



Leeds
CITY COUNCIL

Originator: Nicola Moss
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Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 05/01/2012

Subject: APPLICATION 11/01550/OT: Outline application for layout and means of access for the erection of 11 houses at Land Adjacent to Castle Mona Lodge, Wetherby Road, Scarcroft.

APPLICANT

Mr & Mrs A P Richter

DATE VALID

10 May 2011

TARGET DATE

9 August 2011

Electoral Wards Affected:

Harewood

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: In light of the additional information provided, to **DEFER AND DELEGATE** final approval to the Chief Planning Officer subject to the conditions specified in the original Panel Report (and any others which he might consider appropriate) and the completion of a legal agreement to include 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
- 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.

i UPDATE

- i.i This application was recommended for approval by planning officers at the Plans Panel (East) meeting on 01 December 2011, when it was deferred for one cycle, for further information to be provided for Members regarding the following:
- What attempts have been made to achieve access to the site from The Meadow.
 - The definitive position in respect of the boundary of the Green Belt and whether any part of the proposed access falls within.
 - Can the proposed access road be redesigned/sited to reduce impact on adjacent houses.
 - Further information to be included in the report concerning the proposed off-site highway works.
- i.ii In response to the points raised at Panel, as above, the applicants have since appointed specialist Residential Land Agents to investigate ownership of the ransom strip. Recent contact with the relevant family, have confirmed that as a result of a will settlement, the ownership of the strip of land has now been transferred into multiple ownership involving 6 people. Identification of all of the landowners proved negative with the Land Registry.
- i.iii The applicants have been provided with a large scale plan that shows the Green Belt boundary and onto this they have mapped the proposed access. The plan demonstrates that a narrow strip of Green Belt land is within the application site, along the southern edge of the proposed access into the site. However, given the situation with the ransom strip at the only other alternative access point, the proposed access is considered to be the only viable option for access into the allocated housing site. Paragraph 3.12 of Planning Policy Guidance 2, 'Green Belts', gives the following advice:
- “The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”
- i.iv The access road is engineering works and, accordingly, it is for the decision maker to come to a view whether the proposed works impact on the openness of the Green Belt. If it is considered they do not then the works can be taken to be acceptable in principle in the Green Belt. If it considered that the works do impact upon openness then that part of the development constitutes inappropriate development and there is a presumption against the grant of planning permission unless the applicant can show very special circumstances to justify the development. In these circumstances Members should have regard to the extent of harm, the benefits that arise from the development and the fact that this is an allocated site and that this appears to be the only feasible way of gaining access to it.
- i.v Further to consultation with Highways, the proposed layout has been amended to incorporate a grass verge along the boundary with Beaconsfield Cottage and Villas. This will serve as a protective buffer between these properties and the proposed

adjacent footway and access road. This has been achieved by the narrowing of the footway on the opposite side of the access road, closest to the field, to limit the extent of encroachment into the Green Belt. The proposed landscaping strip will help alleviate the impact of traffic upon the living conditions of existing residents. Furthermore, the large scale plan helps identify the highway improvements, including the right turn lane and the pedestrian refuge islands.

- i.vi The previous report is set out below and has been updated in light of the further information received.

1.0 INTRODUCTION:

- 1.1 Outline permission is sought for a residential development on allocated greenfield site comprising 11 detached dwellings and associated access. The proposal is considered to be acceptable given that it is allocated for housing, is located in a reasonable sustainable area and results in significant public benefits in the form of the provision of Greenspace within the village. The application is reported to Panel due to the number of representations received and in light of recent Greenfield appeals.

2.0 PROPOSAL:

- 2.1 Outline permission is sought for residential development comprising 11 detached houses on a Greenfield site within the village of Scarcroft. Permission is sought for the principle of residential development as well as means of access and layout. All other matters are reserved (scale, appearance and landscaping).
- 2.2 Access is proposed from Wetherby Road which leads into the proposed development comprising 11 detached dwellings with attached double garages. The houses are arranged around the access road which leads into the site with adequate spacing between each house. The proposed houses are also set away from important trees around the periphery of the site, including the retained Sycamore tree within the centre of the site. Buffer planting is also proposed along the eastern and southern boundaries to help screen the development from the Green Belt. The existing gateposts fronting Wetherby Road will be retained and re-positioned within the new development.
- 2.3 Given that the applicant owns the adjoining field, an area of proposed greenspace measuring 60m x 20m is proposed to be transferred to the Parish Council, together with a commuted sum for maintenance. The Parish Council will, at a later date, need to apply for planning permission for a change of use from agricultural land to greenspace.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is within the village of Scarcroft, some 7 miles north-east of Leeds City Centre. The site measures 0.98 hectares and is currently an unused paddock area that lies behind an established area of housing adjacent to Wetherby Road. The site is relatively open and slopes gently downwards from west to east. There are a number of mature trees around the periphery of the site as well as a mature Sycamore tree towards the centre. A Tree Preservation Order protects these trees which was confirmed in 1999.

