



## NORTH AND EAST PLANS PANEL

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Meeting to be held in Civic Hall, Leeds, LS1 1UR on  
Thursday, 11th May, 2017  
at 1.30 pm

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### MEMBERSHIP

#### Councillors

S Arif	B Cleasby	J Procter
C Dobson		P Wadsworth
R Grahame		G Wilkinson
S Hamilton		
S McKenna		
K Ritchie		
N Walshaw		
(Chair)		

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Agenda compiled by:  
Debbie Oldham  
Governance Services  
Civic Hall  
Tel: 0113 37 88656

# A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p><b>SITE VISIT LETTER</b></p> <p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

Item No	Ward	Item Not Open		Page No
3			<b>LATE ITEMS</b>  To identify items which have been admitted to the agenda by the Chair for consideration  (The special circumstances shall be specified in the minutes)	
4			<b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b>  To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			<b>APOLOGIES FOR ABSENCE</b>	
6			<b>MINUTES</b>  To approve the minutes of the meeting held on 13 <sup>th</sup> April 2017 as a correct record.	3 - 16
7	Cross Gates and Whinmoor		<b>16/07555/FU - CONSTRUCTION OF 13 HOUSES ON FORMER SITE OF STANKS FIRE STATION, SHERBURN ROAD, SWARCLIFFE, LS14</b>  To consider the report of the Chief Planning Officer for the construction of 13 houses on the former site of Stanks Fire Station, Sherburn Road, Swarcliffe, LS14.  (Report attached)	17 - 30
8	Garforth and Swillington		<b>17/00406/FU - CHANGE OF USE OF DOMESTIC SWIMMING POOL TO FORM CANINE HYDROTHERAPY USE (SUI GENERIS), 81 WAKEFIELD ROAD, GARFORTH, LS25</b>  To receive the report of the Chief Planning Officer on an application to change use of domestic swimming pool to form canine hydrotherapy use (sui generis) at 81 Wakefield Road, Garforth, LS25  (Report attached)	31 - 40

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9	Kippax and Methley		<p><b>16/06901/FU - DETACHED DWELLING TO REAR AND FORMATION OF NEW ACCESS AND HARDSTANDING AT 4A ASCOT ROAD, KIPPAX, LS25</b></p> <p>To consider the report of the Chief Planning Officer for a detached dwelling to rear and formation of new access and hardstanding at 4A Ascot Road, Kippax, LS25.</p> <p>(Report attached)</p>	41 - 50
10	Wetherby		<p><b>13/03196/FU - FULL PLANNING APPLICATION FOR THE ERECTION OF 88 DWELLINGS INCLUDING ASSOCIATED CAR PARKING AND GARAGES, FORMATION OF NEW ACCESS, PUBLIC OPEN SPACE , LANDSCAPING AND PARKING FACILITIES AT LAND OFF GROVE ROAD, BOSTON SPA, WETHERBY</b></p> <p>To receive the report of the Chief Planning Officer for full planning application for the erection of 88 dwellings including associated car parking and garages, formation of new access, public open space, landscaping and parking facilities at land off Grove Road, Boston Spa, Wetherby.</p> <p>(Report attached)</p>	51 - 78
11			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>The next meeting of the North and East Plans Panel will be Thursday 15<sup>th</sup> June 2017 at 1:30pm.</p>	

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Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

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- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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To all Members of North and East  
Plans Panel

**Planning Services**

The Leonardo Building  
2 Rossington Street  
Leeds  
LS2 8HD

Contact: David Newbury  
Tel: 0113 37 87990  
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits  
Date: May 2017

Dear Councillor

**SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 11<sup>th</sup> May 2017**

Prior to the meeting of the North and East Plans Panel on Thursday 11<sup>th</sup> May 2017 the following site visits will take place:

Time	Ward	
10.40am		Depart Civic Hall
11.00am	Garforth & Swillington	17/00406/FU – 81 Wakefield Road, Garforth, LS25 1AR
11.30am	Crossgates and Whinmoor	16/07555/FU – Former site of Stanks Fire Station, Sherburn Road, LS14 5DW
12.00 (noon)		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at 10.40am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 10.35am.

Yours sincerely

David Newbury  
Group Manager

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## NORTH AND EAST PLANS PANEL

THURSDAY, 13TH APRIL, 2017

**PRESENT:** Councillor N Walshaw in the Chair

Councillors S Arif, B Cleasby, C Dobson,  
R Grahame, S Hamilton, S McKenna,  
J Procter, K Ritchie, P Wadsworth and  
G Wilkinson

### SITE VISITS

The following Members attended the site visits:  
Councillors, Hamilton, Ritchie, McKenna, Grahame, Walshaw, and Wilkinson

#### **151 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

#### **152 Exempt Information - Possible Exclusion of the Press and Public**

There were no exempt items.

#### **153 Late Items**

There were no late items. However, there was supplementary information for Item 6 – Minutes. The draft minutes of the additional meeting held on 30<sup>th</sup> March 2017 to consider eight sites as part of the programme for brownfield development had not been ready when the agenda was produced and were provided to Members via email prior to the meeting of the 13<sup>th</sup> April 2017 with hard copies tabled at the meeting.

#### **154 Declarations of Disclosable Pecuniary Interests**

Declarations were received from the following Councillors:

- Councillor R Grahame as Member of the West Yorkshire Fire and Rescue Authority in relation to Item 10 – Position Statement – Erection of Fire Station, Training Tower, Training Yard and associated parking and Landscaping. Land at Black Moor Road, Moortown.
- Councillor S Arif in relation to Item 11- Two storey and single storey front, side and rear extension and first floor rear extension at 27, High Ash Drive, Alwoodley, as the applicants son and daughter in law were known to her.
- Councillor S Hamilton in relation to Item 12 – Part demolition of existing buildings and refurbishment of part of 13 Parkside Road erection of two houses to form a terrace, with parking at 13-17 Parkside Road, Meanwood, as the application was in her ward.

Draft minutes to be approved at the meeting  
to be held on Thursday, 11th May, 2017

## **155 Apologies for Absence**

There were no apologies for absence.

## **156 Minutes**

**RESOLVED** – That the minutes of the meeting held on 9<sup>th</sup> March 2017 be approved as a correct record and;

That the minutes of the meeting held on 30<sup>th</sup> March 2017 be approved as a correct record with the addition at minute 149 – Site C Residential development of 102 dwellings; new public open space and associated highway improvements at Wykebeck Mount/ Avenue Leeds 9, to say that Councillor Grahame had requested that the infrastructure be assessed with the view to a new train station for the area.

## **157 16/06911/FU - Change of use of land to traveller pitch with detached utility block and associated works, retrospective application for laying out of hardstanding Land Off Hollinhurst, Allerton Bywater, WF10**

The report of the Chief Planning Officer suggested reasons for refusal of the application heard at the meeting held on 9<sup>th</sup> March 2017. The application was to change the use of land to a traveller pitch with detached utility block and associated works, retrospective permission for laying out hardstanding at land off Hollinhurst, Allerton Bywater. Minute 130 refers

Reason 1 for refusal contained a typo as it repeats 'and of users' twice on same sentence.

The application had been considered by the Panel to represent an overdevelopment of the site which would be detrimental to the amenities of the future occupiers of the site by reason of the close proximity of the individual caravans, and inadequate space remaining around those caravans for the purpose of recreation.

The development by reason of the nature of the caravans, lack of appropriate landscaping and the enclosure of the site by high walls, fences and gates was considered to be out of character with the semi-rural character of the immediate area and as such is detrimental to the amenities of the location as a whole.

It was noted that it is normal practice for any necessary Enforcement Notices to be served at the same time as the decision notice refusing an application. The reasons for serving the notice will be slightly different to the reasons for refusal as it would need to cover the occupation of the Green Belt by the applicants. This was included for information.

It was noted that at the Panel of the 9<sup>th</sup> March 2017 Members had discussed and raised concerns in relation to access arrangements and the movement of

large vehicles. Members requested that this also needed to be included within the reasons for refusal.

RESOLVED - Members ratified the reasons for refusal as set out in the submitted report and with the inclusion of a third reason relating to concerns about the access arrangements and manoeuvring of vehicles. Policies T2 and GP5 to be cited.

**158 13/03196/FU - Full planning application for the erection of 88 dwellings including associated car parking and garages, formation of new access, public open space, landscaping and parking facilities Land Off Grove Road, Boston Spa, Wetherby**

Cllr. Procter joined the meeting at 13:50

The report of the Chief Planning Officer set out plans for a residential development of 88 dwellings at Grove Road, Boston Spa.

It was noted that this application proposed the redevelopment of a Greenfield site which was designated as a 'Protected Area of Search' (PAS).

Members had noted that at paragraphs 1.2 and 1.3 the report had set out background of this development including that the application had been the subject of call in by the Secretary of State. The outcome of the appeal was that it was upheld and outline planning permission, including vehicular access was granted for up to 104 dwellings.

The proposal was for 88 dwellings with a mix of 2, 3, 4, and 5 bedroom houses generally of two storeys with some properties comprising dormers in the roof space. The design of the houses was to be traditional with some houses having chimneys. Members noted that the development would comprise of some affordable housing and also a small apartment block.

The development has a boundary to Martins House Hospice, and green belt and a nursery is sited close by. The development would be within walking distance of Boston Spa town centre. The application had been amended to the footway and hedge along part of Grove Road frontage to facilitate improved pedestrian connections to the existing bus stops and to provide the required forward visibility for users of Green Lane.

The development would include the landscaping of a large public open space with most trees being retained. It was noted that trees along the boundary with Martins House Hospice would be retained with more planted to provide privacy for the hospice.

Members were advised that there would be sufficient parking for each dwelling and the proposal involved the creation of 20 additional car parking spaces within the site to be used by the hospice.

Members were informed that highways had found the internal layout acceptable with sufficient parking. Members were informed at this point of an amendment to recommendation to omit Section 106 obligation for provision of off-site Highways works and secure this through a planning condition instead.

Members were advised that the contribution towards sustainable travel fund had been amended to £43, 221.

Angela Monaghan, Chief Executive of Martins House Hospice attended the meeting and informed the Members that the Hospice could be providing support for up to 400 families. She told the Panel that the boundary of the hospice where it adjoined the development was one of the most sensitive parts of the hospice as it housed the mortuary suite and an area for bereaved families.

Ms Monaghan informed the Members that she had been in discussion with Miller Homes in relation to boundary treatment and asked for reassurance that the boundary treatment would be effective to provide privacy and safety to those using the hospice.

The meeting was also attended by Stephen Wright a resident of the area. Mr Wright spoke to the Panel about his concerns in relation to an increase in motorists, in particular the single track lane towards Tadcaster, the blind angled turns, dangerous junctions and the speed of the traffic which was usually over 30mph. Mr Wright indicated that 40 -50 dwellings would be more suitable.

Mr Wright also spoke of his concerns that local schools are currently oversubscribed, there are few shops or leisure facilities, there are no rail links into the city and this would necessitate the need for a car.

Members also discussed the potential for a traffic management sum from the developer and introduction of a 20mph zone. Cllr Wilkinson advised that the traffic section would be introducing a 20mph speed limit in the future. It was noted that highway concerns had not been considered at the public inquiry.

Members discussed the following issues with Ms Monaghan and Mr Wright:

- More details in relation to traffic in the area, including dangerous junctions, speed, parking and accidents.
- The use of gravel for the surfacing of the new parking area for Martins House Hospice
- The amount of consultation between Martins House Hospice, local residents and Miller Homes.
- Concerns of Ms Monaghan that children from the development would find a way in to use the play area within Martins House Hospice
- Schools in the area oversubscribed

Andrew Rose the Agent and John Tate of Miller Homes were at the meeting.

Mr Rose said that in principle the site had been approved for 104 dwellings. He informed the Panel that Miller Homes had worked with the Council and taken on board comments and in doing so had amended the application to 88 dwellings. Mr Rose said that the development would provide much needed homes in the area.

Members were informed that Miller Homes had been sensitive to Martins House Hospice and amended the design to set houses back from the boundary and included landscaping to soften the boundary and provide privacy. He went on to say that through Section 106 money new parking would be provided for the hospice.

Members requested that the proposed public open space be enhanced with play equipment.

Members were advised that general up keep and maintenance of the boundary fences, hedges would be carried out by a management company. Members discussed boundary maintenance contracts provided by management companies and requested that this be part of the conditions for the boundaries to be maintained.

Members were informed of the following issues:

- That the development had been designed to address traffic concerns, sewage
- That Miller Homes would be happy to attend a local forum during the development
- That some of the CIL money would go to towards infrastructure including school spaces
- That contractors would only be able to park vehicles on site and that this would form part of the conditions
- That gravel for the new parking to Martins House Hospice had been agreed so as not to damage tree roots on the boundary
- Details of drainage were provided at paragraph 9.29 of the submitted report and that details had been conditioned at number 20.

Members discussed the following points:

- The footpath which crosses the site towards the bus stop. Members had concerns in relation to the access point of the footpath leading out towards a busy junction. It was noted that the footpath had been revised since the writing of the submitted report. A revised copy was circulated to Members.
- Clarification was sought in regards to the distribution of the 31 affordable units across the site.
- Members were advised that the pump station at the entrance to the site would be located underground and landscaped. Members requested that this issue be conditioned.

- It was noted that Members did not like the corner turn house types proposed and requested that they be changed for more traditional house types.

Cllr. Procter as Member of the Wetherby Ward informed the Panel of the difficulties in consulting and engaging with Miller Homes. He hoped that the result of this meeting would address the following issues:

- The need for more work to be carried out on the footpath with regard to safety of users.
- The need for the developers to understand the relationship between the community and Martins House Hospice
- A play area for the children of the new development.

Members were in agreement that they needed to know the difficulties faced by communities in consulting and engaging with developers they also asked why Members had not received reports submitted to City Plans Panel previously to provide Members with comprehensive background information.

The Chair asked Members to be mindful of all the issues raised by Martins House Hospice.

It was noted that brown bins would not be provided to new housing developments.

Members were of the view that there were a number of issues that needed to be addressed and for the set of conditions to be right.

At the conclusion of the discussions, The Chair moved a motion to defer for one cycle the recommendations as detailed in the submitted report, to defer and delegate to the Chief Planning Officer. The motion was seconded by Cllr. J Procter. On being put to the vote, The Chair's motion was passed, and it was

**RESOLVED** – That the item be deferred for one cycle to address the following points:

- Need to ensure the specific requirements of the adjacent Martin House Hospice are met
- Miller Homes to be part of a consultative forum
- Contractors parking to be on site only
- Play equipment in the public open space
- Use of corner turner properties to be revisited
- Funding of traffic management measures to be discussed with the applicant
- Clarification that on-site pumping station will be underground
- Footpath design/relationship with Grove Rd/Green Lane junction to be reviewed

**159 16/00178/FU - Dormer windows to front and rear 71 Hill Top Mount, Chapeltown, LS8**

The report of the Chief Planning Officer sought approval for a replacement of pitched roof with flat roof dormer to front and new flat roof dormer to the rear at 71 Hill Top Mount, Leeds.

The application had first been presented to the Panel on 7th April 2016, where Members requested that officers find out more about the personal circumstances of the family. Minute 172 refers

A visit to the site had taken place earlier in the day.

It was noted that the agent had requested that the application be deferred as he was on holiday and was unable to attend the meeting. Members informed the Chair that they wished to continue with the item.

Members were advised that the rear dormer fell within Permitted Development Criteria but had not yet been implemented.

To aid officers to better understand the circumstances of the applicant a meeting had been held at which the agent and Councillor Arif Hussain attended. An internal inspection of the top floor bedrooms was undertaken. At the meeting it was noted that the top floor rear room was being used for storage with the top floor front room being used as a bedroom.

Members were advised that due to the father being ill and using one of the downstairs rooms as a bedroom the top floor rooms were required to provide more space for his children. Members noted that the house had been altered with the kitchen and dining room now located in the basement of the house.

Members discussed the character of the area and the dormers which already exist in the area.

Members also considered the benefits of the application to the family.

At the conclusion of the discussions, Councillor S McKenna moved a motion to reject the recommendations as detailed within the submitted report, so that the application be granted. The motion was seconded by Councillor S Arif. On being put to the vote, Councillor McKenna's motion was passed, and it was

**RESOLVED** - That the application be granted within the 3 year condition and that the applicant use slate on the dormers.

**160 16/07466/FU - POSITION STATEMENT Erection of fire station, training tower, training yard and associated parking and landscaping Land off Black Moor Road, Moortown, Leeds**

It was noted that Councillor Grahame did not take part in this item, minute 156 refers.

The report of the Chief Planning Officer sought consideration of a pre-application submission for the development of land at The Ring Road Moortown, Black Moor Road and Alderton Bank for the purpose of a new fire station.

Members were informed this proposed new fire station would replace the existing fire stations at Cookridge and Moortown which were due to close.

Members were advised that paragraph 10.2 of the submitted report listed other sites that had been considered and the reasons that they were unsuitable.

Members were informed that the new station would be a 2 storey building with rooms located within the roof slope. The building would be no more than 1 metre higher than properties in the area however the training tower would be 14 metres high. The station would be a 2 bay fire station with parking for 6 staff cars and ambulance bay.

It was noted that egress would be to Black Moor Road with vehicles returning to the station via Alderton Bank.

Members were informed that 19 letters of objection had been received and a petition containing 50 signatures was submitted to the agents and copied to Leeds Planning. Members also noted that Cllr. Cohen had raised an objection to the application, his submission was read out at the meeting for Members consideration.

Cllr. Cohen's objections were as follows:

- Not appropriate to build on green space
- Other suitable sites exist for this development
- Unduly negative impact on the local area and out of character. Training Tower is particularly dominant.
- Impact on busy road network
- Loss of visual amenity and privacy for adjacent occupants.
- Insufficient car parking
- Concerns are shared with concerns raised by Yorkshire Water in relation to drainage issues
- Significant local concerns, evidenced by the number of objectors

Ms T Levy and Ms S Broadbent were present at the meeting representing local residents who were objecting to the site of the new fire station.

Ms Levy and Ms Broadbent informed the Panel that there was limited green space in the area and this part was used by children and dog walkers. They said that they had been verbally assured that no further development would take place on that green space after the Moor Allerton Centre had been built.



Ms Levy and Ms Broadbent listed their objections as the following:

- Visual impact would be compromised due to the 2.8 metre wire mesh fencing, station building and tower
- The loss of trees even with planting of new trees as they would not mature for a number of years
- Traffic is already bad particularly on a weekend heading towards the Moor Allerton Centre
- The junction at Black Moor Road has had a number of accidents
- The building will obscure the junction
- Parking will be an issue particularly on social occasions such as 'Fun Days
- Noise disturbance and disturbed sleep not only during leaving to attend a call but also when returning to the station.
- Green space further along the road could be used
- The training tower would be four storeys high and raises privacy concerns
- Flood Management of the land had not been resolved
- The land is currently used by all the community
- Other park area is too far away from the houses on Black Moor Road and Alderton Bank
- Concerns in relation to lighting

Attending the meeting on behalf of the applicant were Michelle Davies the agent, Ian Bitcon, Martin Langan and Rob Davison of West Yorkshire Fire and Rescue Authority.

They informed the Panel that Government cuts imposed on the Fire Service necessitated the closure of the stations at Cookridge and Moortown. They explained that there was a narrow pool of sites relative to response times and this site had taken 5 years to find. They had looked at other sites such as old Weetwood Police Station and the University playing fields.

It was noted that much of the ring road was protected as green belt however the chosen site was protected green space.

The site had been reduced so as to use less of the open space with approximately 2.78 hectares still remaining.

Members were informed that the Fire Service wanted to be good neighbours and try to ensure that noise and light from the station is kept to a minimum with training sessions in the yard during daytime only.

Members had noted that the new site was close to the old Moortown fire station approximately 1.1 miles. In response to Members questions about remodelling the old Moortown station they were informed that this distance could mean a 3 minute difference in attending a fire within the 8 minutes timescale. It was also explained that the new site provided quicker access to the ring road.

The Panel was told that this site was not ideal and that the preferred site was the old Weetwood Police Station, the site was twice as big however it would be too expensive.

The Fire Service was asked to consider different materials for the training tower and that a similar design to the Rawdon Station might be better and that access to the station for returning vehicles might be better positioned on Black Moor Road away from residential properties.

