicable to 31 and 27 The Meadows. Whilst both these houses currently look out onto fields and thus experience a reasonable degree of seclusion, total privacy cannot be expected within a residential context. Plots 5 and 6 which face toward the rear gardens of the houses on The Meadows exceed both the minimum distances to boundaries and the separation distances which are required by Neighbourhoods for Living. As such the development complies with the relevant guidelines and is considered acceptable in this regard.

Highway Safety

- 10.14 The development raises no significant concern in respect of highway safety subject to the imposition of relevant conditions. No objections are raised to the principle of the development with the access details, visibility splay and turning head considered acceptable. A new right turn from the A58 in the northern direction is provided as part of the development and is the same as previously approved. This should be provided prior to occupation of the dwellings. Metro cards are also to be provided for new occupants and these will be secured through a planning obligation. Concern had been raised regarding a section of reduced width footpath although this has subsequently been resolved between the developers and highways officers. Concern remains regarding the internal dimensions of the garages and the width of access doors to the garages.
- 10.15 The size of the garages is not considered to cause significant harm. Whilst it is accepted that the internal dimensions of the garages are less than ideal this is not expected to lead to significant on-street parking. The garages within the development are either doubles or triples with additional parking spaces provided by driveways. The garages are of an adequate size to accommodate at least one car with the driveways able to accommodate at least one more vehicle. This means that no property will have fewer than two off-street car parking spaces. The width of the access doors is also considered to be acceptable. Although it is accepted that the width is a little less than would ideally be required (by 30cm) this reduced width does not make the garages unusable or unsafe. Furthermore this width is driven by the design of the doors, which are of a higher quality than a standard up-and-over garage door. If the doors were to be widened the overall design of the garages and the overall quality of the development would be harmed. It should also be noted that the doors are the same width as those allowed at the Syke Lane which is currently being developed by the applicants. As such, this slight reduction in the ideal width of the garage door is not considered to be significantly harmful and the development is acceptable in this regard.

Landscape and Ecology

- 10.16 A Tree Preservation Order that was served in 1999, protects a number of mature trees around the periphery of the site, the mature Sycamore towards the centre, and the trees within The Meadows. A number of trees were however, removed prior to the submission of the outline application in 2011 and these included a line of trees adjacent to the access abutting the Green Belt. These trees were not covered by the TPO and their removal, whilst regrettable, was not in breach of planning control.
- 10.17 The proposed layout seeks to retain the majority of trees covered by the Order. An Oak tree to the eastern boundary (T5) which was noted in 2011 to have major basal decay is now in an unsafe state and must be removed. This is part of a wider group of mature and semi-mature trees and its removal will not prejudice the buffer planting scheme. The layout and density of the houses was reduced during the 2011 application to ensure that there was no detrimental impact upon the canopy spread and root protection area of the protected trees and this layout is largely retained. The mature Sycamore towards the centre of the site is most at risk from the development. The arboricultural method statement notes a non-dig method of construction for the road so as to avoid excavations within the root protection area. This and all other arboricultural protection measures will be ensured through condition.
- 10.18 Concern has been raised by Nature Conservation Officers regarding the potential impact upon bats. A bat and badger survey have been previously carried out at the

site to determine the presence of such species and the likely potential for them. Bats were observed commuting across the site and the survey noted that there was bat roosting potential in the oak tree along the eastern boundary which is now to be removed, although no bat roosts were identified. As such the proposal is considered acceptable in this regard.

Greenspace

- 10.19 At present the village of Scarcroft does not benefit from any publicly accessible greenspace. The proposal results in the provision of over 10 dwellings and therefore there is a policy requirement to provide greenspace as part of the development. It is considered that the payment of a commuted sum towards greenspace as part of this development is not appropriate as there is no existing facility within the village on which to spend such a contribution. The outline consent proposed that a section of land to the south of the site next to the village hall as well as a commuted sum be transferred to the Parish Council so that an area of greenspace within the village could be created. This was secured by an S106 agreement. This arrangement is still proposed and at the time of the Officer site visit it was clear that area of land had already been marked out and defined. It should be noted that this area of land is located within the Green Belt and a Change of Use application will be required before any formal recreation space is created. As such the proposal is acceptable in this regard.

