
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 23rd October 2014

Subject: 14/01404/FU – Demolition of existing house and erection of 4 detached houses at Paddock Cottage, 7 The Moorlands, Boston Spa, LS23 6ED

APPLICANT

David Thomson & Park Lane
Homes

DATE VALID

12th March 2014

TARGET DATE

24th October 2014

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: REFUSE for the following reason:

1. The Local Planning Authority considers that the proposal would result in an intensification of a sub-standard vehicular access where visibility is below the required standard. As such, the proposal, if permitted, would be detrimental to highway and pedestrian safety, contrary to Policies GP5, H4 and T2 of Council's Unitary Development Plan (Review 2006), Policy T2 of the emerging Core Strategy, the guidance contained with the adopted SPD the Street Design Guide and with the advice contained within the NPPF.

1.0 INTRODUCTION

- 1.1 Consideration of this application was deferred at the Panel of 25th September to allow a Members site visit to take place.
- 1.2 The proposal relates to the demolition of one house and erection of 4 detached houses. The application is reported to the Plans Panel at the request of Cllr Gerald Wilkinson and given that one of the applicants is a member of Boston Spa Parish Council. It is considered that the intensification of one of the access points would be

detrimental to highway and pedestrian safety, while the design of the houses would be harmful to the conservation area. An important category A tree would also be harmed. It is therefore recommended that planning permission is refused.

2.0 SITE & SURROUNDINGS

- 2.1 The site relates to one detached part two and part single storey rendered house, its associated residential curtilage and paddock located to the rear. The site is relatively flat and slopes gently downwards towards the rear. The site extends to 0.7 hectares and also includes two vehicular access points within the red line which extend towards Boston Spa High Street.
- 2.2 As well as the dwelling itself, the site comprises several timber outbuildings and a small stable for a pony which resides on the paddock area to the rear. There is a large conifer tree which sits in very close proximity to the rear elevation of the house. There are numerous other trees which are located around the boundaries of the site which are afforded protection due to the location of the site within the Boston Spa Conservation Area. There are also trees adjacent to the two driveways which lead into the site.
- 2.3 In terms of surrounding land uses, residential development is located on three side, while to the north is the River Wharfe, before which is the Ebor Way and separated from the site by black estate railings. Adjacent to Paddock Cottage to the east lies a detached bungalow and its associated front and rear gardens which also include a garage adjacent to the paddock. Further to the south of the site lie a pair of two storey semi-detached houses. Nearer to the front of the site is a substantial stone villa known as Moorlands which is split into 4 self-contained apartments. Communal parking and garaging serve this development.
- 2.4 In terms of access, the western most access point from the High Street currently serves 6 dwellings, those being Paddock Cottage, the 4 apartments within Moorlands and one of the semi-detached houses. The eastern access point from the High Street serves the other semi-detached house and the bungalow, with the access continuing onwards to a field gate which provides access to the paddock.
- 2.5 The site is several hundred metres from Boston Spa District Centre which includes daily shopping and servicing facilities. On the opposite side of the site are houses of differing designs, although the main theme of dwellings along the High Street is one of Georgian architecture. To the west of the site is a recent and small residential development comprising 2 storey brick and rendered dwellings. Immediately to the east of the site is the Church Fields residential development which is currently being built out by Taylor Wimpey. This is a development of 153 dwellings and is an allocated housing site within the UDP. The land between the housing and the river is to be Public Open Space to serve new and existing residents.
- 2.6 The site as previously mentioned, is within the Boston Spa Conservation Area. In addition, the paddock area forms the remaining part of the UDP housing allocation in association with the Church Fields site.

3.0 PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing dwelling and erection of 4 detached houses and associated garages. One of the houses (known as Plot 1) would be located in a similar footprint to the demolished Paddock Cottage, albeit that it would shift further southwards. Access to this property would

be taken from the western most access onto High Street, thereby retaining the status-quo. The remaining 3 proposed houses would be accessed from the eastern most access from the High Street along the existing private access and past the existing semi and bungalow.