Members discussed at length the following points:

- The design of the station including the layout and parking arrangements
- The position of the new site
- The access onto the ring road including the use of new traffic lights at the junction of Black Moor Road.
- Landscaping around the site

Members discussed the following points in relation to highways:

- Highway access and parking and requested more details on access arrangements and operation of the main egress as no plan of the proposal was available.
- The number of accesses on Alderton Bank was of concern and the potential for disturbance from returning vehicles.
- The level of car parking and impact on neighbours during community events was also a concern to members.

Members' attention was directed to a number of questions set out in the submitted report

At the conclusion of question 1 the Chair proposed that the Panel should not go through the rest of the questions as the Panel did not accept the principle of the development put before them.

**RESOLVED** – Members note that the preferred site was Weetwood and asked that more work to be undertaken on the Weetwood site.

Members also gave consideration in regard to the potential redevelopment of the existing Moortown Station site. Members request that further information on both options be brought back to the Panel.

**161 16/04681/FU - Two storey and single storey front, side and rear extension and first floor rear extension 27 High Ash Drive, Alwoodley, LS17**

The report of the Chief Planning Officer on an application for a two storey and single storey front, side and rear extension and first floor rear extension at 27 High Ash Drive, Alwoodley had been brought to Plans Panel at the request of Cllr. Harrand. Cllr. Harrand had concerns that the proposed application would

make number 27 the largest house on High Ash Drive and would be out of tune with neighbouring properties.

Cllr. Harrand was also of the view that the impact of the extension on the narrow ginnel at the side of number 27 would create a dark and narrow passage.

Members were advised of the planning history of this property at paragraph 4.0 of the submitted report.

Members were asked to note that this application proposed a small reduction in height and width and that the side extension had also been scaled down so that as not to impact on the ginnel. Members had visited the site earlier in the day and noted that the ginnel on both sides of High Ash Drive benefitted from street lighting and that number 29 also had a side extension set close to the ginnel.

Mrs Moira Butt attended the meeting to speak on behalf of the residents who had objected. There had been 10 objections received.

Mrs Butt explained that she had no objection to the lower extension as this was to be for a disabled person.

Mrs Butt informed the Panel that the house had already been extended and that this application was not dissimilar to the application which had been refused previously.

Mrs Butt went on to say that the bungalows at the rear of the property would feel overlooked.

Mrs Butt informed Members that the ginnel was used by older residents for getting to bus stops, and would be used more by mums and children when the nursery was relocated. She said that the extension at number 29 is close to the ginnel and that if the extension at 27 went ahead it would make the ginnel dark and unwelcoming.

Mrs Gurjit Chhokar the applicant's daughter in law addressed the Panel explaining that the applicant's son was physically and mentally disabled and required the extension downstairs for his safety.

Mrs Chhokar informed the Panel of the following points:

- That a letter had been written to Cllr. Harrand to inform him that the extension had been reduced
- That it was not accurate that the house would be the largest on High Ash Drive
- That one of the objectors provided an address in Sheffield
- That properties opposite had extensions and were also located next to a ginnel
- That side windows would be obscure glazed

Members considered the views of all the parties.

**RESOLVED** – That Members grant permission subject to conditions set out in the submitted report.

**162 16/05216/FU - Demolition of existing buildings and development of 3 number dwellings - 13-17 Parkside Road, Meanwood, LS6**

The report of the Chief Planning Officer requested Members to give consideration for the demolition of existing buildings and refurbishment of part of 13 Parkside Road erection of two houses to form a terrace, with parking at 13-17 Parkside Road, Meanwood.

Members were informed that the application was brought to Panel due to its history. Relevant planning history was set out at paragraph 4.0 of the submitted report.

Members were advised that in respect of this proposal there had been no pre-application negotiations with the applicants and that additional graphics had been requested to more clearly identify the relationship between the single storey refurbishment unit and the existing dwelling at 9B Parkside Road in respect of the window that was considered to be adversely impacted during Plans Panel's last consideration of this proposal. Graphics were shown to Members in respect of the window.

It was noted that this application sought to address the concerns of the Inspector.

Members were informed that the proposal included 9 parking spaces that would be screened by a wall. Members also noted that all other matters including layout were acceptable. Members were required to consider the impact on 9B Parkside Road.

Members were informed that details of levels to be submitted as part of conditions.

It was noted that a reduction to the single storey would reduce impact to 9B Parkside Road.

Members were advised of safety for 9B Parkside Road with the agreement of a Party Wall Act a separate agreement between applicant and neighbours. Members noted that the Party Wall Act would need to be agreed prior to the start of work.

Members requested that contractor's vehicles be parked on site not on the narrow road.

Members were advised that proposed materials to be used are currently identified as brick with tiled roof. Officers were of the view that stone should

be used and this should include that already on site, at least for the front and the side of the buildings. Final details to be agreed under condition No. 3

**RESOLVED** – Members resolved to grant permission subject to the conditions set out in the submitted report with an additional condition relating to construction management details to be submitted and agreed. Advice that existing stone was to be reused.

**163    15/06760/FU - APPEAL SUMMARY Three detached houses with detached garages to vacant land Land Between 11 And 37 Church Drive, East Keswick, LS17**

Members were asked to note the report of the Chief Planning Officer following the appeal decision of the Inspector.

The Inspector had concluded that the development would harm the character of the Conservation Area and would harm the living conditions of the ground floor flat located within the flat block to the south side of the site. A copy of the appeal decision was appended to the submitted report.

**RESOLVED** – Members noted the appeal decision.

**164    Date and Time of Next Meeting**

The next meeting of North and East Plans Panel will take place on Thursday 11<sup>th</sup> May 2017 at 1:30pm.

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Originator: J.Bacon

Tel: 0113 2224409

## Report of the Chief Planning Officer

### *Plans Panel North and East*

Date: 11<sup>th</sup> May 2017

**Subject: 16/07555/FU Construction of 13 houses at the Former Stanks Fire Station, Sherburn Road, Swarcliffe, Leeds LS14.**

#### **APPLICANT**

Mr Darren Hirst

#### **DATE VALID**

1<sup>st</sup> December 2016

#### **TARGET DATE**

12<sup>th</sup> May 2017

#### **Electoral Wards Affected:**

**Cross Gates and Whinmoor**

☐ Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

### **RECOMMENDATION: REFUSE PERMISSION for the following reasons:**

1. The Local Planning Authority considers the proposed development would represent an overdevelopment of the site as evidenced by its layout design and off-street parking arrangements resulting in the creation of large areas of frontage parking and an internal parking court which provides a poor quality environment and is not well overlooked. Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures, boundary treatments and relationships with adjacent plots, prejudicial to the residential amenity of occupants and the site appearance. Accordingly, the proposed development is contrary to the Core Strategy (2014) policies P10, P12 and T2, the saved UDP Review (2006) policies GP5, BD5, N23, N25 and LD1 and the design guidance contained within the Neighbourhoods for Living (SPG), Street Design Guide (SPD) and the NPPF.
2. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the greenspace, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the

requirements of the saved UDP Review (2006) policy GP5 and related Supplementary Planning Documents and contrary to Core Strategy (2014) policies G4 and ID2 and guidance in the National Planning Policy Framework.

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel North and East at the request of Ward Councillor Janette Walker who wishes Members to consider the proposal as her ward is under huge pressure in the site allocation process to deliver (housing) on green sites and that this brownfield site needs bringing into use. Councillor Walker goes on to confirm that according to the council, a shortage of houses exists and if there are issues of traffic and numbers these are issues she wants exploring at a full hearing.

## **2.0 PROPOSAL:**

- 2.1 This planning application proposes 13 dwellings which are arranged in three individual terraces fronting surrounding roads. The layout includes a centrally positioned internal parking court to serve some of the units and visitor parking, the others are provided with in-curtilage parking. The dwellings are a range of two and three bedrooms and each have an enclosed rear gardens. Some tree retention is shown on the site frontage of Sherburn Road with others replaced by new tree planting/ landscape scheme.
- 2.2 The proposed dwellings are two storey in height and are to be constructed of brick with a tiled dual pitched roof over.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site formerly contained a fire station building with an associated drill tower to the side. The buildings on site have been demolished leaving a cleared site enclosed by high metal fencing. The site is either hardsurfaced (and used as vehicle circulation and parking) or grass. The site also contains a mature tree grouping to the site's south-west corner and two other trees to the western and northern parts of the site. All on-site trees are protected by a TPO confirmed in 2015 when the fire station site was initially earmarked for closure.
- 3.2 The application site occupies a corner plot at the junction of Stanks Drive, Sherburn Road and Sledmere Place. The site occupies elevated ground level relative to Stanks Drive, plateauing centrally where the former buildings stood and then rising to the north. There is a ginnel that runs along the north-eastern side of the site. The locality is residential in character containing compact rows of two storey terrace dwellings.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 16/06879/RM - Reserved Matters Application for 14 houses- Withdrawn (01/12/16).
- 4.2 16/01766/OT - Outline application for residential development with associated access - Approved (12/05/16) – (Access only applied for)
- 4.3 15/04403/DEM - Demolition of Fire Station- Approved (27/08/15).



4.4 2015/12 - Tree Preservation Order – Covers all on-site trees

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application a number of amendments have been carried out to the layout resulting in a deletion of one dwelling units; re-configuration and enlargement of the parking court; re-positioning of the off-street parking for dwellings fronting Stanks Drive (adjacent bus shelter); introduction of crime prevention measures; intention to retain some trees to Sherburn Road frontage.
- 5.2 Officers have continued to push for a further reduction in units and/or a revised layout to address outstanding concerns but the applicant is satisfied the proposal meets required guidelines and considers the application should now be supported.

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

- 6.1 The application was advertised by site notice posted adjacent to the site dated 16<sup>th</sup> December 2016. Letters of representation have been received from 9 households in response to the public notification process albeit not all are from the immediate area:
- 6.2 7 letters express support to the proposals on the following summarised grounds:
- Nice to see development use the site to provide nice attractive housing; nice size back gardens; proposal attractive and parking plentiful.
  - Really improve the area as site not looked after at present; land in need of development.
  - Bring much needed housing to the area and with a shortage of homes and not enough development going on.
  - Could not believe the last outline permission (5 houses) was not encouraged to use whole of plot as seems a complete waste of development land- no wonder there are homeless people when developers do not use site's to full potential; 5 properties on site of this size would look unusual and needs to be properly used; previous approval did not use site to full potential.
  - Looks similar to recently developed housing estate further down road; appears a well thought out scheme and sit well within surroundings; parking off road same principle as Persimmon Homes development.
  - Appears to have sufficient parking and a plus that people can park within the site as well as on their own drives; parking in courtyard is a good idea for visitors so do not need to park on road.
- 6.3 2 letters of objection received expressing the following summarised grounds:
- Cannot understand why this area is being used for houses instead of leaving it as a fire station.
  - Query the notification of the application.
  - Site not capable of supporting the number of homes submitted without detrimental impact on local area, existing residents and traffic flows.
  - Site borders a busy junction (a main access to estate) served by multiple high frequency bus services- inadequate parking provide so park on adjacent streets causing traffic chaos, strain on existing parking arrangements- increased pollution, congestion and conflict between new and existing residents.

- Conflict between bus stop/bus users and new residents as narrow footpath between.
- Previous outline permission was for significantly lower number of houses-more suitable for this site. Density is unsustainable and will impact negatively on existing residents, road users, bus users and on wider area environment.

6.4 Ward Cllr Janette Walker has also requested a Panel determination for the reasons stated in para. 1.1.

6.5 Ward Cllr Pauleen Grahame has objected to the proposal on the basis the site is far too small for 13 properties with 26 cars (2 per property) or more.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways: Detailed layout amendments requested.

7.2 Flood Risk Management: No objection. Conditions recommended.

7.3 Contaminated Land: No objection. Conditions recommended.

7.4 Yorkshire Water: No objection. Condition recommended.

7.5 West Yorkshire Police (architectural liaison): Advisory note on a range of security measures however concerns raised with communal parking area as situated to rear, obscured by rear garden fencing and no natural surveillance.

7.6 SDU (landscape): loss of protected trees; amendments required to accommodate retention of prominent trees; needs less reliance on parking court and create more attractive streetscene and secure development.

7.7 West Yorkshire Combined Authority: Request Residential Metrocards be provided for occupiers; no objection to relocation of shelter subject to being retained within catchment area (costs to be incurred by applicant- £7,000).

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

- |      |   |
|------|---|
| SP1: | Location of development in main urban areas on previously developed land. |
| T2:  | Seeks to ensure that new development does not harm highway safety.        |
| H2:  | New housing on non-allocated sites.                                       |
| H3:  | Housing density.  |

- P10: Seeks to ensure that new development is well designed and respect its context.
- P12: Landscape.
- G4: On-site greenspace for major residential developments.
- EN1: Sustainability.
- EN2: Sustainable construction methods/materials.
- EN4: District Heating.
- EN5: Seeks to manage and mitigate flood risk.
- ID2: Planning obligations and developer contributions.

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following saved policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N23: Retention and provision of incidental openspace within developments
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- MINERALS3: Surface Coal resources.
- AIR1: Major development proposals to incorporate low emission measures.
- WATER1: Water efficiency, including incorporation of sustainable drainage.
- WATER4: Effect of proposed development on flood risk.
- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

#### Supplementary Planning Guidance

- 8.5 Neighbourhoods for Living (SPG13, adopted).  
 Sustainable Urban Drainage (SPG22, adopted).  
 Street Design Guide (SPD, adopted).  
 Designing for Community Safety (SPD, adopted).  
 Sustainable Design and Construction (SPD, adopted).  
 Leeds Parking Policy (SPD, adopted).

#### National Planning Policy

- 8.6 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.

- 8.7 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.
- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life (para.58, NPPF).

#### DCLG - Technical Housing Standards 2015

- 8.9 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 the local plan to the nationally described space standard. With this in mind the City Council is currently progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. As the work, however, is at an early stage within the local plan process little weight can be attached to it at this stage.
- 8.10 The proposal utilises five different house-types, comprising two and three bedroom dwellings which are all two storey in height. When assessed against the technical housing standards two of the proposed house types (plots 1-3, 5, 10 and 13) fall short of the described standards by 2sqm. Plots 4, 11 and 12 meet the internal floorspace standard by 1sqm with Plots 6 and 9 exceeding the standard by 28sqm. Plots 7 and 8 also satisfy the floorspace standard exceeding the standard by 3sqm. The implications of these calculations are discussed within the residential amenity section of the appraisal (para.10.13).

## **9.0 MAIN ISSUES**

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Greenspace
6. Sustainability
7. Flood risk and drainage
8. Land contamination
9. Community Infrastructure Levy (CIL)

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application site is not allocated for any specific purpose within the development plan and given the former fire station use is considered previously developed in nature. The site lies within an established residential estate, is served by existing highways and has good access to public transport and local services and is considered to be in a sustainable location. Moreover, the application site benefits from an extant outline planning permission (Ref: 16/01766/OT) which established the acceptability of redeveloping the site for residential purposes. Accordingly, it is considered support can again be given, in principle, to the residential development of this urban site although its overall acceptability is subject to other material considerations being satisfactorily resolved and these are discussed further below.

### Impact on design, visual amenity and character

- 10.2 The application site lies within an area predominantly defined by conventional brick built two storey terraced housing stock although more recent developments, within the wider estate, have provided a contemporary variation. High rise tower blocks are also visible within the estate. The proposed dwellings display simple architectural detailing and are of a height, scale and material finish that would be compatible with the buildings in this estate.
- 10.3 The development proposal comprises an arrangement of three separate terrace blocks which are oriented to face out towards existing highways. Influenced by the dimensions of the site, the layout includes the laying out of an access road and a centrally positioned internal parking court. The parking court is required in order to accommodate the parking demand generated by the number of dwellings proposed at the site. During the course of the application officers have consistently raised concerns about the amount of development proposed and the resultant need for the parking court although the applicant has retained this element to facilitate what the applicant considers makes most efficient use of the land. Although the local planning policy seeks to achieve densities of 40 dwellings or more per hectare for an urban site such as this, and that this proposal is broadly in line with this policy requirements, matters of good design (for example, safe and convenient parking solutions which are well integrated within the development) also need to be considered and often outweigh the policy desire to achieve a certain density level.
- 10.4 The internal parking court is compactly arranged with rear gated access to plots 2, 3, 4, 7, 8, 11, 12 and 13. This area is entirely hardsurfaced and largely enclosed by high rear boundary garden fencing which will prevent occupiers of the development directly overlooking this area, presenting concerns about site security and user safety. This arrangement also makes the rear boundaries of the houses vulnerable whereas secure by design principles recommend gardens back onto gardens.
- 10.5 Historically rear parking courts often attract anti-social behaviour (ASB), such as vehicle damage and ball games and can often lead to them not being used for parking, with on-street parking being preferred to the front of properties. It is also to be noted that over recent years refurbishment works within the Swarcliffe estate have sought, where possible, to remove remote and non-overlooked parking courts and replace them with alternative parking solutions which are more convenient, better integrated/ designed and are ultimately safer for occupants. The site and surrounding areas report higher than the national average crime figures, in the last 6

months there has been 50 incidents of ASB reported and 10 incidents of criminal damage, there have also been many other criminal incidents (albeit these cannot be detailed further due to their nature), within a quarter mile radius of this site. Accordingly, the Police Architectural Liaison Officer does not support this type of parking arrangement and is not supportive of the scheme as currently laid out.

- 10.6 In responding to these concerns which officers have highlighted from the very outset, the applicant has advanced a crime prevention strategy incorporating a range of mitigation measures including lowering rear boundary fence heights, the use of hit and miss fencing, installing electronic access gates, lighting and CCTV to alleviate the concerns raised.
- 10.7 Although it is accepted such measures might help deter some ASB, as a new development the site layout should seek to resolve matters of security and natural surveillance and shouldn't build in future problems requiring the need for these additional security measures. The operational methodology of some of these measures is also not clear as the proposal is for open market housing leaving individual occupiers to address future management/maintenance costs. It is not a commercial development or even a flat development where such arrangements would be more commonplace. Furthermore, it is not clear is adequate privacy would be provided within rear gardens due to the proposed use of lower/amended boundaries. The level change across the site already raises issues regarding this matter and non-typical boundary treatments could further compound residential amenity concerns regarding overlooking. In conclusion, officers consider the parking court solution offers a poor and insecure environment that occupiers and visitors are less likely to use and will make the backs of the houses vulnerable.
- 10.8 In addition to the above and despite the provision of a separate parking court, plots 1-4 have parking spaces laid out to the front leading to a long length of hardsurfacing across the site frontage to Sledmere Place and creating a frontage completely dominated by parking. Not only does this look visually poor in such a prominent site frontage, it is also creates a poor environment for pedestrians in terms of vehicles reversing in/out of these bays due to the number of times this would happen over a single stretch of road.
- 10.9 From a landscape perspective, the site contains protected trees (comprising 3 moderate quality trees, 3 low quality trees with only 1 unsuitable for retention). Whilst it is considered that some tree removal may be necessary to achieve an efficient build out of the site and officers have always accepted this, the current balance between retention and removal is not fully resolved as the prominent cherries/ willow which stand along the site's Sherburn Road frontage are potentially still at risk. Whilst the revised layout plan suggests these trees will now be retained, given the close proximity and proposed ground level changes officers remain very concerned about the future of these trees and to date it has not been adequately demonstrated that their long term future would not be compromised by the development.

#### Impact on residential amenity

- 10.10 The proposed residential development is clearly, in use terms, compatible with nearby residential properties. The application site is bounded by highways to three sides with a ginnel aligning its remaining boundary. Accordingly, it is considered that sufficient separation distance exists between the proposal and existing residential properties to ensure that no undue overlooking, overshadowing or dominance impacts will arise for those occupiers. However, it is to be recognised that a development has the potential to not only impact on its surroundings and the

occupants of houses adjacent to the site but through poor design fail to provide the future occupants of the development with a satisfactory standard of accommodation in terms of outlook and usable private outdoor amenity space.

