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## Report of the Chief Planning Officer

### NORTH & EAST PLANS PANEL

Date: 9<sup>th</sup> February 2017

**Subject: 16/05784/FU – Two storey detached house with attached garage at 17 Manor Park, Scarcroft, Leeds, LS14 3BW**

#### APPLICANT

Mr David Gale

#### DATE VALID

26<sup>th</sup> September 2016

#### TARGET DATE

21 November 2016

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#### Electoral Wards Affected:

Harewood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit
2. Development to comply with approved plans
3. Vehicle spaces to be laid out and hard surfaced
4. Details and sample of walling and roofing materials
5. Details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking)
6. Survey of the condition of the vehicular highway within the application site, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development.
7. Tree survey
8. Provisions for replacement trees
9. Protection of trees and shrubs
10. Submission of a feasibility study into the use of infiltration drainage methods
11. Details of surface water drainage
12. Details of bat roosting Features
13. Phase I Desk Study to be submitted
14. Submission of Amended Remediation Statement if required

- 15. Submission of Verification Reports if required
- 16. Any soil brought into the site to be tested for contaminants

## **1.0 INTRODUCTION**

- 1.1 The application proposes to construct a single dwelling within the side garden of a detached dwelling within Scarcroft. The application is brought to Panel at the request of Cllr Rachael Procter who considers that the proposal will give rise to concerns affecting more than neighbouring properties and in particular, raises highway safety issues and harm the character of the area.
- 1.2 In terms of the history, permission was recently granted to demolish the existing dwelling and to build a replacement house on a similar footprint. This permission retained the side garden between the approved dwelling and no. 21 Manor Park. This side garden is now the subject of the current proposal which seeks to erect an additional dwelling. It is considered that the proposed and recently approved dwelling will not adversely affect the spatial character of the area.
- 1.3 The Highways Officer has raised concerns with regards to the substandard nature of Manor Park highlighting that the proposal will exceed 5 dwellings being accessed off a private drive, running contrary to the Street Design Guide. Also, the lack of amenity for pedestrians, including a lack of lighting and footways, is also highlighted. Whilst officers acknowledge that the proposal runs contrary to the wording of the Street Design Guide, it is observed that the access road (Hellwood Lane) already serves 19 houses (of these, 13 are served from Manor Park) and therefore an increase of 1 dwelling is not considered to amount to a significant increase in vehicular activity and associated harm to highway or pedestrian safety. It is therefore concluded that the proposal is compliant with national guidance insofar as the impact is not considered to be severe, and on this basis it is recommended for approval.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks permission to construct an additional dwelling on the site which will be located within the side garden of no. 17. A replacement dwelling has recently been approved on the site (15/07546/FU) on a similar footprint to the existing house. The dwelling largely takes a two storey form and will sit within the side garden of the existing dwelling. The dwelling will be accessed off a private drive known as Manor Park which serves 13 dwellings. Overall, Hellwood Lane serves 19 dwellings. The dwelling will be of a traditional design, constructed of stone with a slate roof. The main two storey element of dwelling will measure 10.2m by 10m and will feature a single garage to the side.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site (No.17 Manor Park) is a fairly large plot which has a slight slope from west to east. The site adjoins the Green Belt to the east and north. A belt of trees are present along the eastern and northern boundary which provides a natural green buffer from the green belt. The trees beyond the northern boundary are protected with a TPO.
- 3.2 Manor Park comprises a private drive serving 13 dwellings within a loop which connects to Hellwood Lane which in itself serves 6 dwellings. Hellwood Lane connects to the A58, and as well as serving the 19 dwellings, also leads towards riding stables where the road terminates. This particular stretch of the A58 has a 30mph speed limit and benefits from a right turn lane into the site travelling from the Leeds direction. The

dwellings within Manor Park and along Hellwood Lane are varied in terms of their scale, architecture and materials. Most of the dwellings on the street take a two storey traditional form and feature pitched roofs. The existing dwelling at no. 17 Manor Park is of a stone construction with a slate roof and is currently fenced off.