- 3.2 In terms of surrounding land uses, the land to the east and south of the site is allocated as Green Belt. This includes the open area of land between the development site and the Village Hall which is located 270m to the south. Between the site and Wetherby Road are a mix of residential properties, including Beaconsfield Villas which is a pair of attractive 3 storey stone semi-detached properties. Adjacent to the north east boundary lies the recent housing development known as The Meadow and developed by CALA Homes, which forms part of the current housing allocation. This is separated from the site by a narrow ransom strip and mature trees covered by the TPO. This housing development is characterised by large detached brick dwellings.
- 3.3 The village of Scarcroft features limited amenities in terms of local shops, facilities and employment opportunities, with the nearby pub (250m from the site) the only local facility within the village. There is also an absence of any publicly accessible greenspace within the village. The site does, however, lie very close to the A58 with bus services available to Leeds and Wetherby, with services to Tadcaster and Otley available from Syke Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Initially, this site together with the adjacent CALA Homes site was located in the Green Belt and was subsequently removed and allocated as housing within the 2001 UDP. This allocation was brought forward and the whole of the site is allocated under Policy H3.3A.26 of the adopted UDP (Review 2006).

4.2 Application Site

33/240/00/OT – Outline application to erect residential development: Refused in January 2001 as it would prejudice the need to achieve sustainable housing and maximise the use of previously developed land in order to minimise the amount of greenfield land taken; lack of provision for greenspace; and lack of affordable housing. An appeal was lodged and the Inspector dismissed the appeal. In his decision letter, he identified that the main issue was whether or not the site should be developed for housing taking account of national and local policy. The Inspector concluded that the development at that time would be prejudicial to the sequential approach to housing development.

TPO No. 36 1999 – A Tree Preservation Order was confirmed in 1999 which protects the majority of the trees around the periphery of the site as well as a Sycamore towards the centre. This did not cover the line of trees that were cut down by the applicant which lie adjacent to the proposed access on the southern boundary which are referred to by a number of objectors.

4.3 Adjacent Site

33/108/98/OT – Outline application to form access and residential development: Approved in December 1999. This included greenspace and affordable housing as part of a s106 agreement.

33/174/00/RM – Reserved matters application for 25 houses: Approved in September 2000.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application was originally submitted as a proposal for 14 dwellings. Following concerns over the impact of the development upon TPO'd trees, insufficient garden sizes and technical highways issues, the development was amended to reduce the density of development to 11 houses.
- 5.2 Negotiations also took place with regard to the greenspace. As the development proposes more than 10 dwellings, there is a requirement for greenspace under the UDP policies and SPG4. However, rather than accepting a commuted sum, it was considered more appropriate to seek the transfer of an area of land owned by the applicant to be used as greenspace, given that there is no existing greenspace within Scarcroft to spend any commuted sum. As such, meetings have taken place between the developer, Scarcroft Parish Council, Ward Members and Officers to agree to an acceptable solution. This now takes the form of an area of greenspace measuring 60m x 20m located adjacent to the Village Hall which would be transferred to the Parish Council to be used for greenspace purposes for the benefit of the residents of the village. Revisions have also been made to the internal highway and parking areas.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was initially advertised as a Major Development (for 14 dwellings) by site notice on 20 May 2011. The application was also advertised in the Boston Spa and Wetherby News on 20 May 2011. To date, a total of 36 letters of objection have been received, including one from a planning consultant and one from a firm of surveyors appointed to act on behalf of local residents. 2 letters of comment have been received neither supporting or objecting to the proposal. The issues raised by the objectors are:

- Loss of open greenspace and inappropriate infilling in village;
- Inappropriate use in the Green Belt;
- Loss of existing trees;
- Fence moved to create space for access;
- Removal of gate piers;
- Impact on highway safety and increase in accidents due to unsafe access;
- Access should be via The Meadow;
- Access should not be via The Meadow;
- No access should be taken from A58;
- Impact on flow of traffic;
- Character of village will be changed;
- The dwellings should be on brownfield land;
- Houses could turn into flats through further permissions;
- Lack of amenities in village – no school, shops, post office, etc.;
- Local infrastructure cannot support further development;
- No need for further housing;
- Houses already fall sale in village;
- Development will depress house prices in the area;
- Inadequate weight given to value of green spaces, hedgerows and trees;
- No ecological report and impact on ecology, such as bats, newts, badgers, deer;