- 10.11 The City Council's residential design guide includes a schedule of minimum separation distances from window aspects to avoid issues of overlooking, overshadowing or overbearing. Typically, a living/dining room window requires a minimum distance of 10.5m to a property boundary and it is considered that the stated dimensions on plan broadly adhere to this advice. Shortfalls do exist but these are where rear boundaries are splayed and not significantly harmful to outlook. However, there is concern that due to the topography of the site the proposal will involve steep graded gardens, terracing of levels or high retaining structures which when combined with boundary fencing will form significant screens to the outlook from rear aspect windows. The plans indicate that a level difference in the region of 2m between some plots is anticipated.
- 10.12 The proposed dwellings will each have garden areas to the rear and the applicant has calculated the overall private external amenity provision on this basis. Generally, the private amenity provision should be a minimum of 2/3 of the total gross floor area of the dwelling and on the whole, with the exception of the properties fronting Sherburn Road (which fall short at a range of 0.6-1.3sqm) adequate garden space is provided. However, the usability of the private space provided must be taken into account, not just the quantity and taking account of ground level changes across the site and the likely requirement for steep sloping gardens, terracing of levels or retaining structures remains unresolved and concerns that inadequate outdoor private amenity space is to be provided to a number of the plots.
- 10.13 In addition to the provision of reasonable level of outdoor space there is also the need to ensure the internal accommodation being offered is adequate. On this issue the government introduced technical housing standards setting out the minimum quantum of accommodation for dwellings as well as room heights and sizes. The guidance which accompanies this document makes it clear however that local authorities are only permitted to refer to the national standards through the introduction of an appropriate local plan policy. As specified in para. 8.10, the national space standards do not currently form part of the adopted development plan and thus little weight which can be given to it. Nevertheless, it is considered that the house types proposed broadly meet and exceed the stated minimum internal floorspace. Where some of the plots fall short the difference is relatively marginal representing just 2sqm and this shortfall would not amount to a reason to refuse the proposal.

#### Highways implications

- 10.14 The application site is located within an established residential area and future occupiers would have good access to the shopping and community facilities and general amenities situated nearby as well as access to existing bus services.
- 10.15 The proposed development is bordered by Sledmere Place, Sherburn Road and Stanks Drive and access to the development is served by either individual in-curtilage drives (to front and side) or via an access road off Stanks Drive which leads to a centrally positioned parking court (8 spaces). Overall, it is considered that an adequate level of off-street parking is provided, however, the spaces within the parking court would not be overlooked by the occupiers (due to ground level changes and high rear boundary fencing) and the attractiveness and day-to-day usability of this area is doubted with the result that occupiers and visitors to those

dwellings reliant on the parking court will simply park on-street as it is the most convenient location where their vehicles can be observed. Such a situation is not considered to be in the interests of the free and safe operation of the highway and accordingly officers consider it entirely reasonable for the site's parking arrangements to be revisited.

- 10.16 The proposed dwellings have individual bin storage facilities with the dwellings reliant on wheeling bins out through the rear (via the parking court) will utilise a collection point situated to the end of the internal access road. Details of the refuse collection however remain unresolved. Owing to the compact parking layout plots 4, 7, 8 and 11 would be unable to wheel a bin out into the parking court if cars were parked in the spaces and this will ultimately lead to bins being alternatively sited at the front of these dwellings. The proposed reversing of a bin wagon into the site is also far from ideal and the size of the vehicle indicated on plan is smaller than currently used by the Council's refuse teams. Ultimately, if the bin arrangements are not convenient or practical the occupier will simply store bins to the front to the detriment of the streetscene.
- 10.17 West Yorkshire Combined Authority has requested a contribution is made towards the provision of Residential Metrocards for future occupiers although the scheme only involves 13 dwellings which would fall some way short of the thresholds for the provision of Travel Plan and sustainable transport measures (50 dwellings). Accordingly, given the modest scale of development and that the site is well connected to existing amenities and public transport links (where residents are likely to utilise public transport in any event) it is not considered that such a request could reasonably be justified and the requested provisions have not been sought in this instance.

#### Greenspace

- 10.18 By virtue of the scale of development (in excess of 10 units) the proposal is required to make provision for greenspace enhancements. The Core Strategy does however recognise that not every development site is capable of accommodating the required greenspace within the site boundary and advises that in certain circumstances, and taking into account the characteristics of the site, it may be possible to provide new greenspace or improvements to existing greenspace off-site in lieu of on-site provision (generating a sum of £48,579). Such improvements could be secured through s106 agreement although given the officer concerns with the development proposal this work has not been progressed. A separate reason for refusal relating to this matter is therefore advanced but can clearly be resolved by the application through the submission of an appropriate legal agreement if required e.g. as part of any appeal.

#### Sustainability

- 10.19 The applicant advises that the design and construction method adopted will have high sustainability credentials and details of such an approach could be adequately covered by a planning condition seeking full details on how the development achieves the Core Strategy's carbon dioxide reductions and energy needs.

#### Flood risk and drainage

- 10.20 In regard to the flood risk and drainage, the application site lies outside any identified flood risk zone and it is considered appropriate planning conditions could be imposed to secure details of the surface water drainage scheme (which will consider



infiltration drainage and sustainable drainage methods). On this basis, Yorkshire Water and the Flood Risk Management officer raise no objection.

#### Land contamination

- 10.21 In respect of land contamination matters, officers have reviewed the submitted Phase 1 desk study report accompanying the application which recommends that a Phase 2 site investigation is carried out and contamination officers are content that such additional work could be secured through an appropriately worded planning condition.

#### Community Infrastructure Levy (CIL)

- 10.22 CIL was adopted by Full Council on the 12<sup>th</sup> November 2014 and was implemented on the 6<sup>th</sup> April 2015. The application site is located within Zone 2a, where the liability for residential development is set at the rate of £23 per square metre (plus the yearly BCIS index). Based upon the floorspace involved a contribution of £26,358 is generated. This information is not material to the planning decision and is provided for Panel Member's information only.

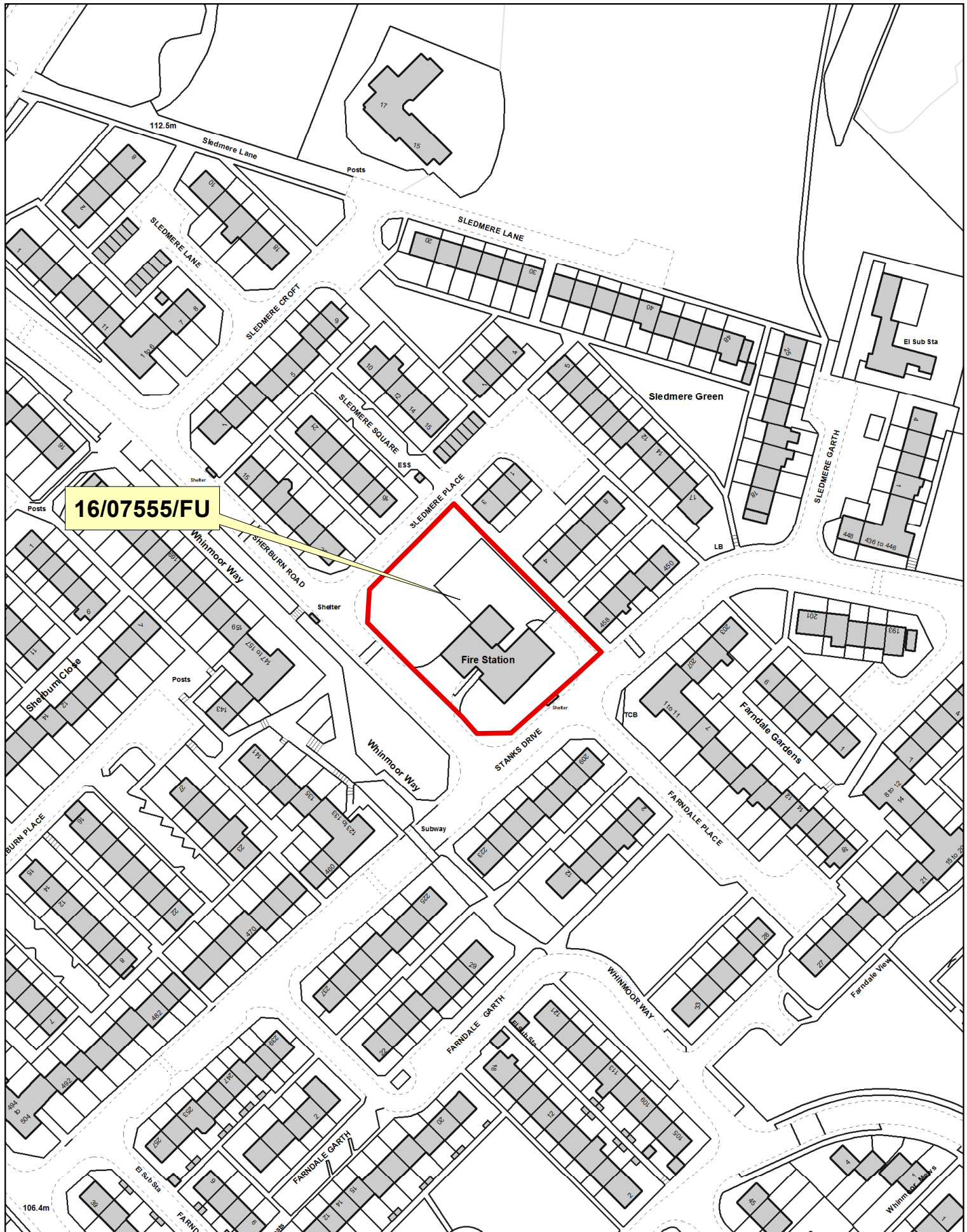
### **11.0 CONCLUSION**

- 11.1 The principle of developing this site for dwellings is considered acceptable in this location however the amount of development proposed results in a range of conflicts that remain unresolved. Overall, it is considered that the proposal results in an overdevelopment of the site which through the introduction of an internal parking court creates a poor, unwelcoming and insecure environment prejudicial to future occupier amenity and site security. Accordingly, this proposal is recommended for refusal.

#### **Background Papers:**

Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 25<sup>th</sup> November 2016.



# NORTH AND EAST PLANS PANEL

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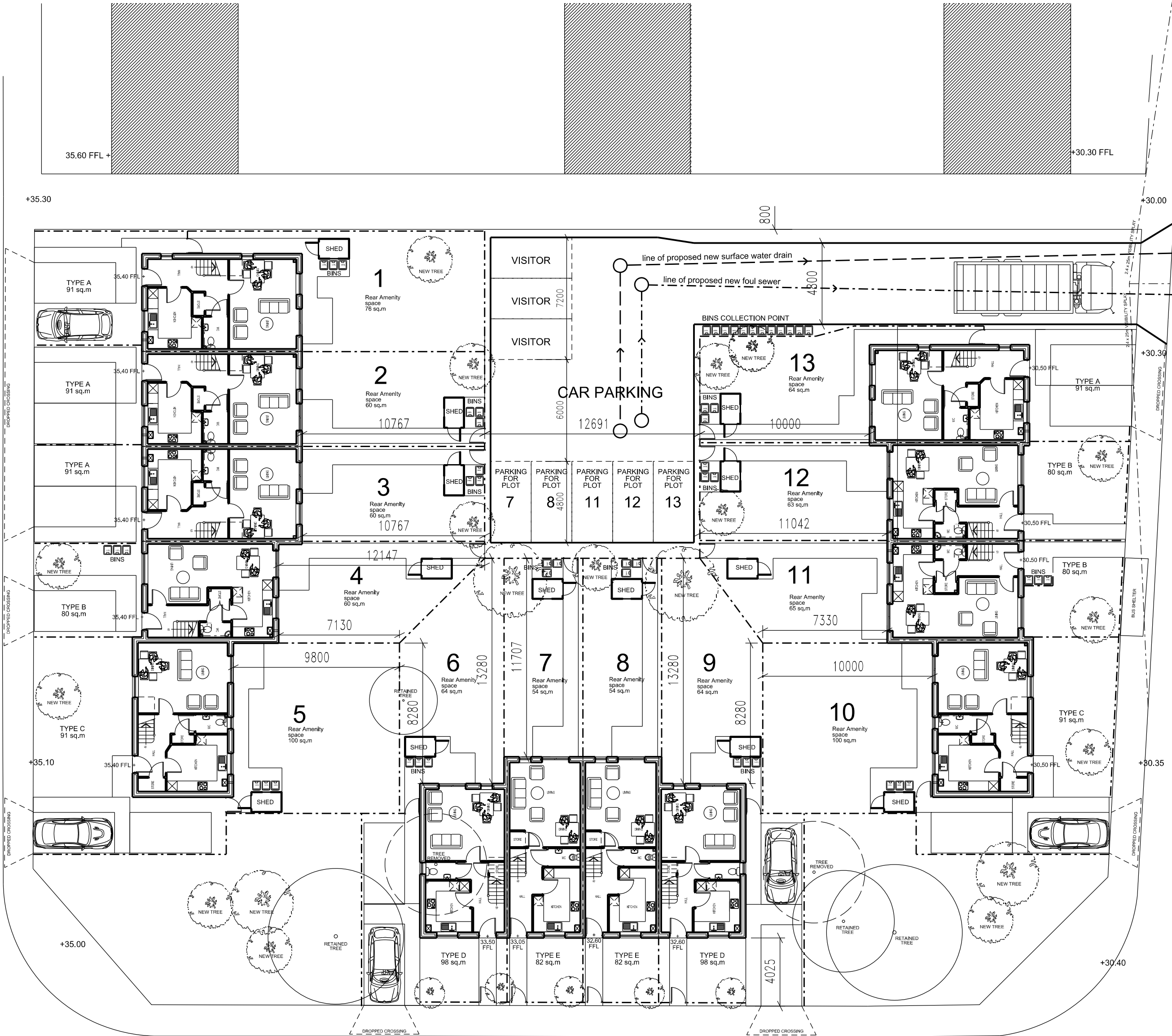
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NOTE:  
ALL DIMENSIONS/LEVELS  
TO BE VERIFIED ON SITE  
PRIOR TO COMMENCEMENT

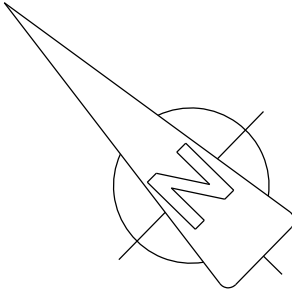
SLEDMERE PLACE

STANKS DRIVE

SHERBURN ROAD



Note:  
Connections to existing  
foul and surface water  
drains. Final positions  
to be agreed



Revision J

PROPOSED SITE LAYOUT  
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## Report of the Chief Planning Officer

### Report to Plans Panel North & East

Date: 11<sup>th</sup> May 2017

**Subject: 17/00406/FU – Change of use of domestic swimming pool and garage to canine hydrotherapy use (sui generis) at 81 Wakefield Road, Garforth, LS25 1AR**

#### APPLICANT

Ms Michelle Parker

#### DATE VALID

2<sup>nd</sup> February 2017

#### TARGET DATE

7<sup>th</sup> April 2017

#### Electoral Wards Affected:

Garforth and Swillington

☐ Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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

1. Temporary time limit (1 year)
2. Development to comply with approved plans
3. Opening hours 8:30 to 17:30 Monday - Friday, 09.00 to 14.00 Saturdays, Not at all on Sundays or Bank Holidays.
4. Parking spaces to be laid out and marked out
5. Insulation measures/noise mitigation measures to be implemented/ details of a noise management scheme to minimise disturbance to local residents (no opening of certain doors and windows).
6. Management plan for use (appointment system/dog owners to remain present/use of appropriate drying equipment for dogs)
7. Bins details and collection details.
8. Front Gates onto Wakefield Road to remain open during business hours.
9. No more than 2 dogs on site at one time.
10. Residential garden not for use by customers and dogs.
11. Window on rear elevation of swimming pool building to remain closed when pool in use.

## **1.0 INTRODUCTION**

- 1.1 The application proposes to change the use of a domestic swimming pool to a canine hydrotherapy use (sui generis) with laying out of designated parking spaces to the front of the site and use of part of the garage for a reception area at 81 Wakefield Road, Garforth.
- 1.2 The application is reported to Plans Panel at the request of Ward Member Councillor Mark Dobson who feels that the proposal will adversely impact residential amenity with regard to noise and traffic movements in the area.

## **2.0 PROPOSAL**

- 2.1 The application seeks the change of use of the domestic swimming pool situated within a residential garden (within a building) to a canine hydrotherapy use. Part of the existing garage is also proposed to be converted as a reception area. An area of existing hardsurfacing/paving to the front of the site will provide designated customer parking. The proposed use is a canine hydrotherapy pool for dogs that are either in recovery or pain. It is not a dog grooming facility.
- 2.2 The opening times originally sought by the applicant were - Monday to Friday 08.30 – 18.00 and Saturdays 09.00 – 14.00. However, please note that it is proposed to limit the opening times on weekdays until 17.30 hours in line with advice received from the Environmental Health officer.
- 2.3 It is proposed that no more than 2 dogs will be on site at any one time and the appointments are booked in half hour sessions.
- 2.4 Additional works/noise mitigation measures proposed by the applicant are:-
- Heightened sound insulation
  - Re-routing of existing garden fence so dogs can't use the domestic garden
  - Terms and conditions of use for customers
  - Astro turf/hard floor areas inside waiting area and around the pool
- 2.5 Resident parking will continue to be provided on site located at the side of the dwelling and in part of the large domestic garage. The existing hard-standing to the front of the property will be extended to provide 2 x customer parking spaces.

## **3.0 SITE AND SURROUNDINGS**

- 3.1 The application site is located on Wakefield Road and forms part of a semi-detached (right hand –side dwelling) which has been previously extended. The extension was for a detached indoor domestic swimming pool with attached domestic garage (L-shaped) which is located to the rear of the site with hard surfacing to the front and side.
- 3.2 The domestic house on the site is 2-storey which is red-brick and cream rendered with grey roof tiles. The part of the site that forms the buildings for conversion is single storey with pitched roof and is a mix of render/wood and brick.

- 3.3 The site is accessed by pedestrians and vehicles from Wakefield Road where there is a metal gate which is a maximum of 2m in height. Off street parking is currently available within the garage, driveway and front of the property via an area of hard-standing. There is a bus stop just up from the site on Wakefield Road (with waiting restrictions extending across the site access).
- 3.4 The boundary treatment to the adjoining property No. 79 Wakefield Road is a 2m high hedge at the front and to the rear is a 1.8m fence; the boundary treatment to No. 83 Wakefield Road is vegetation and 1.8/2m fence.

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

- 4.1 17/00407/ADV –One non-illuminated sign – pending.
- 4.2 33/189/03/FU - Part single part two & part 3 storey rear extension and detached garage with swimming pool extension to rear – Approved 23 May 2003.

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

- 5.1 Discussions have occurred with the applicant and further information following highways comments and comments made through other representations has been provided.

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

- 6.1 The application was published by site notice dated 24<sup>th</sup> February 2017 and by letters sent to immediate neighbours.
- 6.2 66 letters of representation have been received, 13 objections and 53 of support and the following comments have been made:-

##### Objections

- Not the right place for this use
- Where is reception/waiting/kennelling/toileting facilities/dog proof perimeter
- Does garage form part of the business?
- Garforth has one already (Barrowby Lane)
- Noise pollution (up to 20 dogs a day)
- Parking and highway safety issues lead to increase in on street parking and increase in traffic and highways
- Impact upon immediate neighbours amenity and loss of privacy
- Safety risk
- Residential area in nature
- On-site parking does not allow for turning of vehicles
- Restrictive covenant

##### Support

- Great idea, don't see a problem, valuable addition, beneficial to area and much needed, high demand
- Max of 2 dogs a day is like having 2 dogs as pets at home, max 2 cars
- Noise would be minimal

- Useful to local people/dog owners
- Dogs owners using them will be responsible
- See no issue with environmental health
- Similar business in area (10 beauticians, 8 hairdressers, 9 hairdressers)
- Insulation measures can be used
- Shortage of this use and they are useful facilities
- Know the potential proprietors – they have high standards in life and business

6.3 The applicant has responded to representations received by providing further information/measures. In the light of this, original contributors have been re-consulted with a revised expiry falling on the day of the Panel meeting. Accordingly any further representations received will be reported to Panel Members as part of the officer presentation.

## **7.0 CONSULTATIONS RESPONSES**

7.1 Highways: Further information initially requested regarding parking provision/layout. Additional information clarifying customer and domestic parking/turning arrangements provided so no objection subject to conditions.

7.2 Environmental Health: No objection subject to the proposed sound insulation measures being implemented and the use being operated in accordance with the submitted management plan. Conditions recommended.

7.3 Flood Risk Management – no objection, it will not create a flood risk

## **8.0 PLANNING POLICIES**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

P10: High quality design, Residential and visual amenity.  
T2: Accessibility.