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

- 4.1 15/07546/FU- Demolition of existing dwelling and construction of one detached dwelling. Approved.
- 4.2 14/06779/FU- Demolition of existing dwelling and construction of two detached dwellings: Withdrawn. It is worthy to note that Officers supported the principle of 2 dwellings on the entire site. This proposal received local opposition and was subsequently requested to report the application to Panel for determination. However, before doing so, the agent decided to withdraw the application to avoid the risk of obtaining a refusal, and to concentrate on obtaining approval for the replacement dwelling at no. 17 only, and once this permission had been secured, to resubmit a new application for an additional dwelling within the side garden area.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 None

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The receipt of the application has been publicised in the following ways:
- Site Notice Posted 14.10.2016
  - Neighbour Notification Letters Posted on 29.09.2016 and was posted again after the redline plan was amended on 07.11.2016 .
- 6.2 Objections have been received from 11 households within the area. These raised the following concerns:
- Design of the dwelling do not tie in with the character of the area
  - The layout of the house do not reflect the special character of the area
  - The private road does not allow for heavy vehicles access
  - Heavy vehicles will damage the road
  - The dwelling will be located close to mature trees.
  - The proposal will overlook No.21 Manor Park
  - The proposed new access will create highway safety issues
  - Disruption during construction period.
  - The proposal to remove a shed on the shared boundary may affect the boundary wall of No.21.
  - The approval of the scheme will lead to other dwellings in the area proposing a second dwelling on the site.
  - The proposal will over-dominate No.21
- 6.3 Parish Council- comments that a brick dwelling will not be in keeping with the character of the area.

6.4 Ward Members: Cllr Rachael Procter raises concerns over highway safety and impact upon the character of the area.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways raise the following concerns:

- Manor Park is not an accessible from of development for pedestrians as it is not in a good state of repair and the roads leading up to the site are not lit and do not have dedicated pedestrian facilities.
- The proposal conflicts the Street design Guide (SDG) it that the Manor Park currently serves more than five dwellings and is not built to adoptable standards.

7.2 Mains Drainage - No objections.

7.3 Land Contamination - No objection subject to conditions.

7.4 Nature Conservation - No objection, subject to conditions.

## **8.0 PLANNING POLICIES:**

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

### Development Plan

8.2 The development plan for Leeds comprises the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan, and is adjacent to the Leeds Habitat Network.

8.4 The following Core Strategy policies are relevant:

General Policy – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

P10 – High quality design

P12 – Good landscaping

H2 – New housing on non-allocated sites

H3 – Housing density

H4 – Housing mix

G4 – On-site greenspace for major residential developments.

T2 – Accessibility

EN5 – Managing flood risk

8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations

N25 – Landscaping

BD5 – General amenity issues

LD1 – Landscaping

N24 - Proposal that about the Green Belt their assimilation into the landscape must be achieved if existing landscape features will not achieve this.

### Supplementary Planning Guidance/Documents

8.6 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)
- Street Design Guide SPD
- Parking SPD

8.7 Scarcroft Neighbourhood Plan

A Neighbourhood Plan is currently being developed for the village of Scarcroft. This is in draft form and therefore can be given limited weight. Relevant draft policies seek to ensure that development proposals respond to the specific character of a site and its surroundings; contribute to the local character and create a sense of place.

### National Planning Policy

8.8 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 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.

### DCLG – Nationally Described Space Standards

8.10 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage. In any event, the proposed dwelling complies with the minimum space standards.