- 3.2 In terms of siting, one of these houses would be located within the back garden area of the former Paddock Cottage (known as Plot 2). Proposed Plots 3 and 4 would be in a similar alignment to Plots 1 and 2 with the front elevations orientated towards the east. An access road leads into the former paddock area to serve these three properties and includes a turning head and is positioned so as to minimise the impact on the root systems of existing trees. Given the Plot 4 backs onto the Ebor Way, a landscaping buffer of some 20m at it widest point and 7.5m at its narrowest is proposed between this house and the existing estate railing. Suitable boundary treatment in the form of railings and appropriate planting could form an acceptable boundary treatment forming the residential curtilage to provide security to the new occupants and in keeping with the character of the area, subject to further detail.
- 3.3 Each of the proposed 4 houses are similar in their scale, design and appearance. They are substantial dwellings which have been designed to use forms and architectural details characteristic of Boston Spa, with some elements taking the form of Georgian architecture which is prevalent throughout the village. The eaves height of the dwellings rise to between 6.2m and 6.5m while the ridge heights are some 8.9m to 9.1m. Each dwelling has an attached garage with living accommodation above within the roofspace. Materials include the use of natural stone and natural slate.
- 3.4 The access road which serves the proposed three dwellings would be widened in certain areas along its length to facilitate two way passing which currently is not possible. This would require the removal of some vegetation and several trees.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There has not been any planning history relating to the site which is relevant to the current planning application. However, the adjacent Church Fields site has been the subject of several planning applications for residential development. Two applications by Taylor Wimpey in 2009 were refused and were the subject of a co-joined appeal. Both appeals were allowed and the appellant has started to implement the consent for 153 dwellings (Ref. 09/04531/FU). At the time of writing this report approximately half of the site has been built. The last phase to be built are the dwellings immediately to the east of the current site.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been the subject of negotiations and amendment between officers and the applicant. Revised plans have also been the subject of re-consultation. Concerns were initially raised over issues associated with siting of the dwellings and the consequential impact on trees and the conservation area. Concerns were also raised over the visual impact and impact on ecology on the lack of any landscape buffer to the Ebor Way. This has now been amended. Discussions have also evolved around the access arrangements and in particular the eastern most access which serves the three houses. Further supporting information has been provided by the applicant and their Highways consultant. This has been the subject of discussion and re-consultation with Highways Officers. The scheme has also recently been amended to re-position one of the houses away from a Category

A tree, and alterations to the design and fenestration of all 4 houses in order to improve their appearance.

6.0 PUBLIC/LOCAL RESPONSE

6.1 The application was advertised as affecting a public right of way and affecting the character of a conservation area. Site notices were posted around the site on 28th March 2014. Further site notices were also placed immediately adjacent to the Ebor Way on 3 April 2014. The application was also advertised in the local press in a notice published on 27th March 2014. In response to the initial plans a total of 32 objections to date have been received. The objections relate to the following issues:

- Whole of site is not covered by UDP housing allocation;
- In advance and contrary to Boston Spa Neighbourhood Plan;
- No greenspace proposed along Ebor Way;
- 3 houses will not contribute to housing provision in Boston Spa;
- Paddock should be retained as open space;
- No buffer planting proposed along Ebor Way;
- Development could erode the river path and could be lost forever;
- Applicant's planning statement is incorrect;
- Policy against the development and use of gardens for infill development;
- Size of houses too big and do not reflect current policy;
- Density and type and number of houses proposed;
- Houses do not show appropriate relationship and integration with built environment;
- Impact on landscape and local wildlife;
- Design not sensitive to its setting;
- Impact on nearby riverside;
- Ecology report is misleading;
- Impact on cowslips which grow within the paddock;
- Poor vehicular access arrangements;
- Impact on traffic and general highway safety;
- Damage to existing trees;
- Lack of proposed boundary treatment;
- Impact on Boston Spa Conservation Area;
- Reduction in light to adjacent properties;
- Increased noise and disturbance;
- Impact of noise from construction;
- Moles would move into adjacent garden and destroy them;
- Impact on overlooking and loss of privacy;
- Impact of close proximity of access to existing house and impact on privacy and living conditions;
- Houses are not affordable;
- No mention on the use of renewable energy in the application submission;
- Eastern most access is unsuitable, dangerous and inadequate and contrary to Street Design Guide;
- Existing drainage cannot cope and development will exacerbate the problem;
- Drivers may be tempted to use the link road internally and access via the western access.

6.2 **Boston Spa Parish Council:** The parish council object to the development on grounds that not all of the site is allocated for housing; development of greenfield site which is contrary to planning policy; the design is inappropriate and unacceptable; density is in conflict with NPPF and Core Strategy; housing mix does

not address the housing need in Boston Spa; ecology survey carried out at wrong time of year; paddock area needs to be retained as greenspace; impact on wildlife; boundary treatments along northern boundary would have a negative impact on the riverside path; concerns over the number of trees to be felled; intensification of access points will be dangerous and any development would be better served from the Church Fields site.