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following saved policy is also considered to be relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

8.4 No Natural Resources and Waste policies are considered to be specifically relevant to the proposal.



### Supplementary Planning Guidance

- 8.5 Leeds Parking Policy (SPD, adopted).

### National Planning Policy

- 8.6 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.
- 8.7 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.
- 8.8 The NPPF gives a presumption in favour of sustainable development and seeks to ensure proposals do not undermine quality of life (para.58, NPPF).
- 8.9 It should be noted that the development is not liable for CIL.

## **9.0 MAIN ISSUES**

1. Principle of development
2. Impact on residential amenity
3. Highway implications
4. Representations

## **10.0 APPRAISAL**

### Principle of development:

- 10.1 This application proposes the utilisation of an existing domestic swimming pool situated within the rear garden of a residential curtilage to a canine hydrotherapy use. It is also proposed to convert part of the existing domestic garage to a reception area.
- 10.2 In use terms, the primary residential use for the wider site would remain and a canine hydrotherapy use is not considered to represent a main 'town centre' use. Accordingly the development can be supported in principle subject to the residential amenity and any highway implications being fully resolved.

### Impact on residential amenity:

- 10.3 A main potential area of concern for neighbours relates to noise as a result of the dogs themselves and also the increase in comings and goings at the site. In considering this issue, the proposal has been amended and now incorporates the following measures to help address the concerns which have been raised by neighbours:
- Heightened sound insulation via the use of Kingspan Insulated Wall and Roof systems (including a version which is specifically designed for higher humidity environments such as a swimming pool) to contain noise from dogs and customers to within the building.
  - Re-routing of existing garden fence to restrict access to the main domestic garden
  - Terms and conditions of use – including: hours of use/use of drying equipment/appointment system/customer parking arrangements
  - Astro turf/ hard floor areas inside waiting area and around the pool
  - Strategy for the disposal of waste
  - Nos. of dogs that will be on site at one time limited to two
- 10.4 Furthermore, the use of part of an existing garage structure as a reception area is now also proposed so that all activities associated with the use can now be undertaken within these two interconnected buildings.
- 10.5 The buildings subject to the change of use are located at the bottom of the garden of No. 81 Wakefield Road along the boundary with No. 42 Queensway (rear) and between Nos. 79 and 83 Wakefield Road. The only part of the common boundary with neighbouring properties that does not have a building along its boundary is with the adjoining semi-detached house, No. 79, where there is a 1.8m high boundary fence. There are no windows directly facing onto Nos. 79 or 83 with the existing doors/windows from the swimming pool element of the building fronting on the applicant's own garden. There is a very small window on the rear elevation of the swimming pool building.
- 10.6 The applicant has confirmed in correspondence that there will be no more than 15 – 20 dogs per week day and on a Saturday will be a maximum of 10 dogs.
- 10.7 It is noted that the proposal, changes the nature of the swimming pool's use and that there will be increased in comings and goings to the site. However, it is considered that taking into account the details submitted by the applicant regarding noise/mitigation measures, and having regard to the comments from the Environmental Health Officer, that potential/envisaged noise issues can be mitigated and managed through the listed conditions at the beginning of this report. In addition it is recommended that a temporary permission be granted in the first instance so that the situation can be monitored in light of the potential impact on the amenities of neighbours.

#### Highway Impact

- 10.8 The application property has a large area of hardstanding to the front and side. This provides a large parking area which is more than adequate for a domestic dwelling. Highways Officers sought a revised plan for the parking layout that clearly shows off street parking for the residents and customers and so that vehicles can manoeuvre

and leave the site in a forward gear. Accordingly no technical highways objection is raised subject to the imposition of appropriate conditions.

### Representations

- 10.9 Regard has been to the representations received and it is considered that the substantive and relevant material planning matters raised have been addressed above. None of the other points raised are considered to be either material to the determination of the application or of such weight to lead to the conclusion that planning permission should be withheld.

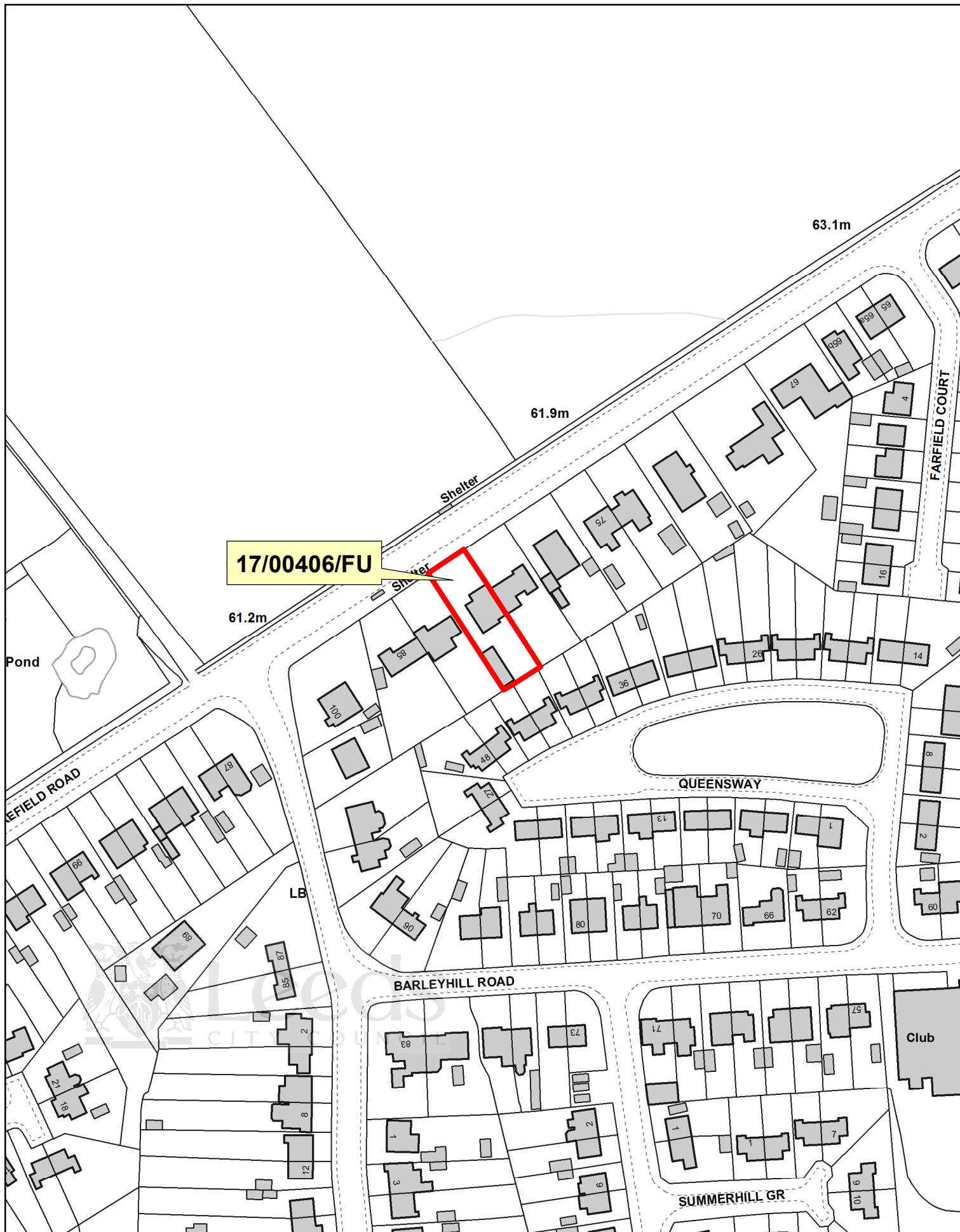
## **11.0 CONCLUSION**

- 11.1 This proposed commercial development in a residential area has potential to result in a significant loss of amenity for neighbouring residents. However, that subject to appropriate controls including the hours and days of use, restricting the numbers of dogs attending the facility and the sound proofing of the buildings in question then the amenities of neighbouring residents should not be adversely affected. However, in light of the character of the use, and the sensitivity of the location, it is considered that a temporary permission, for a year, should be granted so that the environmental effects associated with the use can be monitored/reviewed.

### **Background Papers:**

Application file:-17/00406/FU – 81 Wakefield Road

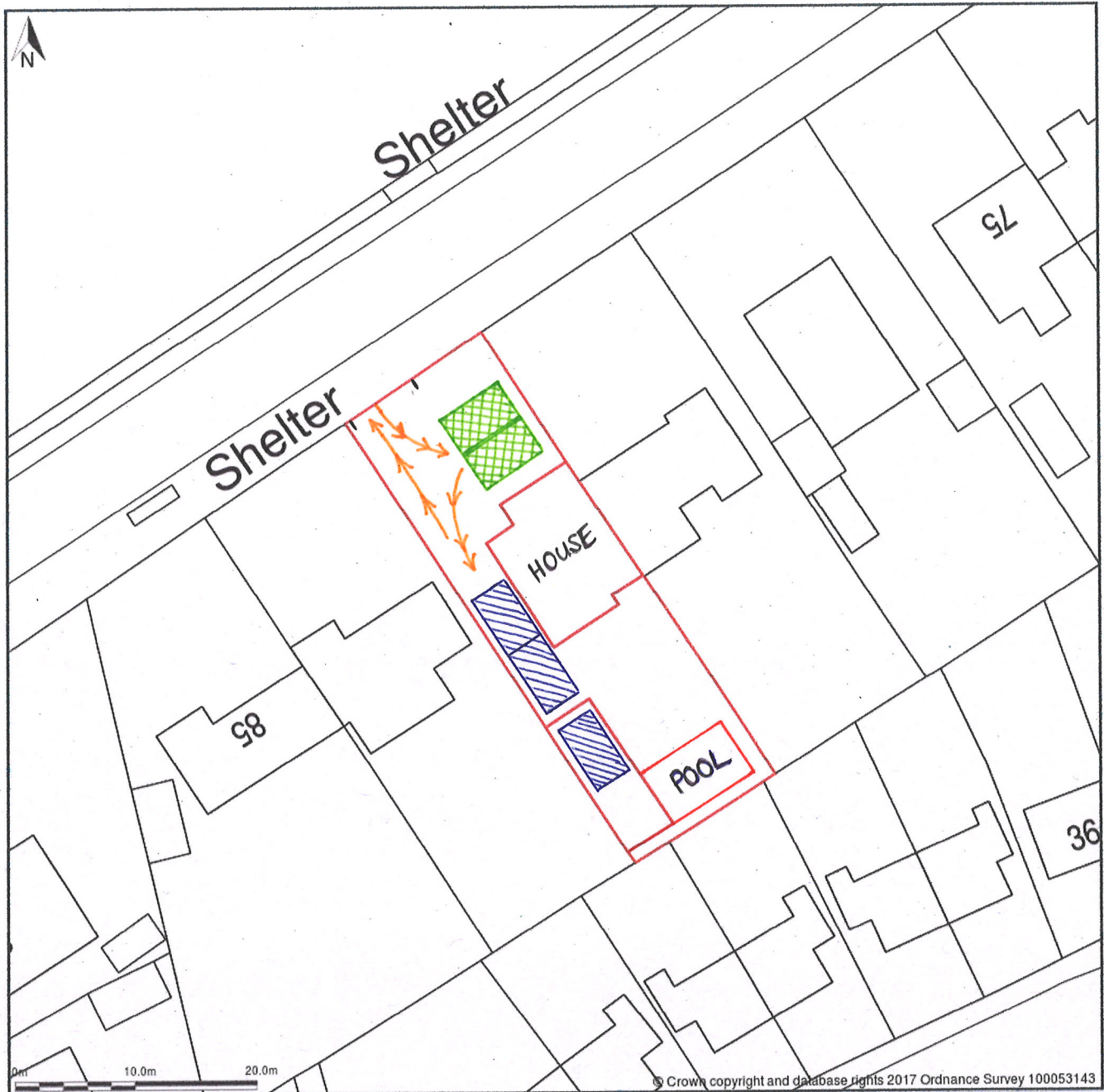
Certificate of Ownership (Cert B - served on Mr & Mrs Greenhill – 17/01/17)



# NORTH AND EAST PLANS PANEL




81 Wakefield Road, Leeds, LS25 1AR




Block Plan shows area bounded by: 439807.0, 433126.0 439897.0, 433216.0 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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 = Residents parking Spaces X 3.

 = Customer Parking Spaces X 2.

 = Direction of entry/exit.

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Originator: K. Sandhu

Tel: 0113 3951609

## Report of the Chief Planning Officer

### *Plans Panel North and East*

Date: 11<sup>th</sup> May 2017

**Subject: 16/06901/FU Detached dwelling and garage and formation of new access and hardstanding to the rear of No. 4A Ascot Road, Kippax, LS25 7HT**

#### **APPLICANT**

Mr Shaun Cooper

#### **DATE VALID**

8<sup>th</sup> November 2016

#### **TARGET DATE**

3<sup>rd</sup> January 2017

#### **Electoral Wards Affected:**

**Kippax and Methley**

☐ Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

### **RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Standard Time Limit for commencement
2. Standard Plans Reference
3. Submission of materials
4. Boundary Treatment
5. Laying out of car parking
6. Removal of PD rights under Classes A, B, C,D and E of the GPDO
7. Finished floor levels
8. Drainage implementation conditions
9. Contamination conditions

#### **1.0 INTRODUCTION:**

- 1.1 This planning application is brought to Plans Panel at the request of Ward Councillor James Lewis as he notes the previous application to approve was made by Members and believes the Panel should once again consider the impact on local residents and the character of the area to ensure consistency of decision making.

## **2.0 PROPOSAL:**

- 2.1 The proposed dwelling is single storey in height and would be constructed of buff brick with a concrete tiled hipped roof over.
- 2.2 The dimensions of the bungalow would be as follows and is identified to be centrally positioned within the main part of the site: 13.4m(W) x 9.4(D) x 4.7m(H to ridge - 2.8 to eaves). Access would be provided to the side of No. 4A Ascot Road via the utilisation of the existing driveway. A detached, single garage is proposed 4.4m(W) x 6.7m(D) x 4.4m(H to ridge - 2.4m to eaves) and 2 x open parking spaces would be available to the front of the garage. The driveway is extended to include a vehicle turning area.
- 2.3 Replacement parking for No. 4A Ascot Road in the form of 2 x off-street spaces are shown within the existing front garden.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is a backland plot (associated with the ownership of No. 4A) adjoined by the residential gardens of properties on Ascot Road, Epsom Road, Westfield Lane, and Goodwood Avenue. The area of open land is virtually square in shape with the exception of a small piece of land that extends to the south directly behind the garden area to No. 122 Westfield Lane. No. 122 Westfield Lane is one of a group of four terraced houses situated to the south of the site. Primarily the area of open land is bounded largely by semi-detached dormer bungalows and/or more traditional style (single storey) bungalows. No. 4A has a detached garage in its rear garden and has a recently constructed wooden fence supported by concrete posts to its shared boundary with No. 20 Epsom Road which lies to the west of the site.
- 3.2 The topography of the area slopes downwards from west to east, whilst the open land is relatively level, properties on Epsom Road (to the west) are set slightly higher than the site, and properties on Goodwood Avenue (Nos. 7 and to the east) are set slightly lower. Being wholly enclosed by residential properties the open land is bounded by a mixture of domestic style boundary finishes including walling, fencing and landscaping features. The land appears as scrub land in nature. The area is residential in character.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The following planning history is relevant to this application:

15/03400/FU Detached dwelling (part single storey/part two storey dwelling) to rear and formation of new access and hard standing for four parking spaces. Appeal for Non Determination. Appeal dismissed 18<sup>th</sup> November 2015. The Inspector concluded that the proposal by reason of its height and design would harm the character of the area.

13/04515/FU Alterations to existing semi-detached bungalow and erection of one detached bungalow to rear and formation of new access and hardstanding for four parking spaces. Approved 25.4.2014



- 13/02939/FU Erection of two detached houses to rear and formation of hard-standing to front of 4A Ascot Road. Refused 11 September 2013 on grounds of visual amenity; residential amenity and highway safety.
- 33/46/05/OT Outline application to erect detached house. Refused 22 March, 2005 on grounds of highway safety. Appeal Dismissed 30 November, 2005.
- 33/272/99/OT Outline application for detached dwelling. Refused 13 December 1999 on grounds of backland development / residential amenity; and highway safety. Appeal dismissed 27 July 2000 on highway grounds
- 33/25/98/OT Outline application for detached dwelling Refused 19 October 1998 on grounds of residential amenity and highway safety.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 During the course of the application a number of amendments have been carried out so as to reduce the scale and height of the proposed dwelling and to improve its overall design. These changes have also resulted in the garage becoming detached from the main dwelling.

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

- 6.1 The application was advertised by site notice posted adjacent to the site dated 25<sup>th</sup> November 2016. A batch of 10 individual objection submissions, 14 letters of objection, and 1 letter of support have been received in response to the initial public consultation process.
- 6.2 The objections are based on mainly the same reasons as previous refused applications and are as follows:
- Size, scale and close proximity of the proposed dwelling to surrounding properties
  - Overlooking; overshadowing; and over-dominance.
  - Highway safety and access
  - Refuse Collection
  - Noise and disruption during construction.
  - Flood risk and drainage
  - Devaluation of surrounding properties.
  - Conflict between bus stop/bus users and new residents as narrow footpath between.
  - Previous approved application for a smaller single storey detached house maximum capacity for site.
- 6.3 The revised proposal (showing a lower dwelling with detached garage) was re-advertised and further letters of representation have been received re-iterating earlier concerns in particular the size, scale and close proximity to surrounding properties.
- 6.4 Kippax Parish Council objects and requests the application be refused over concerns due to the proposed bungalow being too large in plan layout giving rise to over development of the site. They state the access drive is too narrow and there will be bad visibility due to the proposed 1800mm high fencing at the entrance/exit of the drive.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Highways: No. 4a has already been granted permission for a new dropped crossing outside of the planning procedure. Therefore the proposed dwelling will utilise the redundant access that was previously used by No. 4a, No objection but would be beneficial to reduce the proposed boundary treatment of 1.8m to 0.9m where it meets Ascot Road, which would help to maximise the available visibility in this location.
- 7.2 Mains Drainage: No objection subject to conditions and the submission of drainage scheme.
- 7.3 Contaminated Land: No objection in principle subject to conditions and desk top study.
- 7.4 Coal Authority: No objection.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

- 8.2 The following Core Strategy policies are considered to be relevant:

- SP1: Location of development in main urban areas on previously developed land.
- T2: Seeks to ensure that new development does not harm highway safety.
- H2: New housing on non-allocated sites.
- P10: Seeks to ensure that new development is well designed and respect its context.
- EN5: Seeks to manage and mitigate flood risk.

- 8.3 The application site is not specifically designated for any purpose within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

- 8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

Supplementary Planning Guidance:

- 8.5 Neighbourhoods for Living (SPG13, adopted).  
Street Design Guide (SPD, adopted).  
Leeds Parking Policy (SPD, adopted).

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. 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.
- 8.7 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.
- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life (para.58, NPPF).

DCLG - Technical Housing Standards 2015

- 8.9 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 the local plan to the nationally described space standard. With this in mind the City Council is currently progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. As the work, however, is at an early stage within the local plan process little weight can be attached to it at this stage.
- 8.10 The proposal is for a single storey, 3 x bedroom (5 x person) bungalow and would have an internal floorspace of circa 108sqm which is some 19sqm over the recommended standard for this type of dwelling.

## 9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Representations

## 10.0 APPRAISAL

### Principle of development:

- 10.1 In terms of principle when assessed against the NPPF, the site is in a backland position and has a greenfield status. However, given the site is surrounded by housing this does not exclude the site from being developed providing the scale and impact of any dwelling is appropriate, in terms of its impact on the character and appearance of the area and also the living conditions on existing and any future occupiers and also subject to highway considerations.
- 10.2 With the above in mind and noting the site's planning history which has supported a dwelling on the site within the same policy climate, the principle can be supported subject to a detailed assessment on these other matters as detailed below.