## **9.0 MAIN ISSUES**

- Principle of Development
- Design, Character and Visual Amenity

- Residential Amenity
- Highways and Access
- Landscape
- Nature Conservation
- Drainage
- CIL Liability

## 10.0 APPRAISAL

### Principle of Development

10.1 The proposal is to construct a single dwelling within the side garden of this residential plot. Permission has recently been granted to demolish the existing house at no. 17 and to construct a replacement dwelling on a similar footprint, thereby leaving the side garden open. This permission has yet to be implemented and remains extant. Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the residential areas, in order to ensure that shops, services and public transport are easily accessible. There are limited services within Scarcroft, while there are some bus services to Leeds and Wetherby on the A58. Policy H2 of the Core Strategy notes that housing on non-allocated sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. Despite the limited range of services within the immediate village, the plot is located within an existing residential area and only proposes a single additional dwelling. In the wider context of the village, it is not considered that a single additional dwelling will overburden the capacity of local infrastructure. As such, the principle of developing the site for housing is considered to be acceptable. This dwelling will be built in the side garden of the original dwelling. Therefore, it is considered that this is a green field development.

10.2 The second part of Policy H2 states, amongst other things, that greenfield land should not be developed if it makes a valuable contribution to the visual and spatial character of an area. In respect of design and visual amenity, due regard should also be given to the National Planning Policy Framework in Paragraph 55 states that '*Local Planning Authorities (LPA) should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.* It is not considered that the residential garden makes a valuable contribution to the character of the area and, as will be discussed in the following section of this report, the proposed dwelling itself will not harm the special character of the area.

### Design, Character, Visual Amenity

10.3 Manor Park and Hellwood Lane feature a mix of housing types but are generally characterised by their two storey form and traditional design. The space between dwellings is also an important characteristic of the area which gives the area a spacious rural feel. It is considered that the two storey scale of the dwelling and traditional design style are appropriate for this area and do not raise any concerns. The two storey scale of the dwelling is similar to many other dwellings in the street and the design of the dwelling will match the approved dwelling on the adjacent site, and therefore these aspects of the scheme are not a concern. The stone construction of the dwelling, as well as its simple shape and form, will allow the proposal will tie in with the character of the area.

- 10.4 Many of the objectors have commented that the site is too small to fit an additional dwelling within the site (to that already approved) and that the limited space between the proposed dwellings results in the development appearing cramped on the site. A separation distance of 4.3m will be retained between the proposed and the recently approved dwelling and 10m will be maintained at first floor level as the replacement dwelling includes a side attached garage. To the other side, a distance of 4.8m would separate the proposed new dwelling and the existing dwelling at no. 21. It is considered that these separation distances exceed the Council's guidance and are more than sufficient to ensure that the proposed will not harm the spatial character of the area and to ensure that the site does not appear over-developed.
- 10.5 Given the site abuts the open Green Belt to the north and east, in accordance with Policy N24 of the UDPR, a landscape buffer is required to assimilate the development into the surrounding landscape, if one does not already exist. It is considered the existing vegetation present to the north and beyond the eastern site boundary is more than adequate to ensure the proposed development will assimilate into the landscape and therefore no additional buffer is required.

#### Residential Amenity

- 10.6 The development is considered to provide a reasonable standard of amenity for future occupants. All habitable rooms will receive adequate levels of daylight and sunlight, have a good level of outlook and the rooms are of a good size. The proposed dwelling will be served with two parking spaces which have been accepted by the Highways Officer as being of an adequate dimension. The garden areas proposed are of a reasonable size and meet the guidance provided with Neighbourhood for Living.
- 10.7 With regard to internal space standards the submitted plans show a scheme that exceeds the requirements set out by the technical guidance.
- 10.8 The development would not have a harmful impact upon the amenity of surrounding residents. The proposed windows will generally not overlook the private areas of any dwellings. The proposal will keep a distance of 4.8m from the boundary No.21 and will not project beyond its rear elevation. It is considered that the gap maintained from No.21 is adequate to ensure issues of dominance or over-shadowing are avoided.
- 10.10 In terms of the specific issues raised from the neighbour residing at No.21 relating to overlooking, as there are no windows that directly face No.21 it is not considered that the proposal will affect the privacy of No.21.