6.3 Following the receipt of revised plans which altered the position of the dwellings, their orientation and access arrangements and minor amendments to the design, objectors were re-notified. In response, 10 letters of objection were received. The objections relates to:

- Makes no positive contribution to the conservation area;
- Is overdeveloped;
- Still does not overcome previous concerns;
- Impact on wildlife and meadow;
- Still objections to the access arrangements and impact on highway safety;
- Buffer zone in insufficient;
- Impact on ecology and wildlife;
- Impact on view from riverside path;
- Garden of Paddock Cottage is not allocated for housing;
- Impact on living conditions of neighbours;
- Impact on character of area.

6.4 **Boston Spa Parish Council:** Still object, but contend that the buffer zone should be widened and clarify its future management; property on Plot 4 should not turn its back to riverside path; lack of diverse mix of properties; object to garden development; concerns over access remain; application should be refused.

7.0 CONSULTATION RESPONSES

7.1 **Highways:** Objections were raised to the initial proposals as the western most access served more than 5 houses off a private drive; that adequate visibility had not been demonstrated; refuse turning area problematic. Following the receipt of revised plans and information provided by the applicant's highways consultant, it is accepted that the western access will not have an increase in use. In terms of the eastern access it is considered that additional development off this access is not acceptable. Visibility when measured 2.4m from the kerb edge would be in the region of 12m in both directions, which is severely substandard.

7.2 Further discussion and information has been provided by the applicant's highways consultant. The applicant's agent seeks to ask a series of questions aimed at the Council's Highways officer. The Highways officer answers these questions and then the applicant responds by answering his own questions which all relate to visibility, access, betterment and intensification and ultimately harm to highway safety. In conclusion to the correspondence, objections are still maintained.

7.3 **Drainage:** No objections are raised in principal. A condition should be imposed requiring details of surface water drainage.

- 7.4 **Public Rights of Way:** No objections as the development does not affect a right of way.
- 7.5 **Contamination:** No objections subject to the imposition of conditions.
- 7.6 **Conservation Officer:** Concerns were initially raised over the siting and scale of the proposed houses together with their architectural treatment. No objections are raised to the revised siting, while concerns are raised over the detailing and proportions and scale of the attached garages. There are also inconsistencies with the window detailing and proportions. Since this advice, the proposal has been amended to incorporate the design changes.
- 7.7 **Nature Conservation Officer:** A further bat survey will be required (*now undertaken*), while a buffer zone in line with Policy N51 will be required for biodiversity. *The buffer zone has now been provided.*

8.0 PLANNING POLICIES

8.1 Development Plan

- 8.2 The development plan consists of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the adopted Natural Resources and Waste DPD (2013). The Local Development Framework will eventually replace the UDP and this draft Core Strategy has had some weight in decision taking since it was published in 2012 but it is now considered to have significant weight for the following reasons:
- 8.3 The NPPF states that decision-takers may give weight to policies in emerging plans according to:
- i) The stage of preparation
 - On 12th June 2014 the Council received the last set of Main Modifications from the Core Strategy Inspector, which he considers are necessary to make the 16th June and 25th July 2014. The Inspector's report has recently been received indicating that the Core Strategy is sound with agreed modifications. The Plan is therefore at the most advanced stage it can be prior to its adoption by the Council.
 - ii) The extent to which there are unresolved objections
 - No further modifications are proposed and the Plan is considered sound by the Inspector.
 - iii) The degree of consistency with the NPPF
 - In preparing his report the Inspector has brought the Plan in line with the NPPF where he considers that this is necessary. The Plan as modified is therefore fully consistent with the NPPF.
- 8.4 The rear (paddock) part of the site together with the land to the east is an allocated housing site within the UDP under Policy H3-3A.25, the majority of which has planning permission and is being implemented. The house at Paddock Cottage and its associated front and rear gardens are unallocated, but is classed as greenfield land, apart from the footprint of the dwelling itself. The site also abuts the Boston Spa Riverside Woods Geological site and adjacent to the River Wharfe SEGI. Other policies which are relevant are as follows:

SG2: To maintain and enhance the character of Leeds
 SP3: New development will be concentrated largely within or adjoining main urban areas and settlements well served by public transport
 SA1: Secure the highest possible quality of environment.
 GP5 all relevant planning considerations
 H4: Residential development.
 N12: Relates to urban design and layout.
 N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.
 N19: New buildings within or adjacent to Conservation areas should preserve or enhance the character or appearance
 N23: Relates to incidental open space around new developments.
 N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.
 N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.
 N26: Relates to landscaping around new development.
 N38B: Relates to requirements for Flood Risk Assessments.
 N39A: Relates to sustainable drainage systems.
 N51: New development should wherever possible enhance existing wildlife habitats.
 T2: Development should not create new, or exacerbate existing, highway problems.
 T5: Relates to pedestrian and cycle provision.
 T24: Parking guidelines.
 BD2: The design of new buildings should enhance views, vistas and skylines.
 BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.
 BC7: Use of materials in conservations areas.
 LD1: Relates to detailed guidance on landscape schemes.