### Impact on design, visual amenity and character:

- 10.3 As can be seen from the site's planning history, there has been a long standing aspiration for a relatively large property on the site and officers have consistently sought to resist this. As originally submitted, another large property was proposed and once again officers have sought to ensure the overall scale and massing of the building is reduced to ensure an appropriate form of development is achieved.
- 10.4 The proposal now under consideration has been reduced, particularly with respect to its total height and now takes the form of a genuine bungalow but is still larger than the previous approval on the site. The footprint under the earlier approved application (13/04515/FU) measures approximately 66sqm whilst this application measures closer to 125sqm, some 59sqm larger. This fact is a particular issue for local residents who maintain their objections to the proposal and consider the revised dwelling to be excessive.
- 10.5 Whilst officers appreciate the concerns of local residents regarding the increase in size of dwelling now proposed, and understand the planning history will have no doubt been influential in making such comments, each application must be considered on its own merits and accordingly it is the impact of the current proposal that is now under consideration which is the key consideration. With this in mind, it is accepted the overall dimensions of the dwelling have increased but within the context of the application site and its surroundings these changes are not considered to materially alter the scheme's overall impact on the character and appearance of the site or wider area beyond that which has already been accepted. Primarily this is because of the site's backland nature but even when viewed from within neighbouring gardens the changes in scale/massing/appearance and relative impact these changes have from a visual amenity perspective are considered to be relatively minor. Some of the additional floorspace has essentially been provided by replacing the floorspace associated with the original approved garage and providing habitable floorspace.

Whilst a garage is also still proposed, it is now detached and because of its scale and siting within the site it would only be readily visible from directly in front of the driveway, some 47m away from the footpath. Contextually the impact of the garage is small, fairly typical within a residential setting and accordingly can be accepted.

- 10.6 In view of the reduced height, simple design, materials and scale it is considered that the proposed development would not result in a harmful impact to the visual amenity of the site and character of the area and can still be supported despite being larger than the dwelling previously approved on the site.

#### Impact on residential amenity

- 10.7 The proposal is for a single storey bungalow with centrally hipped roof having a maximum ridge height of 4.8m and main eaves of 2.8m. Within the Council's Supplementary Planning Guidance, Neighbourhoods for Living (NfL), guidance is given in respect of distances between proposed windows and the boundaries with neighbouring properties. The intention behind these guidelines to protect the privacy of the prospective occupiers of new development and existing neighbours. The building has a generally centralised location within the main part of the plot with the bungalow itself sited 7.1m from the southern boundary; 4m from northern boundary; 4.9m from the western boundary and 4m from the eastern boundary. Whilst it is accepted these distances fall short of the guidelines contained in NfL (due to the window positioning proposed within the various elevations and the room they serve) due to the fact that this is a single storey dwelling and that appropriate boundary enclosures are provided to prevent overlooking of neighbours, it is not considered that there will be any undue loss of privacy.
- 10.8 The proposed siting of the bungalow relative to the existing properties is considered to be acceptable when issues such as overshadowing, loss of light, loss of outlook and concerns the dwelling could appear overbearing are assessed. Because of its single storey nature and roof design the normal separation distances between buildings as set out in NfL are achieved or exceeded and so any likely amenity impact is considered to fall within acceptable limits.
- 10.9 In view of the above, the main residential amenity consideration therefore relates to if the outlook from the various windows within the proposed bungalow would be adequate for any future occupier as existing or new boundary treatments (to be secured by condition) are to be secured to ensure issues of overlooking or loss of privacy do not occur.
- 10.10 When making an assessment about outlook, it is important to consider the overall quality of the space to be provided as well as its functional relationship with the proposed dwelling. In this instance, the total depth of the main garden area falls well below normal requirements but it is also wider than is often provided and from a quantitate perspective is actually larger than is required by NfL. The careful positioning of the main rooms onto this space, the use of large format opening windows, and also its southerly aspect, all combine to ensure the space that is available is both attractive to use and functional. For these reasons and noting a similar relationship for all windows has previously been accepted as demonstrated by the site's planning history, the amenity provision for any future occupier is considered to be acceptable.

#### Highway implications

- 10.11 The basic highway issues associated with the provision of a new dwelling on the site have already been fully assessed as part of previous applications and ultimately accepted. This application largely seeks to replicate previous arrangements and includes on-site turning and 2 open spaces in addition to a garage. A dropped kerb application to provide new frontage parking for No. 4A Ascot Road is also noted to have been approved.
- 10.12 In view of the above, no highway objection to the development is raised subject to conditions, one of which will control the height of boundary treatments.

### Representations

- 10.13 The main issues raised by objectors are considered to have been addressed in the sections above. With respect to concerns about construction activity, it is accepted that some disturbance will take place as it does with the construction of any new dwelling, however the scale of development proposed and its short term nature are such that it would not be a reasonable to withhold planning permission due to these concerns.
- 10.14 With regard to local residents concerns relating to land drainage, the site does not fall within a flood risk area and as with previous applications, the Councils Flood Risk Management Team have accepted that the site can be drained satisfactorily.
- 10.15 In terms of any dispute over land ownership or potential disturbance / de-stabilising of adjoining land, these are civil matters between relevant land owners or matters to consider under building regulations. As such, they are not matters for consideration by the Local Planning Authority. The applicant will however be informed through any decision that the grant of planning permission does not permit development to be constructed or maintained on land outside of an applicant's ownership and the need to comply with other statutory requirements.

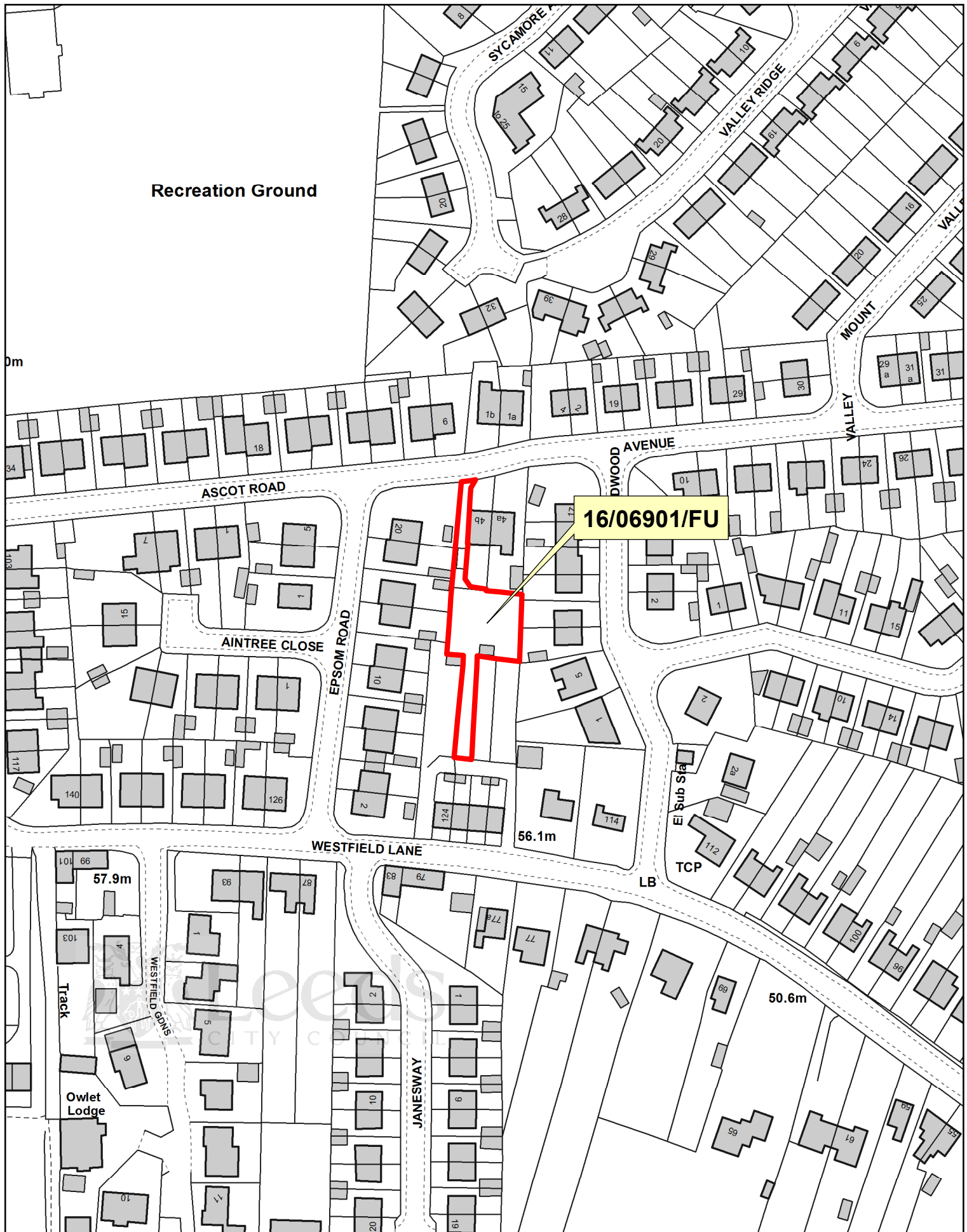
## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed development represents an acceptable use of the site and is sound in principle without prejudicing the interests of visual amenity, residential amenity or highway safety, consequently the application is recommended for approval and it complies with relevant development plan policies and national planning policy guidance as set out in the report.

### **Background Papers:**

Application file: 16/06901/FU.

Certificate of Ownership (Cert A) signed by the applicant dated 11<sup>th</sup> October 2016.



# NORTH AND EAST PLANS PANEL

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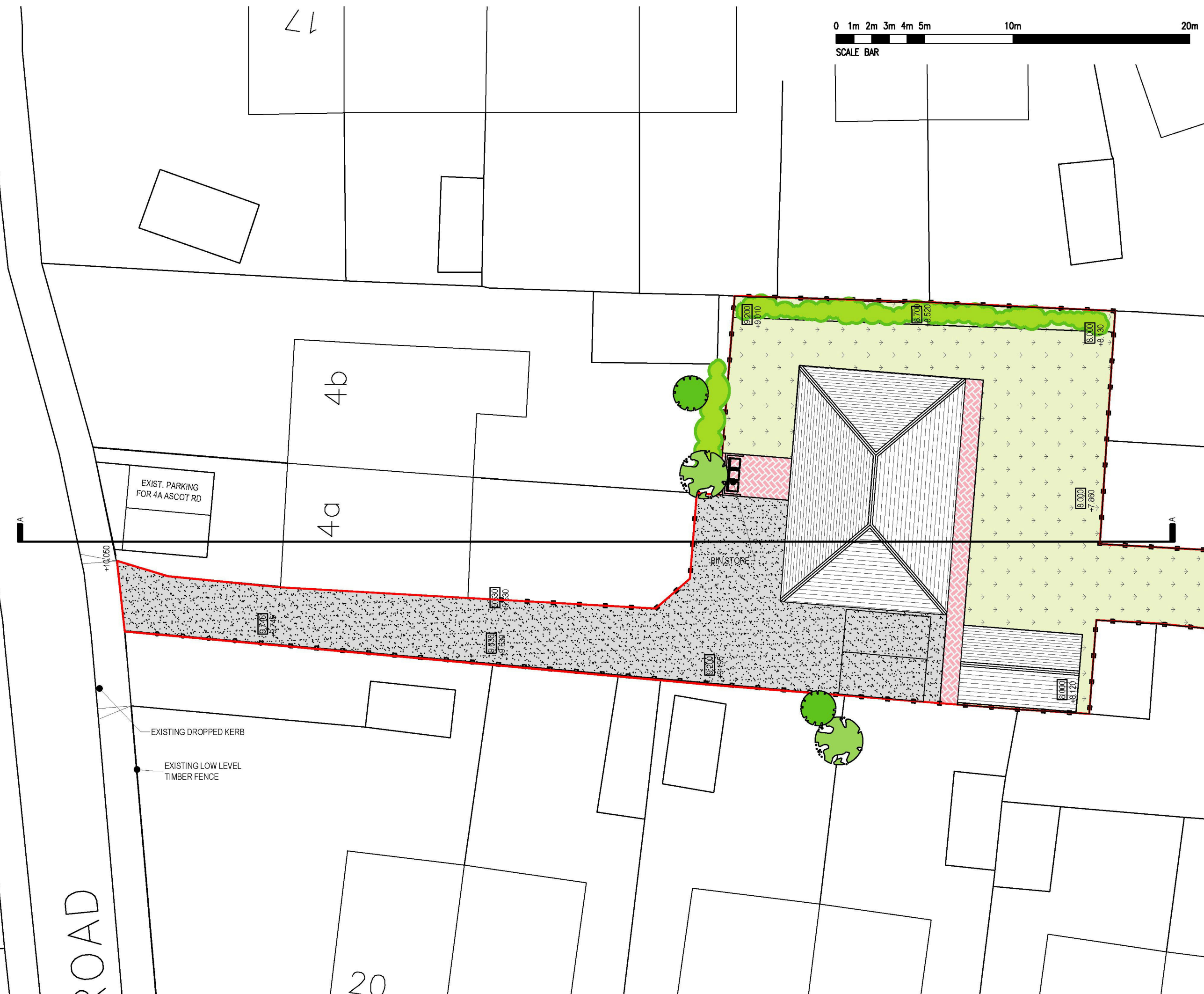
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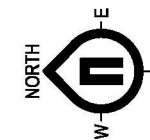


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**DRAWING STATUS/TYPE KEY**

<b>F</b> Feasibility	<b>SK</b> Sketch	<b>L</b> Landscape	<b>C</b> Construction
<b>P</b> Planning	<b>M</b> Marketing	<b>S</b> Survey	<b>AB</b> As Built
<b>T</b> Tender	<b>TNT</b> Tenant	<b>OS</b> Ordnance Survey	



+10.000 EXISTING LEVELS

+10.000 PROPOSED LEVELS



TARMAC DRIVE

 PERMEABLE BLOCK PAVED DRIVE

GRASSED AREA



1800 HIGH FENCE



900 HIGH FENCE

REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE

## REVISIONS



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CLIENT

Shaun Cooper

PROJECT

4A Ascot Road  
Kippax

DRAWING TITLE

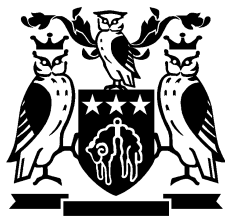
## Detailed Site Layout Plan

Scale  1:200@A3	Drawn By <b>RS</b>	Date Drawn <b>13-05-16</b>
	Checked By <b>NW</b>	Date Checked <b>13-05-16</b>

Drawing No.  
**13030-P704**

Rev





**Leeds**  
CITY COUNCIL

Originator: Adam Ward

Tel: 0113 387 8032

## Report of the Chief Planning Officer

### NORTH & EAST PLANS PANEL

Date: 11<sup>th</sup> May 2017

**13/03196/FU - Residential development comprising 88 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities at Grove Road, Boston Spa.**

#### Electoral Wards Affected:

**Wetherby**

☐ Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- **Provision of 35% Affordable Housing on site;**
- **Travel Plan and Monitoring Fee of £2,520;**
- **Contribution of £43,221 towards sustainable travel fund;**
- **Transfer and provision of land for hospice car parking;**
- **Contribution of £10,000 towards traffic management measures;**
- **Provision of on-site Greenspace and future maintenance; and**
- **Local Employment and Training opportunities.**

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

#### Conditions

1. Time limit
2. Plans to be approved.
3. Materials (walling, roofing, and surfacing).
4. Details of fences and walls to be provided.
5. Statement of construction practice, including provision for contractors parking.

6. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
7. Laying out and retention of visitor parking spaces.
8. No tree felling except in accordance with the submitted tree survey.
9. Protection of retained trees and hedgerows.
10. No dig construction adjacent to retained trees.
11. Landscaping scheme and implementation.
12. Replacement of trees and hedges.
13. Submission of Construction Environmental Management Plan (CEMP).
14. Submission of Biodiversity Enhancement & Management Plan (BEMP).
15. Details of levels to be agreed.
16. Provision of visibility splays.
17. Maximum driveway gradient.
18. Retention of garages.
19. Vehicles space to be laid out.
20. Surface water drainage.
21. Reporting/remediation of any unexpected contamination
22. Verification of imported soil as contaminant free.
23. Archaeological recording.
24. Off site highway works
25. Details of staggered hoop pedestrian barriers
26. Precise details of pumping station
27. Details of consultative forum and implementation

## 1.0 INTRODUCTION

1.1 This application was previously reported to Panel on 13<sup>th</sup> April 2017 where Members resolved to defer consideration of the application pending various amendments to the scheme. In summary these were:

- The need to ensure an adequate relationship/boundary treatment/additional parking (including maintenance regime) is provided to address specific requirements of the adjacent Martin House Hospice;
- Consideration of on-site children's play equipment;
- Potential to design out the use of 'corner-turner' house types from the layout;
- Consideration to fund 20 MPH speed limit changes in the area;
- Footpath design/relationship with Grove Rd/Green Lane junction (including potential requirement for pedestrian safety features);
- Clarification that on-site pumping station is to be underground; and
- Consultative forum to be set up to cover construction phase.

1.2 In response, the applicant has made amendments to the scheme and has provided further information to seek to address the concerns of Members as follows:

### Boundary Treatment to Martin House Children's Hospice

1.3 The applicant has agreed the form of boundary fence with the hospice. This includes the use of a 1.8m high close boarded fence. This will be separate the newly formed car parking spaces to the hospice and the private garden areas of Plots 1,

16, 17, 18 and 19, as well as the communal car parking court and the area of woodland to the rear of Plots 19-21. This fencing will be set within a concrete foundation up to 600mm in depth. The fencing to the remaining part of the western boundary will be a 1.8m feather edged timber fence, set 700mm beneath ground level within a concrete base. The applicant has confirmed that as part of the overall landscape management of the site, it would include the provision of maintenance, repair and renewal of fencing, and that this fencing would be inspected monthly by contractors and quarterly by the Property Management.

- 1.4 It is considered that the boundary treatments proposed and their on-going maintenance and the agreement that the applicant has with the hospice are acceptable and seek to address the concerns previously raised by the Plans Panel.

#### Children's Play Area

- 1.5 A new children's play area has been provided on the main area of public open space in the north east corner of the site. This would include several pieces of play equipment, all of which would be suitable enclosed by appropriately designed fencing and set a reasonable distance away from the nearest residential properties. For Members information, Miller Homes are in the process of building out a residential development of 57 dwellings within Wetherby and have installed a small children's play area towards the front of this site. It is understood that the proposed play facility for the Boston Spa site will be similar to that installed at Wetherby.

- 1.6 The proposed play area is considered to be a complimentary addition to this family orientated development which will be of benefit to young families who will reside within this housing scheme. The precise details of the play area will form part of the detailed landscaping scheme required under condition no. 11.

#### 'Corner Turner' (Kipling) Housetype

- 1.7 The layout has been amended to remove the 'corner turner' (Kipling) housetype from the scheme which has led to a minor re-arrangement in the layout. Plots 38 and 39 are now different housetypes with landscaping on the corner. These changes result in more traditional housetypes being provided on the site and make for an overall improved layout.
- 1.8 The omission of the 'corner turner' housetype is seen as a positive step towards addressing the concerns of the Plans Panel. The housetype now proposed in the site's most prominent location where the 'Kipling' was previously proposed is now a 'Buchan' which is used elsewhere on the site. This is a more traditional form and allows for additional tree planting on the corner, thereby representing an improvement on the previous layout.

#### Grove Road Speed Reduction

- 1.9 The applicant has made reference to the outline approval allowed by the Secretary of State on appeal and noted that no highway issues were raised in terms of the speed limits along Grove Road. Notwithstanding this position, following the discussion of Members at Plans Panel, the applicant is prepared to offer a contribution of £10,000 towards traffic management measures in the area, which can be pooled together with other developments in the area. This would be secured through a legal agreement.
- 1.10 Whilst the provision of a contribution towards traffic management measures was not deemed to be necessary as part of the outline approval, the applicant's offer of £10,000 towards traffic management measures to be used in the vicinity of the site

is welcomed, will help address any concerns over speeding traffic along Grove Road and meets the test set out within CIL.

#### Footways

- 1.11 The applicant has provided a more detailed site layout to reflect and address the concerns of Panel Members at the last meeting. A section of hedge will be removed at the Grove Road / Green Lane junction and dropped crossings provided to facilitate the crossing of these roads. Staggered metal railings will also be provided to ensure that pedestrians, and particularly young children, do not run straight out onto the road. Similar staggered railings are also proposed on the new section of the footpath that leads to the bus stop on the southern carriageway. The design of these could be controlled through a condition.
- 1.12 The amended and more detailed site layout provides clarity for pedestrians that will be using the site and travelling to and from the bus stop and other areas of Boston Spa, including the town centre. The removal of small sections of hedging to facilitate improved visibility for motorists and to improve connectivity for pedestrians is seen as a well balanced proposal. The provision of staggered pedestrian barriers is also welcomed and seeks to address the concerns previously raised by Members.