#### Highways

- 10.11 Many of the objectors have complained that the proposal will give rise to traffic issues and issues of highway safety. It is considered that the addition of a single dwelling will not give rise to significant issues of traffic and congestion in the area.
- 10.12 The Highways Officer along with a number of residents have however commented that Manor Park has poor pedestrian accessibility, as the private road is not in a good state of repair and the roads leading up to the site are not lit and do not have dedicated pedestrian facilities. The Highways Officer also comments that the proposal conflicts with the Street Design Guide (SDG) in so far as Manor Park currently serves more than five dwellings and is not built to adoptable standards.

10.13 Manor Park currently serves 13 dwellings, plus 6 dwellings from Hellwood Lane, making 19 dwellings in total, which is a number far above the restriction placed on private roads by the Street Design Guide. As Manor Park has served a good number of dwellings for a number without years without causing any known harm to pedestrians and the Highways Officer has not highlighted any incidents where pedestrians have been harmed by vehicles using the road, it is considered that the refusing the scheme on the grounds highway safety issues cannot be justified. Furthermore, Manor Park and Hellwood Lane is a fairly quiet road located a short distance away from the adopted highway (Wetherby Road) and therefore it is considered that pedestrians should be able to easily and safely navigate the private road and reach the adopted highway without significant conflict with vehicle users. Therefore, it is considered that the guidance contained within the Street Design Guide and the Highways Officer's objection cannot be sustained in this instance based on the individual merits of the case.

#### Landscape

10.14 A number of objectors have commented that the dwellings will be set close to trees and the Landscape Officer initially stated that further plans are required that show the trees plotted accurately. The tree report concludes that there are no trees that require removing as a result of the development and it is confirmed from the assessment made by the Case Officer on the site visit that trees will not be harmed as a result of the development. Some trees on the site have been removed, but these were agreed with the Landscape Officer under a separate tree works application (15/02273/TR). Therefore, it is not considered that the proposed development poses a significant threat to trees within the site.

#### Nature Conservation

10.15 The bat survey submitted shows that there is a bat roost within the existing building. The issues relating to the bat roost was dealt within under the approved scheme. It is considered that the proposed dwelling, will not harm the local bat population. The Nature Conservation Officer has assessed the scheme and has raised no concerns.

#### Drainage

10.16 The scheme has been assessed by the Drainage Officer who has raised no concerns.

#### CIL Liability

10.17 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). This proposal generates a CIL requirement of £21,230. Infrastructure requirements associated with this application are unknown. This is presented for information only and should not influence consideration of the application. Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

#### Public Representations

10.18 The objections received relating to the harm to the character of the area, highway safety, trees and the impact on neighbouring residential amenity has been addressed



in the report. The issues that have not yet been addressed will be addressed in the following paragraphs.

- 10.19 The concerns raised relating to the private road not being suitable for use by heavy vehicles and the issues relating to working practices, is noted. It is considered that the access to and from the site is possible for a medium size vehicle and given that this is a small development, it is unlikely that larger vehicles will be used during the construction process. Furthermore, conditions are recommended to be imposed to ensure the loading and unloading of vehicles takes place safely within the site. A condition is also recommended to ensure any damage to the private road is repaired.
- 10.20 The comments made that the proposed construction works will cause disturbance, is noted. However, the disturbance caused will be for a limited period which will not cause significant levels of disturbance to the lives of local residents.