- Lack of affordable housing;
- Impact on drainage and flooding;
- Environmental problems during construction;
- Impact on health from fumes, noise and light pollution;
- Access impacts on residents amenity;
- Overlooking and impact upon privacy of residents;
- Overbearing due to difference in levels;

6.2 A public meeting also took place at Scarcroft Village Hall on 20 June 2011 and attended by Ward Members, Parish Councillors, the Planning Officer and a number of local residents. The purpose of the meeting was to help explain the proposals and answer any questions that were raised.

6.3 Revised plans were received amending the proposal by reducing the number of houses to 11. Site notices were posted on 30 September 2011 and neighbours re-notified by letter on 21 September 2011. A total of 4 letters of representation have been received raising the following concerns:

- Overbearing and impact upon privacy;
- Plans do not show levels;
- Plot 5 should be omitted from scheme;
- Plots 4, 5 & 6 should be single storey only;
- Plot 6 should be turned at an angle;
- Access not acceptable;
- What is happening regarding s106 contributions;
- Drainage and flooding problems.

6.4 **Scarcroft Parish Council**

The Parish Council supports the proposal for 11 houses. The Parish Council is satisfied that positive discussions have taken place with the applicant concerning the provision of public open space and that the land, rather than a commuted sum, is more helpful to the residents of Scarcroft. Consideration will need to be given to the design of the greensapce taking into account topography.

6.5 **Ward Members**

Cllr Castle notes that the site is not sustainable as it does not contain a medical centre, a school, a post office or a shop. The proposed 14 houses are located too close together. Permission should be refused, but if there are insufficient planning reasons for this to happen, then it is hoped that officers recommend a reduction in the number of dwellings.

Since these comments were received, the number of houses has been reduced to 11.

7.0 **CONSULTATION RESPONSES:**

Statutory

7.1 Highways

No objections are raised in principle to the development of the site for 11 houses. A number of minor alterations are required to make the development acceptable and to bring it up to adoptable standards. The dedicated right turn lane from the south

provides a safe access into the site and will help reduce traffic speeds along this stretch of Wetherby Road, together with the two traffic islands. The level of parking is considered to be acceptable, while increased visitor parking should be provided. The road should be constructed to an adoptable standard.

Non-Statutory

7.2 Yorkshire Water

No objections subject to conditions.

7.3 Mains Drainage

No objections, subject to a number of conditions.

7.4 Metro

Contributions sought towards Metro Cards for future residents.

7.5 Contamination

No objection, subject to the imposition of conditions.

8.0 PLANNING POLICIES:

8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including housing. The site is designated as housing under Policy H3.3A.26 of the UDP (Review 2006). In addition, the land abutting the site to the south and east is designated as Green Belt.

8.2 Regional Spatial Strategy (RSS) (adopted May 2008)

H1: annual average additions to housing stock and previously developed target.

H2: Sequential approach to allocation of land.

H3: managed release of housing land.

ENV5: 10% renewable energy requirement.

YH1: Spatial pattern of development and core approach.

YH2: Sustainable development.

YH4: focus development on regional cities.

YH5: Focus development on principal towns.

YH7: location of development.

LCR1: Leeds city region sub area policy.

LCR2: regionally significant investment priorities, Leeds city region.

8.3 Unitary Development Plan Review (adopted July 2006)

The site is allocated for housing under Policy H3.3A.26. The following policies are therefore relevant to the determination of this application:

- Policy GP5: refers to development proposals should seek to avoid loss of amenity.

- Policy GP7: Use of planning obligations.
- Policy GP11: Sustainable Design Principles.
- Policy BD2: Siting and Design of New Buildings.
- Policy BD5: new buildings design consideration should be given to own amenity and surroundings
- Policy H1: provision for completion of the annual average housing requirement identified in the RSS.
- Policy H2: Monitoring of annual completions of dwellings.
- Policy H3: Housing allocations.
- Policy H11, H12, H13: affordable housing considerations
- Policy N12: all development proposals should respect fundamental priorities for urban design.
- Policy N13: design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy T2: development should be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T5: ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes.
- Policy T6: satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development should be provided.
- Policy T24: parking guidelines for new developments
- Policy N2: support given to establishment of a hierarchy of greenspaces
- Policy N4: provision of greenspace to ensure accessibility for residents of proposed development
- Policy N24: Development abutting the Green Belt or other open land should achieve assimilation into the landscape.
- Policy N25: Site boundaries should be designed in a positive manner.
- Policies N49; N50 and N51: Nature conservation and enhancement.
- Policy LD1: landscape schemes should meet specific criteria of good design.