#### Pumping Station

- 1.13 Due to the topography of the site, a small pumping station is required towards the north eastern corner of the site. This will involve the construction of a small approx. 1m high) cabinet and associated hardstanding that would be enclosed by hoop top railings and soft landscaping. Whilst not ideal, the provision of this facility is a necessary part of the development, and will be small scale and enclosed by appropriate fencing and landscaping and on balance is considered to be acceptable.

#### Consultative Forum

- 1.14 The applicant has agreed to participate in a consultative forum as suggested by Panel Members. The detail of this would be dealt with through a planning condition, and has been used on other sites within this Ward including the Churchfields site built out by Taylor Wimpey in Boston Spa and the site at Spofforth Hill in Wetherby which is currently being built out by Bellway Homes.
- 1.15 The previous report is appended for Members information.

## **2.0 CONCLUSION**

- 2.1 The applicant has made various amendments to the scheme to seek to address the concerns of the Plans Panel. The amendments provide further information and alterations to address the boundary with the children's hospice, provide a new children's play area, provide a contribution towards reducing the speed limit on Grove Road to 20mph, the provision of information on the pumping station, provide clarity on the pedestrian route to the bus stop and at the junction with Green Lane and omit the Kipling housetype in favour of a more traditional housetype. The application is therefore policy compliant and is considered to represent a sustainable form of development. The benefits of delivering the scale of new housing proposed in this relatively sustainable location are considered to outweigh any limited harm identified, and is therefore compliant with paragraph 14 of the NPPF. It is therefore recommended for approval subject to the conditions set out in the head of this report.

Originator: Adam Ward

Tel: 0113 387 8032

## Report of the Chief Planning Officer

### **NORTH & EAST PLANS PANEL**

Date: 13<sup>th</sup> April 2017

**13/03196/FU - Residential development comprising 88 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities at Grove Road, Boston Spa.**

#### **Electoral Wards Affected:**

**Wetherby**

☐ Yes

Ward Members consulted  
(referred to in report)

#### **Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

**RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer subject to the following conditions and the prior completion of a section 106 Agreement to cover the following:**

- Provision of 35% Affordable Housing on site;
- Travel Plan and Monitoring Fee of £2,520;
- Contribution of £40,656 towards sustainable travel fund;
- Off-site highway works;
- Transfer and provision of land for hospice car parking;
- Provision of on-site Greenspace and future maintenance; and
- Local Employment and Training opportunities

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

29. Plans to be approved.
30. Materials (walling, roofing, and surfacing).
31. Details of fences and walls to be provided.
32. Statement of construction practice, including provision for contractors parking.
33. Restriction on hours of construction to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays, with no operations on Sundays and Bank Holidays.
34. Laying out and retention of visitor parking spaces.
35. No tree felling except in accordance with the submitted tree survey.
36. Protection of retained trees and hedgerows.
37. No dig construction adjacent to retained trees.
38. Landscaping scheme and implementation.
39. Replacement of trees and hedges.
40. Submission of Construction Environmental Management Plan (CEMP).
41. Submission of Biodiversity Enhancement & Management Plan (BEMP).
42. Details of levels to be agreed.
43. Provision of visibility splays.
44. Maximum driveway gradient.
45. Retention of garages.
46. Vehicles space to be laid out.
47. Surface water drainage.
48. Reporting/remediation of any unexpected contamination
49. Verification of imported soil as contaminant free.
50. Archaeological recording.

## 1 INTRODUCTION

- 1.14 This report relates to a full application which proposes the redevelopment of this Greenfield site which is a site designated as a 'Protected Area of Search' (PAS) in the UDP, for residential development. The full application proposes a total of 88 dwellings with associated access, parking, landscaping and public open space.
- 1.15 This application, together with the outline application (Ref. 13/03202/OT), were initially reported to City Plans Panel at the meeting on 24<sup>th</sup> October 2013 as a position statement due to the planning policy context and their strategic implications relating to the proposed development of PAS sites across the city. A Panel site visit also took place on the same day in order for Members to be familiar with the site and the surroundings. Members provided comments at that meeting which set out their concerns. Following this, the applicants appealed against the non-determination of the outline application and requested that the full application be held in abeyance. Further to this, a report was then presented to the City Plans Panel on 16 January 2014 setting out reasons for refusal upon which to contest the outline appeal where Members resolve to accept the suggested reasons.
- 1.16 The appeal against the outline application was the subject of a Public Inquiry in May and June 2014, with written exchanges of evidence taking place after that. The appeal was then the subject of call in by the Secretary of State. The outcome of the appeal was that it was upheld and outline planning permission, including vehicular access was granted for up to 104 dwellings. The appeal Inspector's report to the Secretary of State is dated 3 July 2015 and the Secretary of State's decision letter is dated 8 June 2016.
- 1.17 Therefore, the principle of residential development on this site has been approved on appeal and therefore the primary matters now for consideration in the determination of this full application lie with the design and layout, impact on trees, the provision of

landscaping, the impact upon existing neighbours and the quality of amenity afforded to new residents of the proposed development.

- 1.5 Whilst this particular application was previously considered by the City Plans Panel, following a Plans Panel Chairs meeting and in light of the outcome of the outline appeal which allowed the scheme and granted outline planning consent, it was considered appropriate to now report the application to the North & East Plans Panel given that the primary considerations are local and not strategic matters.

## **2 PROPOSAL**

- 2.1 This application relates to a proposal involving the development of this site for 88 houses. Initially, 104 dwellings were proposed, but this has been reduced significantly following negotiations between the LPA and the applicant. The main vehicular access into the site is taken from Grove Road, approximately 30m to the east of the junction with Chestnut End, which is the same as the approved outline scheme. The proposed road would be 5.5m wide and comprises 2m wide footways on each side. A secondary vehicular access point is proposed towards the north western corner, again off Grove Road, which serves 3 of the proposed dwellings (plots 1-3) which utilises an existing field gate. An emergency access point is also proposed from Green Lane towards the south eastern corner, although this would primarily be used as a pedestrian route. A small section of the existing hedge will need to be removed to create this and a number of bollards will restrict entry/exit for non-emergency traffic and vehicles, although pedestrians will be able to use this route.
- 2.2 The layout can be described as taking the form of a residential estate, with a number of cul-de-sacs taken off the main route into and around the site. The layout takes the opportunity to retain a key view from the north eastern corner of the site looking towards Clifford Church Tower. A landscaped area of public open space is created in this corner and forms a diagonal route through the site in the form of a tree lined avenue, interspersed with shared surfaces to help keep the speed of traffic to a minimum. The layout also allows for the retention of the boundary hedges along the Grove Road and Green Lane frontages, save for some sections which facilitate the creation of vehicular and pedestrian access points. Some trees are also to be removed at the main access point. A number of trees have already been removed by the applicant along the western boundary adjacent to the children's hospice. This was in accordance with a separate approval from the Council prior to the submission of this application. Such trees were considered to be in poor health and representing a danger to the hospice site. Nevertheless, the developer is not intending to position houses in the area of tree loss as there is a requirement to carry out replacement tree planting along this boundary.
- 2.3 The proposal includes substantial areas of public open space for future residents within the site. These include a large area to the north east corner of the site, adjacent to the conservation area boundary, and another area to the other end of the tree lined street around a mature Sycamore tree. There is also a linear area of greenspace running parallel with Green Lane and inside the site behind the retained hedge. This allows pedestrian movement along this edge, as the western side of Green Lane does not feature and would not allow for the creation of a footway without removing the hedgerow. New stock fencing is also proposed in areas along and inside the western boundary in order to protect the new tree planting. Additional buffer planting is proposed partly along the southern boundary where it borders the open countryside and Green Belt.

- 2.4 Within the proposed development houses are generally two storeys with some properties comprising dormers within the roofspace and therefore have accommodation over three floors. Of the 88 dwellings, the mix is as follows:
- 23 x 2 bedroom
  - 21 x 3 bedroom
  - 29 x 4 bedroom
  - 15 x 5 bedroom
- 2.5 In terms of materials, it is proposed to use magnesian limestone for the dwellings fronting onto Grove Road and the area of public open space. The remaining dwellings will be constructed from artificial coursed stone. Proposed roofing materials include a mixture of flat grey tiles, flat red tiles and red bold roll tiles. In terms of boundary treatments, some are open and comprises turf and ornamental planting or areas of hardstanding for car parking, while some properties are bounded by ornamental hedging. Estate railings are located in prominent locations to demarcate private garden areas and protected landscaped areas.
- 2.6 The design of the houses takes reference to some of the architectural detailing on other properties in the locality. In general, all dwellings are either two storey or two storey with accommodation within the roofspace served by pitched dormer windows and rooflights. Dwellings all have gable ended roofs with the exception of one of the house types which has a hipped end due to its footprint which helps turn a corner and the small apartment block. Some properties also have integral garages with visually attractive garage doors, while other properties have detached garages. Some of the houses also have strong gable features to one side while others are more simplistic and symmetrical. Architectural detailing includes the use of entrance canopies, barge boards, dentil courses, raised door surrounds, stone window detailing, and corbelled eaves. There is a small block of 'flats over garages' which do not provide any surveillance at ground floor level. In terms of scale, houses range in height from 7.0m to the ridge for the smaller 2 bedroom properties to 9.6m to the ridgeline for the larger dwellings which include dormers within roofslopes.
- 2.7 The proposals also involve the creation of 20 additional car parking spaces within the site to be used by the adjacent hospice. A new access will be created in the western boundary to link the car park of the hospice to the newly formed car parking spaces. These spaces will be constructed from grasscrete with a no dig zone around the root protection areas of adjacent trees. There will be no physical connection between the hospice and the residential site.
- 2.8 The applicant has put forward a number of plans and supporting reports as part of the planning application which comprise the following:
- Application forms, Certificates and Fee
  - Location Plan
  - Drawings, including site layouts, floor plans and elevations
  - Design & Access Statement
  - Planning Statement
  - Transport Assessment
  - Travel Plan
  - Tree Survey & Landscape Scheme
  - Landscape Visual and Impact Assessment
  - Landscape Management Plan and Design Strategy



- Flood Risk Assessment
- Geophysical Survey and Phase Site Investigation
- Desk Study & Geo-Environmental Report
- Phase I Habitat Survey
- Sustainability Statement
- Site Access Option
- Statement of Community Involvement
- Affordable Housing Proforma

2.9 In addition to this information, the applicant has also provided Heads of Terms with regard to a Section 106 Agreement. These are as follows:

- Affordable Housing, in accordance with planning policy (35% for this area);
- Public Open Space (provided on site and maintained by a management company);
- Contribution towards Sustainable Travel Fund;
- Travel Plan and Monitoring Fee;
- Transfer and provision of land for hospice car parking;
- Local Employment and Training Opportunities.

### **3.0 SITE AND SURROUNDINGS**

- 3.1 The site relates to a Greenfield site that is located towards the south eastern edge of Boston Spa. The site measures 3.9 hectares and is in agricultural use. The site slopes gently downwards from south to north and has two road frontages; Grove Road to the north and Green Lane to the east, both of which can be described as country lanes. Mature hedging interspersed with trees form the boundaries to both Grove Road and Green Lane, although there is an agricultural field gate towards the south end of Green Lane and another in the north western corner onto Grove Road with access into the site for agricultural vehicles. The site is situated towards the south of Boston Spa High Street town centre with an approximate walking time of 5 minutes through a pedestrian route in between established residential development. Boston Spa comprises a number of facilities including a post office, numerous schools, a number of shops, restaurants and takeaways, a bank, and two churches. The main settlement is Wetherby which is located approximately 5km to the north west.
- 3.2 In terms of surrounding land uses, the land to the east and north on the opposite side of Green Lane and Grove Road comprises housing. Houses within and off Green Lane comprise single storey and two storey interwar houses. These are well spaced semi-detached dwellings with a cement render finish with grey tiled roofs. Houses are generally set well back behind established hedges with some dwellings set at angles which form the entrance points into Grove Crescent and Grove Crescent South. The properties to the north of the site on the northern side of Grove Road are varied in character. Some dwellings date from the 1970s and 1980s and built from stone with pitched roofs. Some of these dwellings are set around courtyards with communal greenspace. Behind front boundary hedges and walls sit a line a mature trees which is part of the defining feature of Grove Road.
- 3.3 To the south of the site sits a large detached bungalow (known as Firs Lodge) with accommodation within the roof and a large detached garage. A 2m high close boarded fence separates the property from the application site. Further westwards

along the southern boundary is a hedgerow with a number of small trees. To the west of the site sits Martin House Childrens Hospice and High Trees School. High Trees School is a white rendered building with a slate roof with access taken from Cinder Lane. Martin House is a modern building constructed from stone with a red tiled roof. This site features a number of inter-locking buildings and comprises a number of hips and valleys to break up to the mass of the roof. This is set on the south side of Grove Road behind mature trees and mature hedges. All of the land beyond the southern and western boundaries is designated as Green Belt. As such, the school, the hospice and Firs Lodge are all located within the Green Belt.

- 3.4 Whilst the application site is not located with a conservation area, the land to the north east forms the edge of the Boston Spa Conservation Area. Beyond Green Lane to the east, the houses fronting Grove Road are set within the conservation area. The stone built terrace houses on the south side are identified as positive buildings within the Boston Spa and Conservation Area Appraisal and Management Plan (CAAMP). On the north side of Grove lane are pairs of 1930s semi-detached houses finished in pebbledash with brick detailing. These are set back from the road behind a mixture of low rise walls, timber fences or hedges. The Boston Spa CAAMP identifies a 'rural view' from the intersection of Grove Road and Green Lane looking south westwards towards Clifford Church Tower.
- 3.5 Mature hedging forms a strong boundary to both the Grove Road and Green Lane frontages of the site, supplemented with trees at various intervals. These trees include a mix of Hawthorn, Elm, Sycamore and Ash. A large mature Sycamore tree stands towards the south western corner inset from the boundary with the hospice by some 40m and rises to a height of 18.5m. Along the western boundary between the site and the children's hospice are a mix of Elm, Lime, Beech, Sweet Chestnut, Whitebeam Sycamore, Horse Chestnut and Oak trees. There is also a mixed group of Holly, Thorn, Ash, Sycamore, Privet and Birch trees towards the south western corner along the boundaries of the site.
- 3.6 Further to the preparation of the applicant's tree survey, an application for consent to undertake tree felling and pruning works and a replanting scheme was submitted and approved on 29 March 2013. Works commenced on site on 8 May and completed on 21 June 2013. These works were undertaken due to the poor condition of a number of trees and proximity to Martin House Children's Hospice

#### **4.0 HISTORY OF NEGOTIATIONS AND PLANNING HISTORY**

- 4.1 This particular site, along with many others within Leeds, is allocated as a 'Protected Area of Search' under Policy N34 of the UDP. The developer (Miller Homes) has engaged with officers at the pre-application stage and has put forward proposals for residential development on this particular PAS site. Discussions have been on-going with Officers since February 2013. The advice provided to the applicant at that time indicated that the principle of residential development on this particular site could not be supported. Advice was also provided on the layout, the unsuitability of the greenspace location as well as advice on trees and highways matters.
- 4.2 The developers also organised a public exhibition which took place in May 2013 at Boston Spa Village Hall. The event was attended by approximately 95 people and 54 provided their written comments. The applicant has also advised that they have undertaken discussions with Martin House Children's Hospice to explain the proposals and explore how the scheme could be designed in order to respect the sensitivities of the hospice. Further discussions have also taken place on detailed

design matters relating to the layout of the site as well as changes to the design of some of the housetypes.

- 4.3 13/03202/OT – Outline planning permission for up to 104 dwellings with vehicular access was granted by the Secretary of State on appeal by letter dated 8 June 2016.
- 4.4 10/04314/FU – Use of agricultural field as overflow car parking area to hospice for a temporary 12 month period: Approved in November 2010.
- 4.5 31/236/98 – Erection of 68 dwellings. This application was presented to the Plans Panel where Members resolved to approve it in principle on 3 November 1998. The application was subsequently referred to the Secretary of State as a departure from the Development Plan. The approval in principle was also subject to further consideration of the Section 106 Agreement and planning conditions. The application therefore remained undetermined and was disposed of in 2002.
- 4.6 31/99/97/FU – Erection of 66 dwellings. An appeal for non-determination was made and this was subsequently withdrawn in January 1999.
- 4.7 H31/5/91 – Outline application to erect residential development to agricultural site. This application was refused in April 1991.
- 4.8 H31/306/88 – Outline application to layout access road and erect sheltered housing development with landscaping: Refused in October 1988.
- 4.9 Tree Preservation Order (works to remove some trees have been granted in 2013).

## **5.0 PUBLIC/LOCAL RESPONSE:**

- 5.1 The application was initially advertised by site notices posted on 26 July 2013 and a newspaper advertisement published on 8 August 2013 as a Major Development, as a departure from the adopted development plan and a development affecting the character of a conservation area. Based on the originally submitted scheme for 104 dwellings, a total of 190 letters of objection were received objecting to the development. A number of letters make reference to both the full and outline application (Ref. 13/03202/OT now allowed on appeal) within the same letter, while a number of residents have split their objections by providing separate responses to the outline and full planning application. For ease of reference officers have considered all letters to be objecting to both applications and the main concerns for both applications can be summarised as follows (this approach has been discussed with the applicant's agent):

- Inappropriate use of Greenfield site;
- Loss of greenspace;
- Greenspace between Boston Spa and Clifford would be eroded;
- Loss of Green Belt land;
- Application is premature in advance of Boston Spa Neighbourhood Plan;
- Taking a decision would be in advance of a government sponsored local consultation and in advance of the Core Strategy;
- Land should be safeguarded as PAS land in accordance with previous Inspector's findings;
- Site is not identified for development in the Neighbourhood Plan;
- There is already new development at Church Fields and Newton Kyme;

- No need for additional houses as saturation point has been reached;
- Martin House Hospice would be badly affected;
- Increased noise and disturbance which particularly affect Martin House;
- Houses are far too close to Martin House;
- Development would impact on isolated tranquility for which a Green Belt setting was chosen for Martin House;
- Local facilities could not cope;
- Impact on local infrastructure;
- The schools, doctors and dentists are full;
- Primary schools are full to capacity;
- There is no support for this application;
- Impact on local character;
- Development will destroy village feel and has little regard for village atmosphere;
- Site is susceptible to becoming waterlogged in prolonged wet weather;
- Sewerage systems could not cope with additional housing;
- Roads cannot cope with additional traffic;
- Grove Road is particularly narrow and does not allow 2 way passing;
- Increased traffic congestion;
- Increased on-street parking problems;
- Impact on parking within the High Street;
- Access to the site from the High Street is already inadequate;
- Sightlines and road capacity are seriously sub-standard;
- Junctions of Grove Road with High Street, Grove Road with Clifford Road and Clifford Road with High Street are extremely dangerous;
- Submitted Transport Assessment is out of date;
- Lack of public transport will lead to higher than normal car usage and defeat the argument about sustainability of the site;
- Significant impact on pedestrian safety, particularly children walking to school;
- Harmful impact on the environment;
- Harmful impact on local wildlife;
- Increase in noise in the area from delivery lorries, refuse vehicles, traffic and lawn mowers;
- Development will impact upon quality of life of existing residents;
- This development, together with proposals at Thorp Arch will impact on the village and its amenities;
- The design of the costs is of a low cost development of the kind found in our cities;
- Poor design – house styles are not suitable for the local area
- Proposals are out of keeping with the style of Boston Spa with its Georgian heart and gracious houses;
- The number of houses is excessive for the site and totally out of keeping with the overall nature of Boston Spa;
- Development proposals would not comply with Localism;
- Some of the photos in the submission are over 3 years old;

5.2 **Ward Members:** No written comments received.