8.5 The Development Plan also includes the Natural Resources and Waste Development Plan Document (2013): Developments should consider the location of redundant mine shafts and the extraction of coal prior to construction

8.6 Relevant Supplementary Planning Guidance

Supplementary Planning Document: "Street Design Guide".
 Supplementary Planning Document: Designing for Community Safety – A Residential Guide
 Supplementary Planning Guidance "Neighbourhoods for Living".
 Supplementary Planning Guidance 25 – Greening the Built Edge

8.7 Boston Spa Conservation Appraisal: This was approved as a material consideration in the determination of planning applications in September 2009. The character of Boston Spa derives its development as a spa resort between 1760 and 1830. Classically inspired Georgian architecture form predominate, with fine grained magnesian limestone contributing to the serene elegance of the buildings. Dormers are not a characteristic of the buildings in the village.

8.8 The Plan notes that the key ways to retain character are:

- Retention of formal architectural character of built environment;
- Retention and reinforcement of Classical-influenced proportions and details.

- 8.9 Mature trees are a significant feature of Boston Spa. It is important to ensure the continued survival of mature trees in the conservation area.
- 8.10 Local Development Framework
- 8.11 The Submission Draft Core Strategy was examined by an Inspector between July 2013 and May 2014. The Inspector has approved two sets of Main Modifications to the Core Strategy. Following the recent receipt of the Inspectors report the Core Strategy is considered sound with agreed modifications and the Plan is now moving towards adoption shortly. The Plan is therefore at a very advanced stage.
- 8.12 The modified housing requirement is similar to that which influenced the Council's interim-policy and therefore remains valid and there is still a need to consider releasing sites in accordance with the interim policy. There remains a need to ensure that the Leeds housing land supply is diversified, and that the 5 year housing land supply ensures choice and competition in the market for land in sustainable locations, in the main urban area and major settlements. The release of the application site at this time helps maintain these outcomes. Larger sites in smaller settlements which are less sustainable are protected from development now, until properly considered through the Site Allocations Plan process.
- 8.13 The NPPF states in paragraph 47 that local authorities should boost significantly the supply of housing. It sets out mechanisms for achieving this, including:
- use an evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide for five years' worth of supply;
 - identify a supply of specific deliverable sites or broad locations for growth for years 6 to 10 and years 11 to 15.
- 8.14 The Core Strategy housing requirement has been devised on the basis of meeting its full objectively assessed housing needs. These are set out in the Strategic Housing Market Assessment (SHMA), which is an independent and up to date evidence base, as required by paragraph 159 of the NPPF and reflects the latest household and population projections as well as levels of future and unmet need for affordable housing.
- 8.15 The Spatial Development Strategy outlines the key strategic policies which Leeds City Council will implement to promote and deliver development. The intent of the Strategy is to provide the broad parameters in which development will occur, ensuring that future generations are not negatively impacted by decisions made today. The Spatial Development Strategy is expressed through strategic policies which will physically shape and transform the District. It identifies which areas of the District play the key roles in delivering development and ensuring that the distinct character of Leeds is enhanced. Of particular relevance is policy SP1: Location of Development.
- 8.16 It is complemented by the policies found in the thematic section, which provide further detail on how to deliver the Core Strategy. This includes housing (improving the supply and quality of new homes in meeting housing need), and the environment (the protection and enhancement of environmental resources including local greenspace and facilities to promote and encourage participation in sport and physical activity. Relevant policies include:

SP1: Location of new development
 SP6: The housing requirement and allocation of housing land
 SP7: Distribution of housing land and allocations
 H1: Managed release of sites.
 H2: New housing development on non-allocated sites.
 H3: Density of residential development.
 H4: Housing mix
 P10: Design
 P11: Conservation
 P12: Landscape
 T1: Transport management
 T2: Accessibility requirements and new development
 G8: Protection of important species and habitats
 G9: Biodiversity improvements
 EN1: Climate change
 EN2: Sustainable design and construction

8.17 Site Allocations DPD – Issues and Options 2013

8.18 The Council is continuing to advance the Site Allocations Plan, which is currently at the Issues and Option Stage.

8.19 National Planning Guidance

8.20 The National Planning Policy Framework (NPPF) came into force on 27th March 2012. 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. Paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.21 Paragraph 47 of the NPPF 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%.