8.4 Supplementary Planning Guidance

SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
 SPG4 - Greenspace Relating To New Housing Development
 SPG 25 – Greening The Built Edge

8.5 Supplementary Planning Document

Sustainable Design and Construction SPD (2011); and
 Street Design Guide SPD

8.6 National Policy and Guidance

PPS1: Delivering Sustainable Development
 PPG2: Green Belts
 PPS3: Housing
 PPG17: Planning for Open Space, Sport and Recreation

9.0 **MAIN ISSUES**

1. Principle of Development

2. Sustainability
3. Highways
4. Visual Amenity & Character
5. Living Conditions
6. Landscaping & Ecology
7. Greenspace
8. Other issues

10.0 APPRAISAL

Principle of 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 an allocated housing site that is currently a Greenfield site, within the village of Scarcroft. It is considered that the principal issue is whether it is appropriate for a Greenfield site to be released.
- 10.2 The implications that flow from the Grimes Dyke appeal decision, which was reported to Plans Panel on 14th July 2011, have been the subject of reports to Executive Board on 22nd June and the Joint Plans Panel of 30th June 2011. In the light of the Inspectors and the Secretary of State's findings, Executive Board agreed in principle to release all phase 2 and 3 housing sites for development, and as this site is allocated for housing in Phase 3, no objections in principle are raised.

Sustainability

- 10.3 It is considered that the application site is in a reasonably sustainable location. There are bus routes along Wetherby Road, with bus stops within walking distance. Whilst there are no shops within the village, there is a local pub that is within walking distance. At a recent appeal on the allocated housing site at Syke Lane within Scarcroft, which was the subject of a Public Inquiry, the Inspector noted that the site's accessibility was considered as part of its allocation. He also recognised that the village was served by regular bus services and that there were a range of facilities in nearby villages. He concluded: "*.. I am not convinced that the sustainability credentials of Scarcroft are so poor that they should be the determining and decisive matter in the consideration of this appeal*".
- 10.4 There are therefore direct comparisons between the current site and the site at Syke Lane. Given that the current site is located closer to Wetherby Road than Syke Lane and thus closer to existing bus stops, it could be argued that the Castle Mona Lodge site is marginally more sustainable than the Syke Lane site.

Highways

- 10.5 No highway safety objections are raised to the principle of the development of this site for residential use. An adoptable highway can be accommodated, subject to minor revisions to the internal layout, where access is to be taken from Wetherby Road. A speed check was also carried out and it was identified that it would be beneficial to seek the provision of a dedicated right turn lane into the site when approaching from the south, as well as the provision of 2 pedestrian islands. Such measures would help reduce the speed of traffic in the locality and provide for a safe access into the site.

Forward visibility can be satisfactorily achieved at the junction with Wetherby Road, although the existing gate piers will have to be relocated within the site. This is covered by a planning condition.

- 10.6 In terms of parking, each dwelling would have a double garage, as shown on the submitted layout plan, as well as parking within each driveway. A total of 5 visitor spaces are included within the site and therefore it is considered that parking provision is acceptable.
- 10.7 In terms of public transport accessibility, the nearest bus stops are on Wetherby Road, close to the site, with bus numbers 98, X98, 99 and X99 serving Wetherby and Leeds. The general route of these services is between Leeds, Wetherby and Deighton Bar with the 98 going via East Keswick and Collingham, the 99 via East Keswick and Linton and the X98 via Collingham. These services provide a half hourly frequency between Scarcroft and Leeds with a journey time of around 30 minutes and a half hourly frequency between Scarcroft and Wetherby with a journey time of 15-20 minutes. Service 923 uses bus stops in the vicinity of Syke Lane and provides a service between Tadcaster, Wetherby and Otley providing linkages with Waitrose in Otley and Morrisons in Wetherby. Public transport accessibility can therefore be regarded as reasonable.