5.3 **Clifford Parish Council:** The Neighbourhood Plan which is in preparation is for the retention of the green, open space between Clifford and Boston Spa, whilst plans are being established to consult and determine how local and wider community requirements can be best achieved. A development of this nature is not considered sustainable at the present time in this locality. The proposal will also impact upon

local services and infrastructure; information in the applicant's Transport Assessment is out of date; impact of increased traffic; increased parking; lack of public transport and likely higher than usual level of car ownership; house types are very standard design and not wholly appropriate; no children's play facilities; and impact on peace and tranquility of adjacent hospice. *Since this comment, the Clifford Neighbourhood Plan has now been made.*

- 5.4 **Boston Spa Parish Council:** Strongly objects and states that the application is fundamentally flawed in a number of ways: - Transport Assessment and Travel Plan make reference to fact that Core Strategy is at an early stage when in fact it is at the public examination stage; errors relating to bus services; development relies upon private cars for access and does not accord with aims of NPPF; site is unsustainable; access to the site is substandard; streets already highly parked with cars; junctions onto High Street at Grove Road and Clifford Road are difficult and potentially dangerous; traffic will impact on Boston Spa; Design: - not appropriate for semi rural/rural location, design is of the worst suburban sort and takes little or no account of the site or its setting on edge of conservation area; road layouts inadequate and car parking is deficient; artificial stone inappropriate; important views across the site should be retained; Noise: - development will impact on peace and tranquility of the hospice and new tree planting will take time to mature; application is premature as release of the site prior to a thorough and up-to-date assessment of the LCC 5 year housing land supply would be unreasonable, especially when there are similarly allocated sites in more sustainable locations that would be more appropriate for release; not all PAS sites should be released for housing development; development would be premature in light of Council's Site Allocations Plan; contrary to consultation carried out in preparation of Boston Spa Neighbourhood Plan; and impact on education and medical services.
- 5.5 **Boston Spa Neighbourhood Plan Steering Group:** Objects to the proposal. Number of omissions in the applicant's supporting documents (eg. TA does not acknowledge St. John's School for the Deaf or West Oaks School, both of which generate significant levels of traffic; does not consider committed development at former Paper Mill at Papyrus Villas in Selby District; and Planning Statement incorrectly refers to just four schools); application is premature given impending examination in public of Core Strategy and recent consultation on Site Allocations Plan; not all PAS sites should be released for housing development; contrary to consultation carried out in preparation of Boston Spa Neighbourhood Plan; insufficient consideration given to hospice in terms of increased noise; does not meet Core Strategy Accessibility Standards due to proximity of bus stops; residents reliant on the private car; layout is more akin to urban form than semi-rural location; layout or orientation does not reflect local characteristics; design does not respect conservation area; insufficient use of natural materials; can technical solution to drainage issues be provided; queries over the submitted Transport Assessment, and that the Council reconsider whether an Environmental Impact Assessment is required. *This representation was received prior to the adoption of the Core Strategy and some things have moved forward since.*
- 5.6 **Martin House Children's Hospice:** The hospice would prefer that the site remained undeveloped but nevertheless recognise that the principle of development will be considered on its merits and in accordance with planning policies. The hospice has also had pre-application discussions with Miller Homes. The hospice comments that concerns are raised over traffic and car parking, highlighting that their car park is regularly full and therefore concerns are raised over the volume of traffic generated by the scheme; the provision of 20 additional car parking spaces to be carried out by Miller Homes would go some way to alleviate the hospice's

concerns; need assurances over no-dig area around trees; welcome increased planting between the hospice and the development; concerns of overlooking from second storey bedrooms of plots 21 and 22; and suitable acoustic treatment of the common boundary would reduce noise.

- 5.7 Since the outline application (Ref. 13/03202/OT) was allowed on appeal, the applicant has revised their proposals for this application has amended the layout and reduced the number of dwellings to 88. Following re-notification, 34 objections have been received, reiterating their previous concerns which relate to the matters set out within paragraph 5.1 above.

## 6.0 CONSULTATION RESPONSES

### Statutory Consultees:

- 6.1 **Highways** (Initial Comments) – Prior to the outcome of the outline appeal, Highways Officers objected to the proposals. It was noted that the location of the site did not fully meet the Core Strategy Accessibility standards and as such the principle of a significant level of residential development in this location will require further consideration in light of the ongoing Site Allocations Plan. In particular, whilst the site is located within the recommended distance to local services and schools, it is outside the recommended distance (400m to a bus stop with a 15 minute frequency to a major public transport interchange) to employment and town centres. At present only a minor percentage (5%) of people in employment within Boston Spa use public transport to undertake their journey to work. Therefore residential development in this location is more likely to be reliant on private car use for commuting.
- 6.2 Furthermore, the submitted Transport Assessment does not fully assess the local highway network. There are disagreements over the mode split data, while some of the key junctions have not been assessed. The TA also fails to justify the need for additional parking at Martin House Children's Hospice. In terms of the access, no objections are raised to its location with visibility splays of 2.4m x 43m in both directions achievable. However, Grove Road should be widened to allow for two cars to pass together with a footway to prevent overrunning onto the verge. The internal road layout was also considered to be poor and required significant revision. In particular, the Grove Road frontage requires a continuous footway while the footway along Green Lane can be omitted given the footpath provision within the site. Parking provision was also considered to be substandard.
- 6.3 Since these initial comments and the outcome of the outline appeal which was allowed, the applicant has now provided an updated Transport Assessment and further information on visibility splays and justification for the additional hospice car parking. The layout of the scheme has also been amended as well as the extent of car parking provision within the site, in line with the requests of Highways Officers. Highways Officers have also requested the provision of a continuous footway along the Grove Road frontage.
- 6.4 **The Environment Agency** – No objections to the application as submitted provided conditions are imposed relating to flood risk. The use of SUDS should also be used while information from Yorkshire Water should be sought relating to foul drainage and connection.

### Non-Statutory Consultees:

- 6.5 **Flood Risk Management** – No objections in principle, subject to planning conditions relating to a surface water scheme and its implementation and flood mitigation implementation.
- 6.6 **Yorkshire Water** – No objections subject to the imposition of a number of planning conditions.
- 6.7 **Public Transport Infrastructure** – The accessibility standards are not met as set out within the SPD. The SPD set out where a site does not meet accessibility criteria the formulaic approach should not be used and instead the developer is required to bring the site up to the appropriate standard. Notwithstanding this, a calculation using the SPD formula would result in a contribution of £127,526 for 104 dwellings. *This comment is now outdated and superseded since the adoption of CIL.*
- 6.8 **TravelWise** – The Travel Plan should form part of a s106 Agreement together with a review fee of £2,520 as well as the provision of a fund for sustainable travel measures for future residents.
- 6.9 **Metro** – The site is not particularly well served by public transport and that if future residents from the development were to use the bus service number 770 which passes close to the site, this could result in capacity issues at peak times. Good pedestrian access to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired. In order to encourage the use of public transport services available, the developer should enter into Metro's Residential MetroCard scheme. This would equate to  $88 \times £462 = £40,656$  and delivered through a s106 Agreement. *This has now been superseded and the contribution would be used as part of a sustainable travel fund to look at a number of measures to reduce car trips.*
- 6.10 **Affordable Housing Team** – There is a requirement for 35% affordable housing on site with a split of 40%/60% social rent/submarket. The affordable housing should be sold to a Registered Partner at the bench mark prices in line with Policy H5 of the Core Strategy.
- 6.11 **Contamination** – The combined desk study and site investigation report submitted demonstrates that there is no contamination risk at the site. No objections subject to the imposition of planning conditions.
- 6.12 **Nature Conservation** – The layout (in terms of the full application) retains most of the biodiversity features (along the boundaries of the site) and there are no significant biodiversity concerns. A condition should be imposed to offset the loss of bird nesting and bat roosting features and to protect wild birds during the nesting season.
- 6.13 **Architectural Liaison Officer** – Provides general advice and raises concerns over the use of windowless elevations on some housetypes; concerns over the footpath running along Green Lane and within the development.

## 7.0 PLANNING POLICIES

- 7.1 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 Core Strategy (2014), saved policies within the Leeds Unitary

Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

7.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 6	The Housing Requirement and Allocation of Housing Land
Spatial Policy 7	Distribution of Housing Land Allocations
Policy H3	Density of residential development
Policy H4	Housing mix
Policy EN1	Climate change
Policy EN5	Managing flood risk
Policy G7	Protection of Important Species and Habitats
Policy G8	Protection of important species and habitats
Policy G9	Biodiversity improvements
Policy T2	Accessibility requirements and new development
Policy P10	Design
Policy P12	Landscape
Policy ID2	Planning Obligations and Developer Contributions

7.3 Relevant policies from the Natural Resources and Waste DPD are:

Policy Water 6	Flood Risk Assessments
Policy Water 7	Surface Water Run-Off
Policy Land 1	Contaminated Land
Policy Land 2	Development and Trees

7.4 The most relevant saved policies of the Leeds Unitary Development Plan (Review) are outlined below:

GP1	Land use and the proposals map
GP5	General planning considerations
N23/N25	Landscape design and boundary treatment
N24	Buffer planning to the Green Belt and open countryside
N34	Development on Protected Areas of Search
LD1	Landscape schemes

### Supplementary Planning Guidance:

7.5 SPG10 Sustainable Development Design Guide (adopted).  
SPG13 Neighbourhoods for Living and addendum (adopted).  
SPG22 Sustainable Urban Drainage (adopted).  
Supplementary Planning Guidance 25 – Greening the Built Edge  
SPD Street Design Guide (adopted).  
Supplementary Planning Document: Travel Plans.  
Supplementary Planning Document: Designing for Community Safety – A Residential Guide

### Boston Spa Conservation Area Appraisal and Management Plan

7.6 The Boston Spa Conservation Area Appraisal state that the impact of development on the character and appearance of the conservation area should be considered. This



applies equally to development outside the conservation area if it is likely to affect the setting of the conservation area.

- 7.7 The document considered Magnesian limestone boundary walls are a feature of Boston Spa's built environment and states that Historic boundary walls and hedges should be retained wherever possible.

#### Clifford Neighbourhood Plan (CPN)

- 7.8 Clifford was one of the first neighbourhood areas to be designated in Leeds and the CNP allocates a small housing site and is seeking to deliver a new village green. The plan includes policies that are locally distinctive and cover the protection and enhancement of local heritage, greenspace and character. The application site is within the Parish of Clifford and is covered by the Clifford Neighbourhood Plan ('made', that is adopted, on 22 March 2017). Clifford is not part of the settlement hierarchy and the CNP has not designated any major housing sites (although a small housing site is allocated for local housing needs).

#### Draft Boston Spa Neighbourhood Plan

- 7.9 The Boston Spa Neighbourhood Plan has been submitted for independent examination and will be publicised shortly,. It is expected that it will be examined in May/June 2017. The draft plan includes policies that are locally distinctive and cover policies including heritage, housing, green spaces and design. The plan does not allocate sites for housing.

#### Site Allocations Plan

- 7.10 The site is proposed to be designated as Safeguarded Land (Site Ref. HG3-10). Further public consultation has been undertaken on sites within the Outer North East Market Housing Characteristic Area which took place in 2015 and 2016. The re-submission draft and all representations will be duly considered in 2017, leading towards public examination and formal adoption. However, at present only limited weight can be afforded to the SAP. Consideration may however, need to be given to updating this since outline permission has now been granted.

#### National Planning Policy Framework (NPPF)

- 7.11 The NPPF advocates a presumption in favour of sustainable development. In particular, paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 7.12 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%. Paragraph 85 provides that those local authorities defining green belt boundaries should:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

#### 7.13 Other sections of the NPPF are relevant:

Achieving sustainable development

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11 Conserving and enhancing the natural environment

#### DCLG - Technical Housing Standards 2015:

- 7.14 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. 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 the local plan to the nationally described space standard. With this in mind the city council is currently looking at incorporating the national space standard into the existing Leeds Standard via the local plan process. To date, the Council has carried out formal public consultation in June and July 2016 on a Housing Standards DPD. However, as this is yet to be adopted, only limited weight can be attached to it at this stage. However, the majority of the dwellings meet the minimum floorspace standards and therefore is considered to provide a good standard of amenity for future occupants. The proposed affordable units marginally fall short of the minimum standard. However, the applicant has confirmed that they have firm offers from 3 separate Registered Partners for all of the 31 dwellings. Furthermore, the application was first submitted in 2013, prior to the publication of the space standards, which must be acknowledged and taken into consideration in the decision making process.

## 8.0 MAIN ISSUES

Principle of Residential Development on this PAS Site

Highways Issues

Housing Mix, Design, Layout, Character & Heritage Issues

Trees and Landscaping

Impact upon Living Conditions

## 9.0 APPRAISAL

### Principle of Residential Development on this PAS Site

- 9.1 The principle of residential development cannot be contested since outline planning permission has already been granted for up to 104 dwellings on appeal. Indeed, the current scheme now reduces the amount of development to 88 dwellings, representing a reduction of 16 units from the permitted outline scheme. Therefore, given that outline permission has been granted, the detailed matters relating to the scheme can now be considered in full and are addressed below.

### Highways Issues

- 9.2 The proposal includes the provision of two vehicular access points into the site from Grove Road, although one of which only serves 3 of the 88 dwellings proposed. The primary road into the site includes footways on both sides and then continues into the site with various cul-de-sacs located off this to serve the houses. There were a number of highway concerns relating to this detailed proposal which related to matters of layout and design of the site, and alterations which are required to the Travel Plan.
- 9.3 It is however, worth noting that the allowed outline appeal included means of access into the site from Grove Road and is the same location as is currently proposed as part of this full application. The appealed outline scheme considered the principle of residential development of up to 104 new dwellings as well as parking facilities for the adjacent children's hospice. The LPA considered the proposed access point and the impact on the local highway network and did not raise any objections. In the recovered appeal letter, the Secretary of State agreed with the Inspector that that there was no substantiated evidence on which to base a conclusion that significant changes in traffic levels of highway safety would arise as a result of the development. Therefore, in light of these conclusions, no objections of raised to the current proposal for 88 dwellings in terms of accessibility, impact on the local network, the site access and visibility and impact on highway safety.
- 9.4 The appeal granted consent for the formation of the main access onto Grove Road with a plan indicating that the hedge and trees along the frontage would be retained, with the exception of some hedging to facilitate the new vehicular access. The access afforded visibility splays of 2.4m x 43m in both directions and the carriageway along Grove Road widened to 5.5m. The outline approval noted the visibility splays, the retention of the hedge and no provision for a new footway. Instead, new dropped crossing points for pedestrians were to be provided to facilitate access across Grove Road.
- 9.5 It is noted that Highways Officers have requested the provision of a new footway along the entire Grove Road frontage in order to improve pedestrian connectivity and to provide improved visibility of the junction with Green Lane. However, it is considered that this request has significant impacts. Firstly, it runs contrary to the approved outline scheme which did not provide a new footway. Secondly, the provision of a new footway would necessitate the removal of the entire hedge and

mature trees along the Grove Road frontage. This would open up views into the site and would harm the countryside and rural character of Grove Road in this particular part of Boston Spa. Thirdly, the provision of a footway is considered to be unwarranted and unnecessary since there is no footway in front of the adjacent hospice site. Therefore, pedestrians would have to cross Grove Road at some point in any event, and this proposal provides dropped crossings close to the access point and at the corner of Grove Road and Green Lane. The majority of pedestrians using footways in this location would be walking towards the High Street direction and would therefore be looking to cross Grove Road at the earliest opportunity. The provision of a new footway would therefore seem unnecessary and at the expense to the rural and verdant character of the area.

- 9.6 In response to some of the concerns raised in respect of the detailed layout issues, the applicant has provided amended plans to show that the scheme does comply with the Street Design Guide and that adequate parking, including visitor parking is now provided. The applicant has also provided additional information which has come from Martin House to justify the additional parking provision within the site for the adjacent children's hospice. This level of parking was accepted as part of the approved outline scheme by the Inspector and SoS. The provision and transfer of this land and the implementation of the hospice car parking is delivered and controlled through the Section 106 Agreement.
- 9.7 In summary, the application is considered to be acceptable in transportation terms, taking into account the approved outline scheme, and therefore will not be harmful to highway and pedestrian safety and the free flow of traffic.

#### Housing Mix, Design, Layout, Character & Heritage Issues

- 9.8 The application proposes a residential development comprising 88 dwellings with 2, 3, 4 and 5 bedroom houses and flats proposed. The character of the immediate area comprises a mix of 2 storey detached, semi-detached and terrace houses of stone, brick and render construction. It is noted that Core Strategy Policies H3 and H4 seeks to provide an appropriate density and housing mix on residential sites. Policy H3 seeks to achieve a minimum density of at least 30 dwelling per hectare on sites within smaller settlements such as Boston Spa. Policy H4 seeks to provide a preferred housing mix of 1, 2, 3 and 4 bedroom properties as follows:
- 1 bedroom 10%
  - 2 bedroom 50%
  - 3 bedroom 30%
  - 4 bedroom + 10%
- 9.9 In terms of housing mix, it is noted that the scheme comprises a mix of 2, 3, 4 and 5 bedroom houses and flats. It is noted that the scheme does not provide any 1 bedroom properties and instead proposes more 4 and 5 bedroom houses. Whilst not strictly complying with this policy, it is recognised that this is a preferred mix and some sites in other locations such as town centres and Leeds City Centre will provide a higher percentage of smaller units, and less larger units. Given the location of the site, and its character, on balance, the mix of units is considered to be appropriate for Boston Spa.
- 9.10 With regard to the design and layout it is noted that Members had a number of concerns when the scheme was last reported to the City Plans Panel. These concerns related to:

- the relationship to the setting of the Boston Spa Conservation Area;
- the design and scale of the dwellings and choice of external materials;
- the extent and location of the Public Open Space;

9.11 Officers have worked with the applicant to seek to amend the scheme to reflect the wishes of Panel Members. The scheme has therefore been amended to retain the view towards the listed Clifford Church Tower (which stems from the Conservation Appraisal as being a key view), and provide a tree lined boulevard with a curved road to provide visual interest and relief. The extent of on-site Greenspace has also been increased with the provision of a new, large area of public open space on the corner of Grove Road and Green Lane, adjacent to the conservation area boundary. This ensures that views into and out of the adjacent conservation area would not be harmed.

9.12 It is also worth noting the comments made by the Inspector and agreed by the Secretary of State when dealing with the outline appeal. The Inspector specifically commented in her report

*“The site is situated outside, but not far from, the Boston Spa Conservation Area. However, it was agreed by the main parties that a full scheme could be developed which would preserve the setting of the Conservation Area, a view with which I concur. I am also satisfied that the development would not result in harm to the remaining trees protected by the Tree Preservation Order.”*

9.13 Sections 72 and 66 of the (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. The act requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. National and local planning policy also requires development within Conservation Areas to preserve and, or in enhance its character.

9.14 Officers consider that the detailed scheme would not be harmful to any identified heritage assets. The scheme respects the views of the listed Clifford Church Tower by providing an uninterrupted tree lined boulevard to facilitate views of this heritage assets when views from the Boston Spa Conservation Area at the junction of Green Lane with Grove Road. The houstypes have also been amended to better reflect the local character and to provide an unified and coherent design across the site with consistent window patterns, the use of heads and cills as well as chimneys on more prominent dwellings. The scheme also provides a generous level of Greenspace at the north east corner which also acts as a buffer between the development and the Conservation Area.

9.15 The scheme provides a range of housesypes including a small block of apartments on the eastern side, small groupings of terrace houses, as well as semi-detached and detached houses. Some of these properties are 3 storeys, such as on Plots 8, 9, 35 and 36, and are considered to be appropriate given their context forming the entry point to the tree lined boulevard and overlooking the communal Greenspace to the front corner. Some of the houses which are 2 storeys include well proportioned dormers within the front roofslopes and are considered to be acceptable. Whilst not ideal, the scheme also includes a limited number of flats over garages. Officers and Members have previously expressed concerns over the widespread use of such houstypes in the past, resulting in lack of natural surveillance and inactive frontages. However, the limited number of these houetypes proposed on this particular site is considered to be acceptable because they are located in areas where more traditional

housetypes exist and thus adequate natural surveillance is present on other houses with ground floor windows. Furthermore, one of the plots provides a carriage arch through into a car parking courtyard which serves to remove parking from the site frontage.