Neighbour Representations

- 10.20 Concern has been expressed by the occupants of 31 The Meadow regarding floodrisk with the occupants asking that the recommendations and conditions suggested within technical reports be undertaken. The Environment Agency and Mains Drainage are satisfied that the development will not result in problems associated with drainage and flooding subject to the imposition of conditions. These will be imposed and are included at the head of the report.
- 10.21 Concerns have also been raised regarding potential noise and disturbance, damage to property, house prices and the Human Rights Act. It is always hoped that new development will be constructed and occupied in a considerate manner, potential noise from a potential occupant at some point in the future cannot be considered as a reason to refuse planning permission, particularly as other mechanisms and other legislation are in place to protect neighbours in these instances. Potential damage to property is a civil matter and should damage occur this must be resolved between the relevant parties outside the planning process.
- 10.22 The impact upon house prices cannot be considered a material consideration as the value a potential purchaser places on a property is largely subjective and not something which can be quantitatively nor qualitatively assessed through the planning process.
- 10.23 The grant, or denial, of planning permission does not breach the European Convention on Human Rights. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process to assess the effects that a

proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

11.0 CONCLUSION

11.1 The application is therefore considered to be acceptable. The development is considered to be well designed and will not have an unreasonable impact upon residential amenity, highway safety or the environment. As such the development is compliant with the relevant policies and guidance and approval is recommended.

Background Papers:

Application files 13/01857/FU
Certificate of ownership: Certificate B signed by agent
Notice served on Mr A Richter



LEEDS CITY COUNCIL
21 JUL 2013
REVISED

Proposed Residential Development at Wetherby Road, Scarcroft

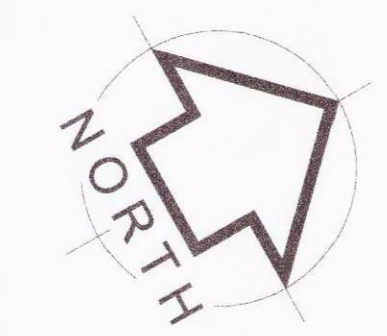


- Schedule of Accommodation**
- Plot 1 - A Type Special
 - Plot 2 - A Type Special
 - Plot 3 - B(i) Type
 - Plot 4 - F Type
 - Plot 5 - B(ii) Type
 - Plot 6 - E Type
 - Plot 7 - E Type
 - Plot 8 - D Type
 - Plot 9 - B(iii) Type
 - Plot 10 - D Type
 - Plot 11 - C Type

Enclosure Details.

- Indicative Landscaping - Refer to Landscape Architects Details
- 1.8m Timber Close boarded Fence to Standard Details SDF.01
- 1.2M Timber Post and Rail Fence to Standard Details P & RF.01
- 1.8m Screen Wall. Refer to Standard Details SCW 01
- 1.5m Screen fencing with 25mm gaps and screen hedge planting in front
- Garden Gate to Standard Details SDF 01
- Block Paving driveways and Footpaths to Standard Details PAV.05
- Rear Garden Patios to Standard Details PAV.05
- Existing Trees and Root Protection Areas
- Existing Trees to be removed
- Cycle Store provided to all properties in accordance with CSH ENE 8
- Chimney locations to plots 9, 10 & 11
- All UPVC double glazing to be an 'Off White' colour finish.
- All garage door to be a Black colour finish.

Refer to Landscape Architects details for proposed Landscaping



Rev	By	Note	Date
B	JG	Boundary fence to Plot 7 Driveway reduced.	11.07.13
A	JG	Layout updated in accordance with comments from Highway Officer and Planning design review meeting	18.06.13

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PROJECT **Wetherby Road, Scarcroft**

TITLE **Proposed Site Layout**

CLIENT **Shepherd Homes**

DATE **27.03.13** SCALE **1:500@A1**

DWG NO **Y81:854.03** REVISION **B**

DRAWN **JG** CHECKED **PJR**

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Proposed Site Layout

Provisional - Subject to Planning



13/01857/FU

NORTH AND EAST PLANS PANEL