Visual Amenity and Character

- 10.8 The application is in outline, although the applicant has applied for layout. The proposed layout takes the form of a cul-de-sac arrangement with the proposed 11 houses arranged around the access road which leads in from Wetherby Road. The intention is to create a development that is similar in layout, density and scale to that developed as part of the developed part of the housing allocation adjacent to the site at The Meadow. Whilst access could have been provided through The Meadow into the site, this was not possible due to the presence of a narrow ransom strip which is outside the ownership of the access as well as the existence of one of the TPO's trees.
- 10.9 The proposed dwellings would each be two storeys in height, and similar to those within The Meadow. Each dwelling has a staggered footprint which illustrates that these will feature attached or integral double garages based upon the driveway configurations. Visibility into the site from The Meadow and from the nearby stretch of Wetherby Road would be limited. Glimpsed views into the site would be possible from the access road which serves Castle Mona Lodge, although this would primarily consist of the retention of the large Sycamore tree which would sit between Plots 8 and 9.
- 10.10 Public views into the site will be possible from further southwards along Wetherby Road and across the existing field which is designated as Green Belt. Given the topography of the site and local area, views from the south would down towards the site. Policy N24 requires that where development proposals about the Green Belt, green corridors or other open land, their assimilation into the landscape must be achieved as part of the scheme. In this regard, the layout allows for the planting of a landscape buffer along the edge of the site which adjoins the field. This can take place within and outside the site, given that the applicant owns the adjoining field. Whilst it is acknowledged that this would not completely screen the development, it would

facilitate the development's assimilation into the landscape. Buffer planting is also proposed along the south eastern and eastern boundaries to supplement and reinforce this boundary which lies adjacent to the Green Belt. However, public views from this site are limited.

- 10.11 It is considered layout is in keeping with the general pattern of the development within this particular part of Scarcoft. The houses on Plots 9-11 are also set a reasonable distance from Beaconsfield Villas, which are considered to be of architectural merit, and therefore respect their setting. The development takes the opportunity to improve the character and quality of the area and is thus consistent with the guidance within PPS1 and PPS3, as well as the relevant UDP policies and guidance within Neighbourhoods for Living.

Living Conditions

- 10.12 The proposed houses are set away from existing properties in the local area in order to respect the living conditions of neighbours. Whilst the access road is located to the front of Beaconsfield Villas, there is a footway between the front boundary and the carriageway and the road would only serve 11 houses. As the road bends round into the site, the access road is separated from Beaconsfield Villas by a landscaping strip measuring 5-9m wide, thereby acting as a buffer.
- 10.13 The proposed houses which lie adjacent to the existing dwellings within Stonefield are all set away from the rear boundary by some 10-14m and screened by the retained trees along this boundary. The layout plan also suggested that the elevations that face onto the rear boundary would also be side elevations, due to the presence of mature trees along the boundary. With regard to the impact upon properties with The Meadow, the proposed houses on Plots 4-6 are set a distance of 18m from the boundary. Whilst it is accepted that these houses would be set on land higher than the existing houses with The Meadow, 18m from the rear elevation to the rear boundary is considered to be acceptable. Scale would, however, be a detail which would be considered at the Reserved Matters stage. All of the proposed houses exceed the distances set out within Neighbourhoods for Living. It is therefore considered that the proposed houses would not have a detrimental impact upon the living conditions of neighbours in terms of overshadowing, loss of privacy and dominance.
- 10.14 In terms of the proposed garden sizes of the houses, the dwellings on the western side of the access road have been designed so that the side gardens are the primary amenity space. This is a consequence of the retained trees towards the rear and the need to provide a garden that is not covered with shade due to tree canopies. Adequate high quality front boundary treatment could provide the necessary privacy. All other gardens proposed provide more than the minimum garden sizes as required by Neighbourhoods for Living, with the exception of one plot (Plot 10). This features the canopy spread of a number of trees within the rear garden. However, this is only one of eleven properties and it is likely that any potential purchasing would be aware of such living conditions prior to its purchase. On balance, this is considered to be acceptable.

Landscaping & Ecology

- 10.15 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 developed CALA Homes site. A number of trees were however, removed prior to the submission of this application and 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.

- 10.16 The proposed layout seeks to retain all of these covered by the TPO. Some works is required to one of the oak trees along the eastern boundary which has major basal decay. The layout has resulted in the removal of 3 houses from the site and the re-positioning of some in order to respect the canopy spread and root protection area of these trees. The mature Sycamore towards the centre involves the road being laid using a no-dig method of construction so as to avoid excavations within the root protection area.
- 10.17 A satisfactory landscaping scheme can be accommodated within the proposed layout, which would include appropriate buffer planting to the Green Belt boundary as well as planting within communal areas, include the area adjacent to the access road. Such as landscaping scheme is one of the Reserved Matters required by Condition No. 2.
- 10.18 A bat and badger survey were carried out at the site to determine the presence of such species and the likely potential for them. The bat survey noted that there was bat roosting potential in one of the oak trees along the eastern boundary, although no bar roosts were identified. Bats were observed commuting across the site given the number of trees in the local area. Such bats included Common Pipistrelles which were seen foraging in the tree canopy. In terms of the badger survey, no signs of badger activity were found anywhere within the site boundary.