## **11.0 CONCLUSION**

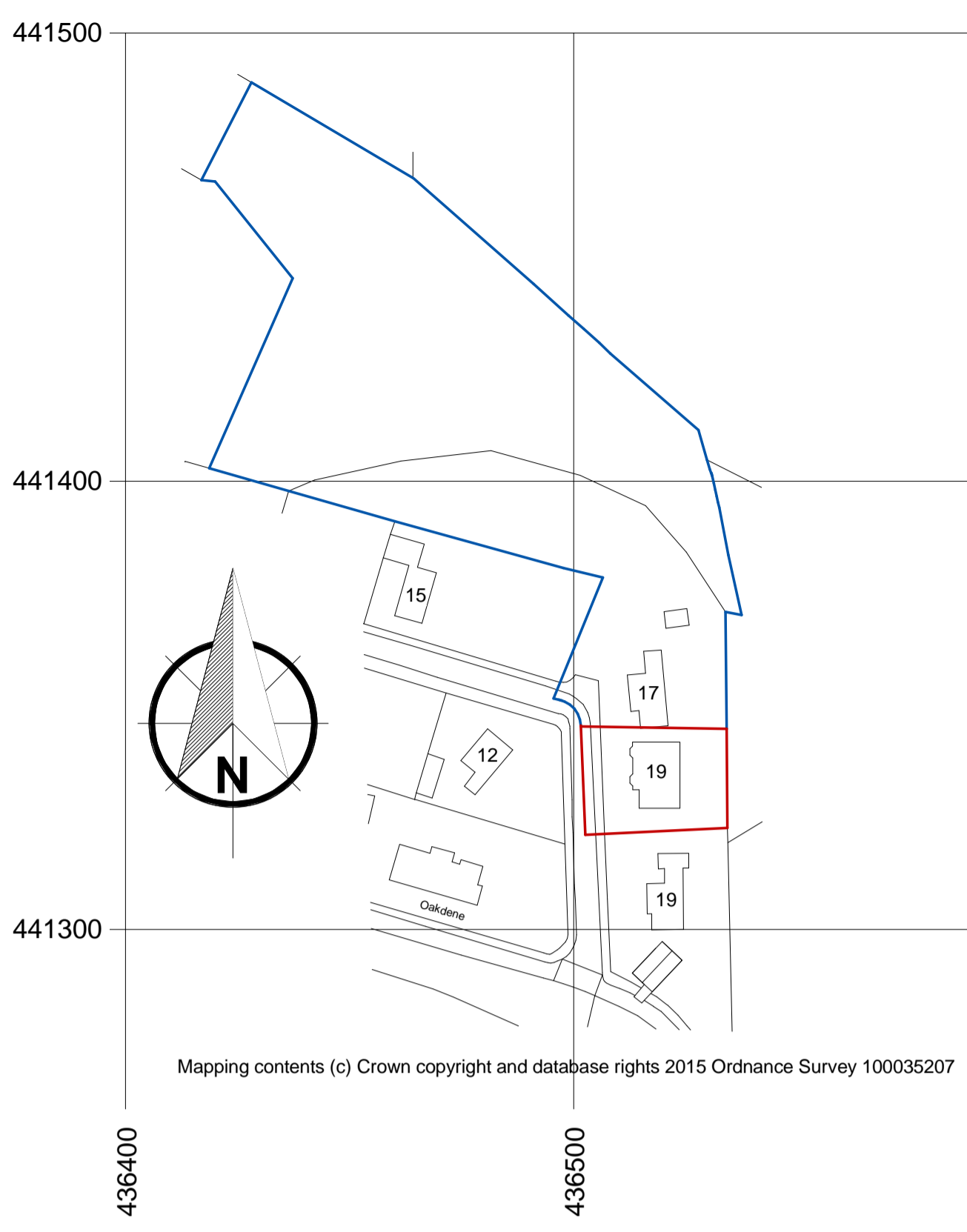
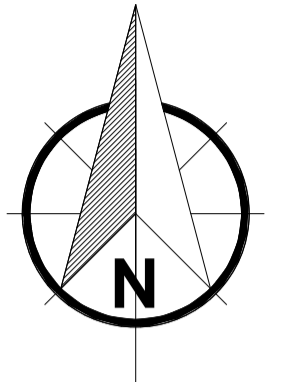
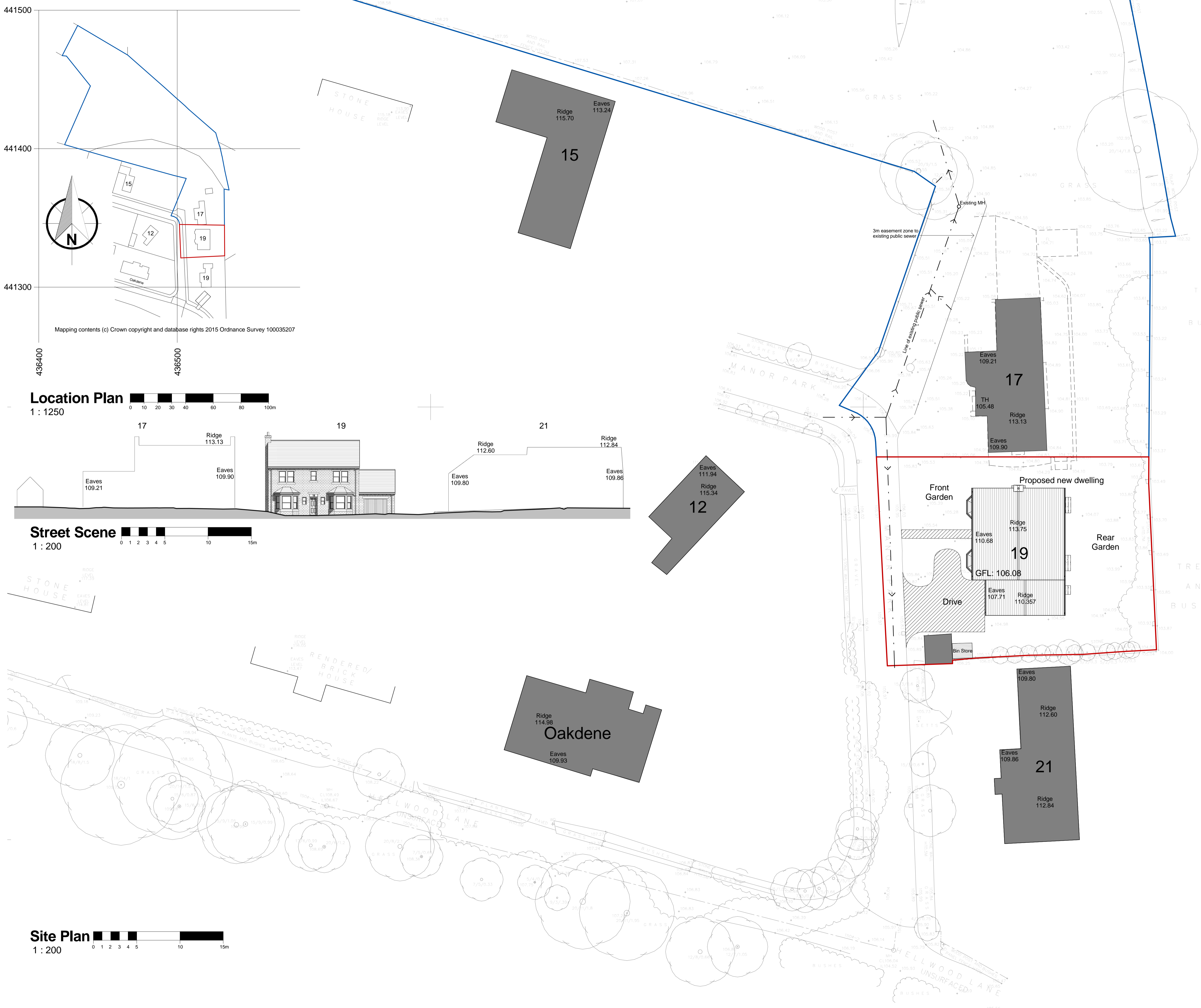
- 11.1 It is considered that the proposed development is acceptable in principle and will not have an adverse impact upon the character of the area. There are no significant concerns relating to highway safety or to the loss of trees within the site. Therefore, it is considered that the proposal compiles with planning policy guidance and it is recommended that planning permission should be granted, subject to the conditions set out at the head of this report.