- 9.16 The scheme includes the provision of parking for all properties in the form of integral and detached garages well as driveways and parking courts. Whilst two of these parking courts could be perceived as being large areas of hardstanding, they are both not overly prominent within the streetscape since they are located behind the proposed houses and off the main streets. A similar approach was taken to the recently constructed Church Fields site at the other side of Boston Spa by Taylor Wimpey, which is widely regarded as a successful development. It is also likely that some car parking will take place within the newly created estate roads during the evenings and at weekends. Under the current parking policy regime in the form of the Street Design Guide, schemes will comply with parking standards if appropriately sized garages are provided. In this case, all of the garages meet the minimum dimensions, and whilst it will be inevitable that occupants will not always use their garages for parking their cars within, the proposal still complies with the Council's current policy. However, it must also be remembered that the current proposal for 88 dwellings is still less than the permitted outline approval for 104 dwellings, which is an important material consideration.

#### Trees and Landscaping

- 9.17 The scheme seeks to retain as much of the existing landscaping as possible, including the mature hedgerows along the Grove Road and Green Lane boundaries and trees around the periphery of the site as well as the mature Sycamore inset from the western boundary. It is considered that some hedgerow and tree loss to facilitate the vehicular and pedestrian access points into the site can be accepted, subject to appropriate mitigation. This was the case at the outline proposal.
- 9.18 As well as safeguarding the mature trees protected by the Tree Preservation Order, including those along the western edge adjacent to the children's hospice, the proposal provides adequate scope for a complimentary full landscaping scheme. Areas of Greenspace are provided towards the north eastern corner of the site, towards the end of the tree lined boulevard around the retained mature Sycamore trees and along the eastern edge, in compliance with Policy G4 of the Core Strategy. This area of Greenspace will be provided before occupation of all of the units and managed and maintained by the developer or their appointed management company and will be secured through the Section 106 Agreement. It is also considered that the proposed pedestrian route inside the eastern boundary provides an attractive and safe route and would be covered by the same mechanism.
- 9.19 A no dig construction method will be used to create the additional car parking spaces for the children's hospice in order to safeguard the damage and harm to the root systems of the trees in this location. Attractive landscaping can also be provided for future residents on the newly formed Greenspace areas as well as providing scope for new tree planting along some of the internal roads and in front of some of the dwellings. The scheme also respects the Green Belt boundary towards the south western corner of the site and provides additional landscape buffer planting in accordance with saved UDP policy N24. In conclusion, it is considered that the scheme would provide an attractive landscape environment for new residents which safeguarding existing landscape features which positively contribute to the character of the area.

### Impact upon Living Conditions

- 9.20 The Council's Supplementary Planning Guidance document entitled Neighbourhoods for Living sets out the Council's guidance in order to ensure that the living conditions of adjacent neighbours are not harmed and that an appropriate standard of amenity is afforded to future residents of the proposed development. In terms of the impact upon living conditions of existing nearby residential properties, those being opposite the site within Grove Road and Green Lane, the proposal is considered to be within acceptable limits. The houses are separated by at least 25m along the eastern boundary and by approximately 30m along the northern boundary. It is considered that there would be no impact in terms of loss of sunlight and daylight, overlooking and dominance.
- 9.21 There is also the privacy and tranquility of Martin House Children's Hospice that will require careful and sensitive consideration, as pointed out in a significant number of objections. The hospice is located immediately to the west, with the building located towards the Grove Road frontage and its gardens located to the south and adjacent to the western boundary of the site.
- 9.22 Several years ago, the applicant undertook some tree removal and replanting works and these form an important buffer between the site and the hospice. Concerns had previously been raised by the hospice over the proposed dormers within the roof of some of the houses close to the western boundary in terms of overlooking and loss of privacy. In response to these concerns, the applicant has amended the house types in this location to provide traditional 2 storey dwellings that are set back from the boundary by 25-29m. Some of the dwellings have also been re-orientated so that they are angled or have a gable end facing the hospice boundary. The houses are also separated by new tree planting that will take time to mature. There is also mature planting within the grounds of the hospice along part of this boundary. Given these factors it is not considered that there would be an unacceptable loss of privacy. The layout also takes the opportunity not to locate any of the dwellings adjacent to this boundary and provides compensatory planting along this edge to mitigate any impact. This would be fenced off with stock fencing to prevent the public from gaining access. Indeed, in her report to the Secretary of State, the Inspector commented:
- "The site abuts the curtilage of Martin House Hospice, a hospice for children and their families. At the site visit I saw that there were some sensitive areas facing towards the appeal boundary. .... Overall, the scheme would, in time, provide for a reasonable degree of visual separation between the hospice and the proposed residential use and so I consider that planning permission should not be withheld on the basis of the interrelationship between the two uses."*
- 9.23 In order to safeguard the living conditions of nearby occupants, conditions are imposed requiring the submission of a statement of construction practice and restricting the hours of construction on site, in line with saved UDP Policy GP5.
- 9.24 In terms of the standard of amenity afforded to future residents of the proposed development, the scheme is considered to be acceptable. Each house benefits from an adequately sized private garden area which meet the minimum sizes set out within Neighbourhoods for Living. The area of greenspace towards the end of the tree lined boulevard next to the retained sycamore tree provides an attractive communal area, while the greenspace at the north eastern corner would provide an attractive area for new residents to utilise and enjoy. The development has also been designed to

respect the privacy and amenity of adjacent new plots, to ensure that the living conditions of all new occupants will not be compromised.

#### Section 106 Agreement

9.25 The Community Infrastructure Levy Regulations 2010 set out legal tests for the imposition of planning obligations. These provide that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development. .

9.26 The heads of terms for the S106 agreement would be as follows:

- Affordable housing at 35%, detailed provision to be agreed;
- Travel plan plus monitoring fee of £2,520
- Necessary off-site highways works;
- Metro contribution of £40,656 towards MetroCards (88 x £462);
- Provision and future maintenance of on-site Greenspace; and
- Provision of a local employment agreement.

9.27 The provision of these obligations are required as part of the overall development plan policies and in line with the NPPF and having had regard to the specific details of the proposal. Whilst the provision of the hospice car parking is not strictly required to make the development acceptable in planning terms, it was included as part of the outline approval and seeks to address an on-street parking problem at times when events are held at the hospice. It is therefore considered reasonable to include this within the legal agreement as a means of securing these additional benefits to mitigate the parking issues in light of the increased use of Grove Road by additional traffic resulting from the proposed residential development.

#### CIL

9.28 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). Based upon the sizes of the dwellings, this would generate a contribution of £766,260. The likely pressures from the development are likely to relate to the provision of education facilities. This information is not material to the decision and is provided for Member's information only.

#### Other Matters

9.29 There is a requirement for major developments that Sustainable Urban Drainage Systems (SuDS) are incorporated into the design of new housing developments. In this respect, the scheme provides an underground surface water storage tank beneath the area of communal Greenspace towards the north eastern corner. Whilst this does not provide an open storage of water, this proposal is considered to be appropriate taking into account the site's topography and future usability of areas of public open space that could otherwise have the potential to hold open water.



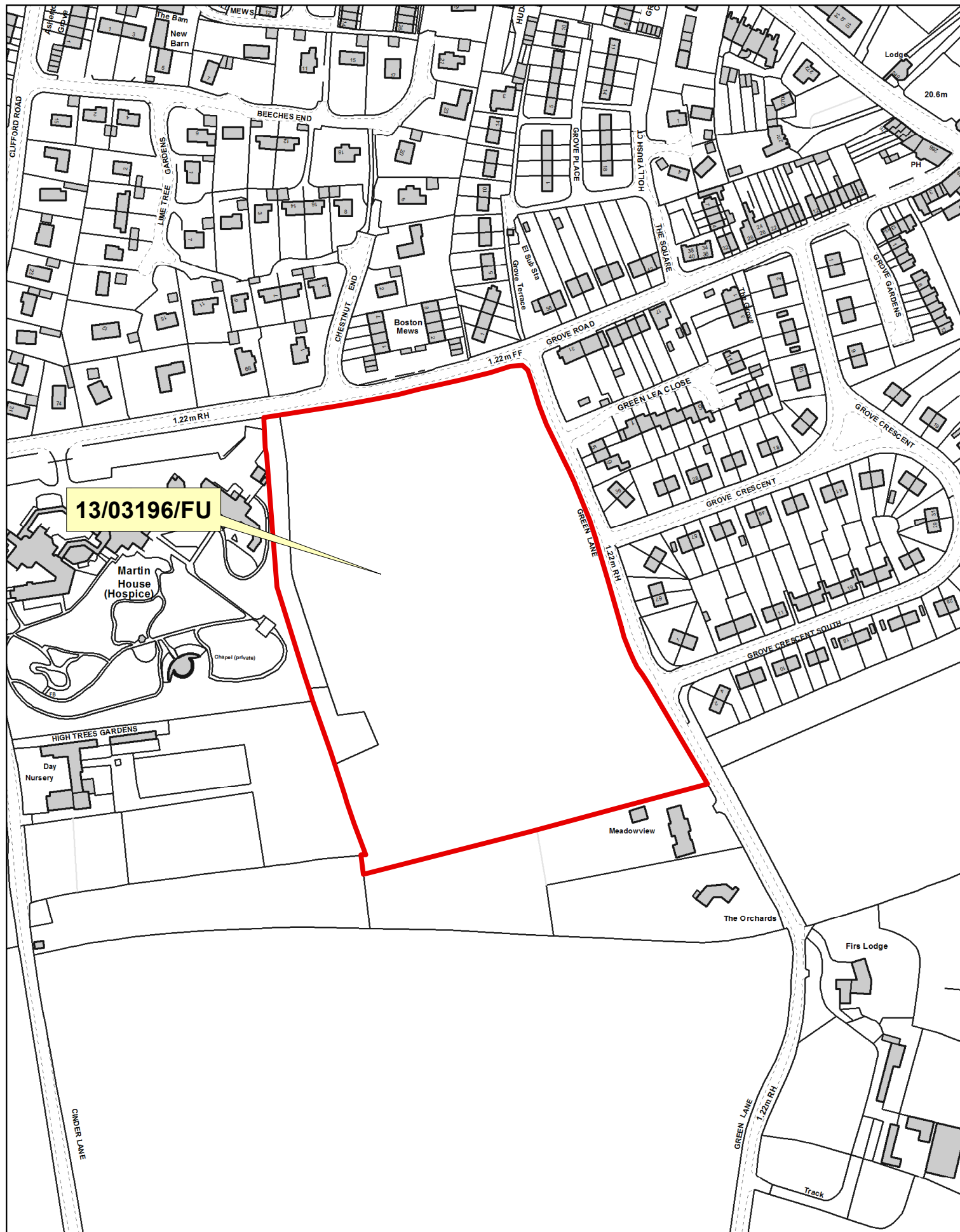
- 9.30 The planning conditions at the head of this report are all considered to be necessary and reasonable for this particular proposal and meet the statutory tests set out within the National Planning Policy Guidance (NPPG). Such conditions which relate to technical highways requirements, surface water drainage, land contamination and archaeology will be imposed based upon the development plan requirements and advice from specialist consultees, as well as having regard to conditions imposed on the outline scheme by the Secretary of State.

## **10.0 CONCLUSION**

- 10.1 The application proposes a residential development of 88 dwellings on a site which is designated as a Protected Area of Search (PAS). However, outline planning permission has recently been granted on appeal and therefore the principle of residential development has been established. The provision of 88 dwellings, 31 of which will be affordable, will make a worthwhile contribution to the housing supply. The design and layout is considered to be acceptable as well as the access, parking provision and impact on the local highway network. The proposal would deliver additional housing and it would not result in any unacceptable loss of amenity or privacy for any existing resident or the nearby children's hospice and would not have a harmful impact on the adjacent conservation area. The application is therefore policy compliant and is considered to represent a sustainable form of development. The benefits of delivering the scale of new housing proposed in this relatively sustainable location are considered to outweigh any limited harm identified, and is therefore compliant with paragraph 14 of the NPPF. It is therefore recommended for approval subject to the conditions set out in the head of this report.

### **Background Papers:**

Certificate of ownership: Certificate B signed and notice served on Mr Geoffrey D Saville  
Planning application files



# NORTH AND EAST PLANS PANEL

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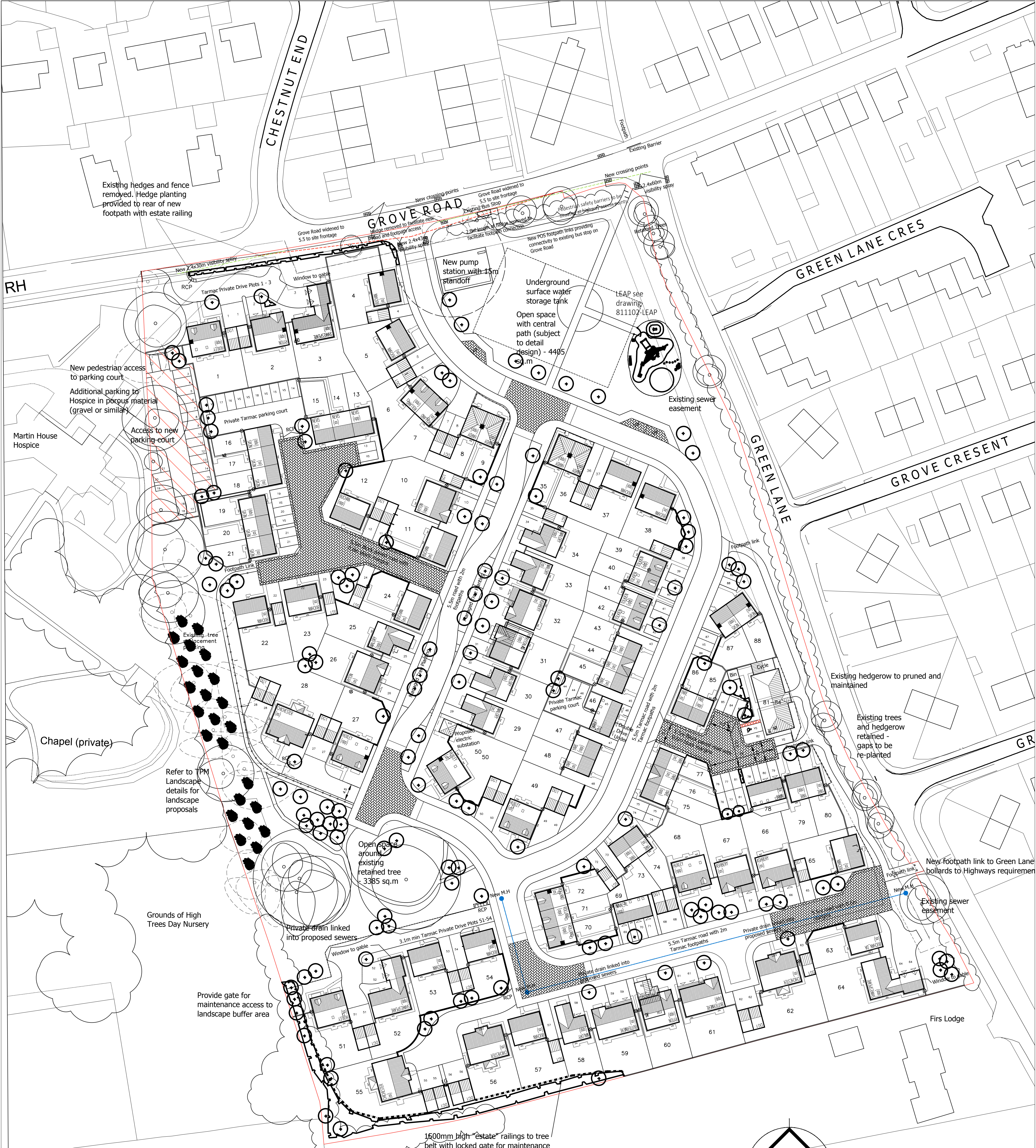
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

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SCALE : 1/2500







DUMMY CHIMNEY STACKS

The following Plots are to have dummy chimney stacks as denoted on the house type planning dwellings brochure

Plots 1-9, 27, 35-38, 50, 54, 70-72, 87-88.

ACCOMMODATION SCHEDULE : REVISION U - 21.04.2017

Code	Housetype Name	Type	Number
-	APT Apartment	2 Bed apartment	4
202	TWA Twain	2 Bed apartment (over garage)	3
203	YAR Yare	2 Bed semi det/ mews house	14
302	NEV Nevis	3 Bed semi det/ mews house	11
305	TOL Tolkien	3 Bed semi det house 2.5 st.	4
320	MAL Malory	3 Bed house	6
403	ROL Rolland	4 Bed semi det house 2.5 st.	5
407	HAR Hardy	4 Bed semi det house 3 st.	4
411	BUC Buchan	4 Bed house	12
411DA	BUC Buchan D/A	4 Bed dual aspect house	2
409	ASH Ashbery	4 Bed house	3
428	RYT Ryton	4 Bed house	5
501	BUT Buttermere	5 Bed house	2
504	SHA Shakespeare	5 Bed house	3
509	CHI Chichester	5 Bed house	4
507	HUX Huxley	5 Bed house	6
TOTAL			88 No

ELECTRIC VEHICLE CHARGING

- a) 1 charging point per unit ( dwelling with a dedicated parking ) or  
1 charging point per 10 spaces ( unallocated parking )  
b) Electric vehicle Charge Points ( EVCP ) to be 32 Amp with type  
2 Mennekes connections, Mode 3 ( on a dedicated circuit )

NOTE:

LANDSCAPE PLANTING SHOWN IS  
INDICATIVE ONLY: REFER TO TPM  
LANDSCAPE DRAWINGS FOR FULL  
SCHEME DETAILS

NOTES:

Public open space:

Overall public open space requirement is 80sq.m per dwelling.  
Actual public open space achieved = 7878 sq.m = 88.5 sq.m per dwelling

NOTES:

Car parking provision:

All single detached and integral garages are 6x3m internal dimension. Driveways are min 3m wide OR 3.3m where also provides access and min 5.6m long. Parking bays are 5 x 2.5m.

Gate

Lockable gate (serving rear garden access paths - key to all those plots which it serves)

REFUSE COLLECTION POINTS (600x750mm paving slab) upto 3 wheeled bins to be provided to each dwelling to Leeds City Council recycling/ collection policy with additional space for extra wheeled bin for any future changes in collection policy.

U: Plots 38,39,48,23 omitted and replaced with Buchan & Tolkien. Plot 26 adjusted to Ryton. Plots 40-50 and 22-28 updated to suit. Schedule of accommodation updated to reflect mix. Mews court extended adjacent Plots 21-22.

21.04.17

T: Schedule of accommodation updated to reflect correct mix of Yares (now 14) and Nevis (now 11).

12.04.17

S: Visibility splays to Grove Road denoted. New POS footpath links providing connectivity to existing bus stop on Grove Road added. Kerb radius in front of plot 50 increased.

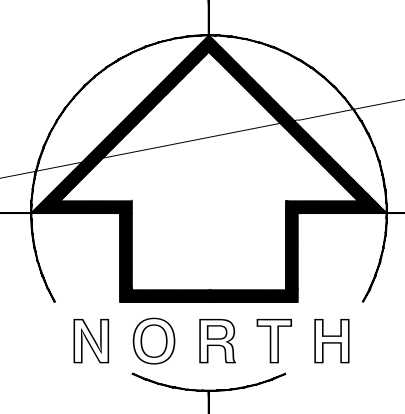
07.04.17

R: FP added to road opp P6-9 & 35-38, P38-39 revised. Plots 73-74 & 87-88 angled. p 65 garage re-located, plots 68-69 re-planned to move double garage, plot 68 now Huxley in lieu of Chichester. Gable windows indicated to Shakespeares, plot 28 garage moved forward. Martin House OS base updated & dividing fence added to car park.

15.03.17

Q: 12m footpath access to plot 22 increased to 2.0m wide. Access serving 76-85 designed to Type 3b level surface street. Tree RPZ denoted and Plots 1-2 adjusted to suit. Plot 55 turning area adjusted. EV charging note added. Drain diversion indicated. Dummy chimney plot numbers denoted. Plot 1 garage amended from sales to DG.

06.01.17



Rev	Description	Drawn	Date
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**miller homes**

Miller Homes Ltd - Yorkshire  
Lapwing House  
Peel Avenue, Calder Park  
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Project Title  
**LAND OFF GROVE ROAD,  
BOSTON SPA**

Drawing Title  
**SITE LAYOUT PLAN**

Scale	Drawn By	Checked By	Authorised By
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1:500  
RP/JET  
Date 27-08-2015 Date Date

Job No. 811102 Drawing No. BS/PLAN/001 Revision U

Original Sheet Size A1



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