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 under UDP policies and SPG4. It is considered that the payment of a commuted sum towards greenspace as part of this development would be pointless as there is no existing facility within the village to spend such a contribution. Given that the applicant also adjoins the field between the site and the Village Hall, it seems more practical to seek an area of land commensurate with the scale of the development to be used for greenspace purposes.
- 10.20 The proposal results in a requirement to provide an area of greenspace measuring 40m x 20m. The applicant has agreed to provide this area of land, plus an additional 50%. Accordingly, the applicant has therefore offered to provide an area of land outside the site and adjacent to the Village Hall which measures 60m x 20m (1,200m²). The identified location is considered to be the preferred site since it is practical from a management and car parking perspective, given its position adjacent to the Village Hall. This area of land would be transferred, together with a commuted sum, to the Parish Council to be used for greenspace purposes only. The Parish Council would then need to apply for planning permission for a change of use and any engineering works for its future use. It is also advised that the provision of an area of land for outdoor sport and recreation would be consistent with Green Belt policy.

10.21 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

(i) necessary to make the development acceptable in planning terms

Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.

(ii) directly related to the development; and

Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.

(iii) fairly and reasonably related in scale and kind to the development

Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.22 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the provision of an off-site area of Greenspace located adjacent to the Village Hall. -This would involve the transfer of the land to Scarcroft Parish Council, together with a commuted sum towards future maintenance and play equipment. This proposed play area is within control of the landowner and would be secured through a Section 106 Agreement. Officers are of the view that its provision is necessary to make the development acceptable in planning terms. Whilst off site, it is physically and functionally related to the development site and the level of provision offered is considered to be fairly and reasonably related to the proposed development.

10.23 It must also be stressed that whilst the applicant has offered more land than the development would require in terms of greenspace policy, the proposal does comply with the policy requirements and the additional area of land in no way alters the recommendation being put forward.

Other issues

10.24 The objections raised by residents relating to highway safety, impact upon living conditions, the principle of housing, trees and landscaping, nature conservation and impact upon the character of the village have been addressed above. Some objections have highlighted the encroachment of the development, and in particular the access road, into the Green Belt. This is addressed in section I above. 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. Matters relating to the impact on house prices and the fact that houses exist locally for sale are not material planning matters.