### **Background Papers:**

Application files: 16/05784/FU

Certificate of ownership: Certificate A signed by Applicant Mr D. Gale

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  - All dimensions are to be verified on-site and PTA must be informed of any discrepancies.
  - This drawing is copyright and for use on the project only.
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  - Construction staff and operatives must ensure the principal contractor has provided thorough and accurate information on all Health and Safety aspects relating to the designs identified on this drawing including the review of:-
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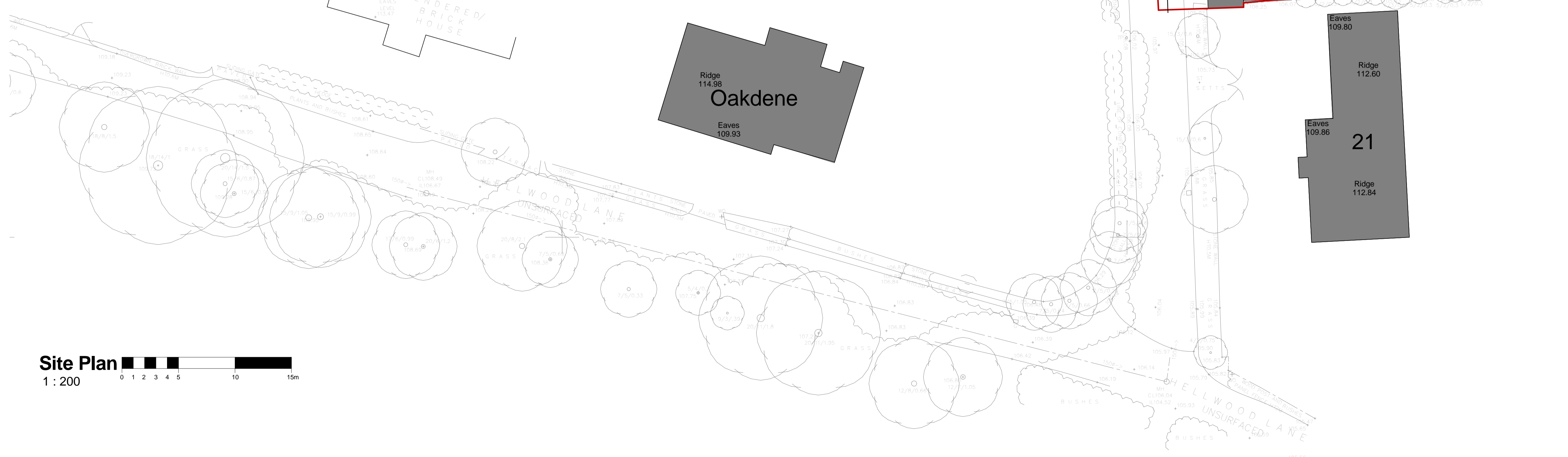


**Location Plan**  
1 : 1250



**Street Scene**  
1 : 200

No. 19  
Gross internal floor area for house (excluding garage) = 203m<sup>2</sup>  
Total garden area = 413m<sup>2</sup>  
2/3rd of gross internal floor area = 135m<sup>2</sup>