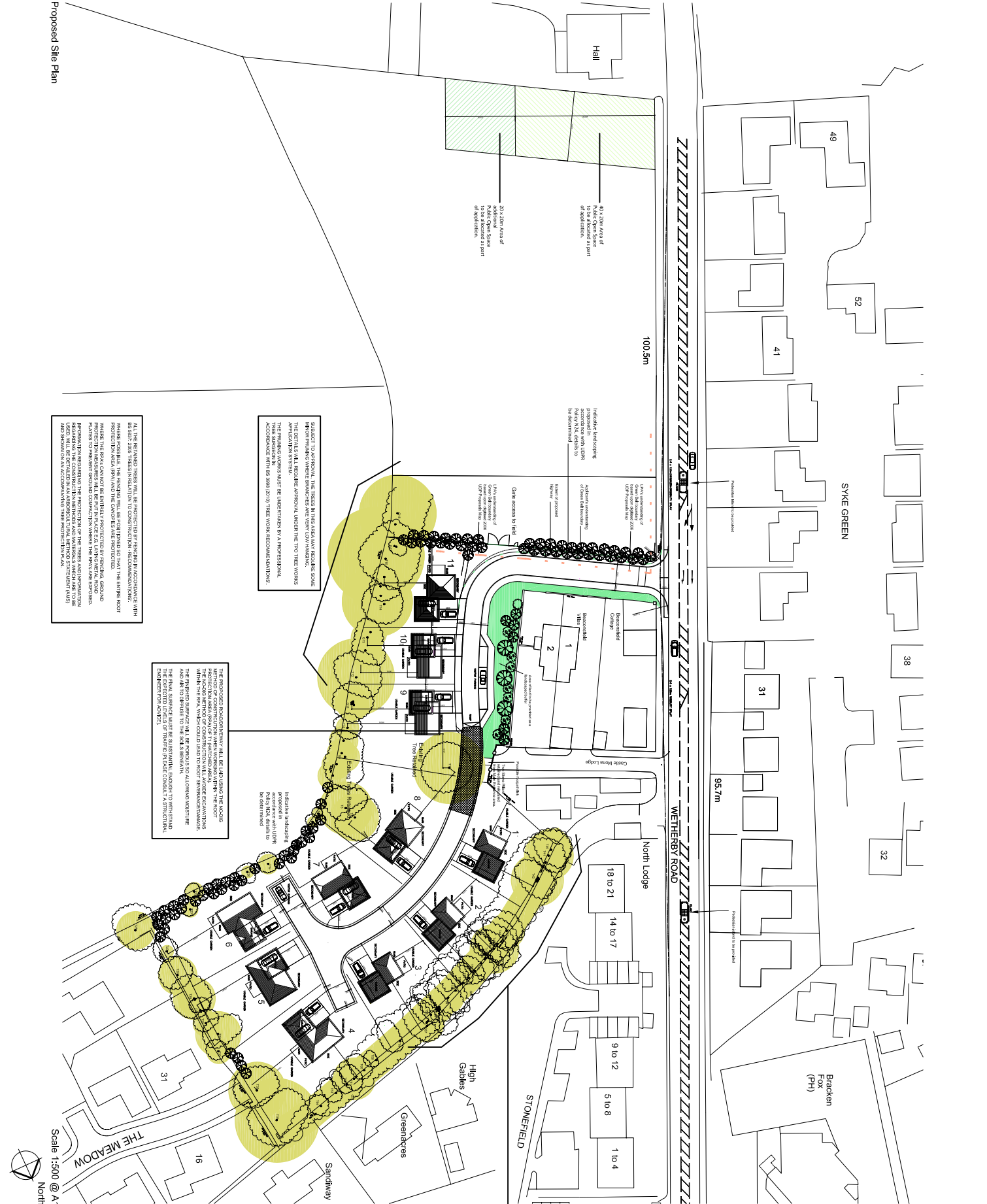
11.0 CONCLUSION

11.1 Given that the site is allocated for housing within the adopted UDP, and in light of the other recent Greenfield housing appeal decisions, it is considered that there are no policy grounds not to release this site for housing. The site is in a reasonably sustainable location, and there are no technical objections to the proposal. It is considered that the proposal can be recommended for approval.

Background Papers: Application file
Certificate of Ownership: As applicant

Background Papers:
Application file 11/01550/OT

Certificate of ownership: the applicant



Proposed Site Plan

ALL THE RETAINED TREES WILL BE PROTECTED BY FENCING IN ACCORDANCE WITH BS 5827: 2005 PRIORS TO CONSTRUCTION. FENCING AND COMPLIANT FENCE POSTS SHALL BE INSTALLED IN RELATION TO CONSTRUCTION. FENCING AND COMPLIANT FENCE POSTS SHALL BE INSTALLED TO PROTECT THE ENTIRE ROOT PROTECTION AREA OF ALL TREES TO BE PROTECTED BY FENCING. WHERE THE SPA CAN NOT BE FULLY PROTECTED BY FENCING, OTHER PROTECTION MEASURES WILL BE PUT IN PLACE E.G. WIND BREAKS, ROAD BARRIERS, ETC. THE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE PROTECTION MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED AND SHOWN ON AN ACCOMPANYING TREE PROTECTION PLAN.

SUBJECT TO APPROVAL, THE TREES IN THE AREA WILL RECEIVE SOME PROTECTION PRIORS TO CONSTRUCTION. THE TREE PROTECTION MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH BS 5827: 2005 PRIORS TO CONSTRUCTION. THE PROTECTION MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED AND SHOWN ON AN ACCOMPANYING TREE PROTECTION PLAN.

THE PROPOSED DEVELOPMENT WILL BE DESIGNING THE ROOT PROTECTION AREA OF ALL TREES TO BE PROTECTED BY FENCING. THE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. THE PROTECTION MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE REMOVED AND SHOWN ON AN ACCOMPANYING TREE PROTECTION PLAN.

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- Green: Existing trees to be retained
- Yellow: Existing trees to be protected
- Red: Existing trees to be removed
- Blue: Proposed amenity spaces
- Dashed line: Boundary
- Solid line: Boundary

1	Amenity space to be retained	100.5m
2	Amenity space to be retained	100.5m
3	Amenity space to be retained	100.5m
4	Amenity space to be retained	100.5m
5	Amenity space to be retained	100.5m
6	Amenity space to be retained	100.5m
7	Amenity space to be retained	100.5m
8	Amenity space to be retained	100.5m
9	Amenity space to be retained	100.5m
10	Amenity space to be retained	100.5m

FOR APPROVAL

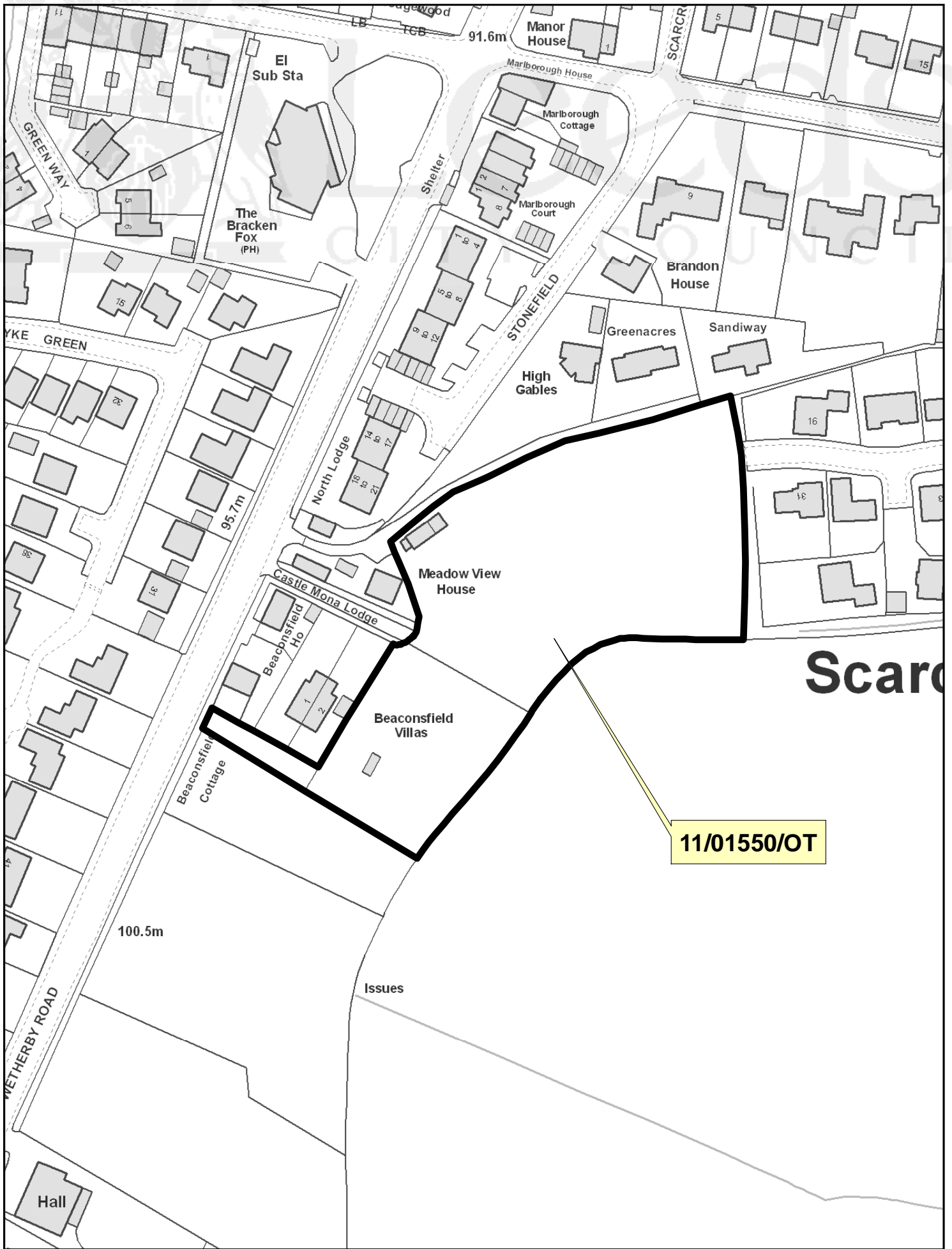
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ARCHITECTS

11, The Meadow
Wetherby Road
Scarsoil, LS14 3AS

Proposed Residential Site
Wetherby Road
Scarsoil, LS14 3AS

Proposed Site Plan

1:500 @ A1:1:1000 @ A3
2011.058 201



EAST PLANS PANEL