**Site Plan**  
1 : 200

# First issue 20/07/16

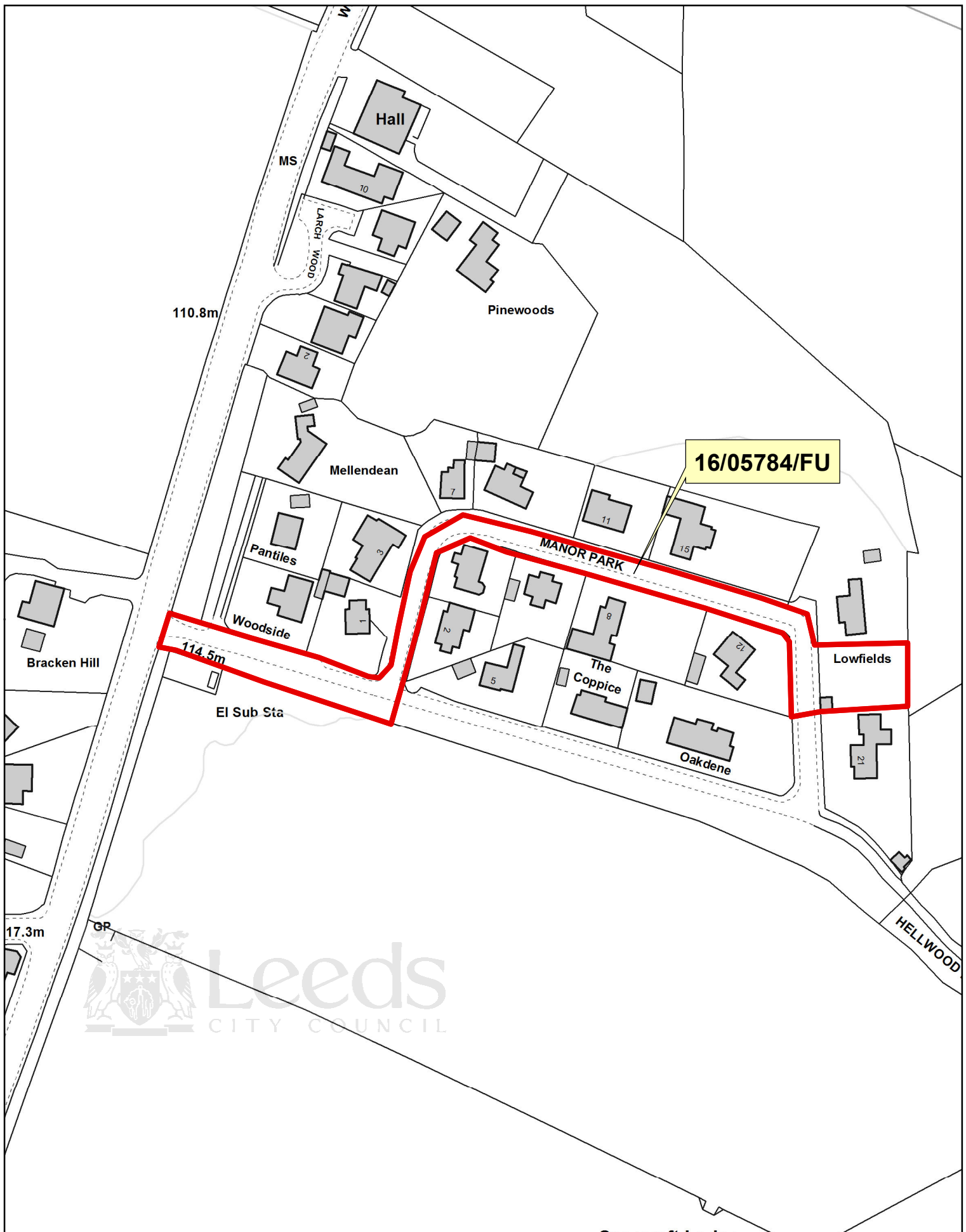
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**Philip Thompson Associates**  
Deern House - Audby Lane  
Wetherby - LS22 7ED  
01937 586846

Project  
**Lowfields  
19 Manor Park  
Scarcroft  
LS14 3BW**

Drawing  
**Proposed Site Plan, Location Plan & Street Scene**

Drawn by	Checked by	Date	Scale @ A1
AR	PT	JUL 16	As indicated
Project Number	Drawing Number	Revision	
1533	P202	#	



16/05784/FU

# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