8.22 Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Whether the development is sustainable needs to be considered against the core principles of the NPPF. 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.

8.23 Paragraph 50 of the NPPF states that authorities should plan:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”

- 8.24 Para 49: Presumption in favour of sustainable residential development.
- 8.25 Para 56: Government attaches great importance to design of the built environment.
- 8.26 Para 58: Policies and decisions should aim to ensure developments:
- function to ensure quality over the long term;
 - establish strong sense of place, creating attractive, comfortable places;
 - optimise potential of site to accommodate development;
 - respond to local character and history;
 - create safe and accessible environments;
 - visually attractive (architecture and landscaping).
- 8.27 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.28 With regards to biodiversity, the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

9.0 MAIN ISSUES

- Principle of Residential Development
- Design and Impact on Conservation Area
- Highway Safety
- Trees, Landscaping & Ecology
- Impact on Living Conditions
- Public Representations

10.0 APPRAISAL

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy framework indicates that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The starting point for any consideration of the development must therefore be the provisions of the UDP (Review 2006), in order to assess whether the development is in accordance with the development plan. Other material considerations include the NPPF, the Core Strategy now close to adoption and matters relating to highways, layout/design/trees/landscaping and amenity.

Principle of Development

- 10.2 This paddock area is a greenfield site which is allocated for housing under Policy H3-3A.25 of the UDP, the majority of which has planning permission for 153 dwellings and is currently being built out by Taylor Wimpey. Given that the paddock area is covered by the same policy designation, there can be no arguments against the principle of residential development on this part of the application site. The remaining part of the site, save for the footprint of Paddock House itself is greenfield. Policy H4 of the Unitary Development Plan (Review 2006) deals with residential development on unallocated sites and regards developments that lie within the main and smaller urban areas as defined on the proposals map, or are otherwise in a demonstrably sustainable location will be permitted provided the proposed development is acceptable in sequential terms, is clearly within the capacity of existing and proposed infrastructure, and complies with all other relevant policies.
- 10.3 The application site does not lie within a Main Urban Area but falls within the village of Boston Spa which can be regarded as a village with local facilities and amenities and with public transport and road links to commercial centres including Wetherby. The site is also a short work away from the small commercial centre of Boston Spa which amongst other services also features a doctors surgery, Post Office, 2 churches, small supermarket and a number of shops, cafés and restaurants. Therefore, it is considered that the application site is in a reasonably sustainable location.
- 10.4 Given the fact that the site is in a sustainable location and that the scheme is for just three additional dwellings, it is not considered that this particular proposal would be harmful to the overall housing policy of the Council in seeking to direct residential development to the main urban areas, brownfield sites and the regeneration areas in particular. Therefore, the proposal is considered acceptable and to comply with the initial parts of policy H4 provided that it also complies with all other relevant policies.

Design and Impact on Conservation Area

- 10.5 The National Planning Policy Framework states that “good design is indivisible from good planning” and authorities are encouraged to refuse “development of poor design”, and that which “fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted”. This focus on good design is replicated within local policies and the creation of high quality residential development which responds positively to its context is strongly encouraged. The scale, design and material of any redevelopment or new development must be appropriate to the area in which it is located. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 10.6 This part of Boston Spa comprises the positive building known as Moorlands which sits between the site and the High Street. The development to the west is known as West End within the conservation appraisal and comprises mainly bungalows which were erected in 1942 to house munitions workers at the nearby Thorp Arch Royal Ordnance Factory. The pair of semi-detached houses either side of the two access points are quite attractive, although one has an unsympathetic flat roof addition. The bungalow towards end of the eastern access is neutral within the conservation area. The Taylor Wimpey development under construction to the east takes its design

form from Classical Georgian architecture and is considered to be successful given the scale of development.

- 10.7 The Boston Spa Conservation Area Appraisal and Management Plan provides guidance on new development. The Plan states that to be successful, any future development within the conservation area needs to be mindful of the local character of the village, while at the same time being distinctly of the 21st century and addressing contemporary issues such as sustainability. It also notes that successful new development should relate well to the geography of the area; sit happily in the pattern of existing development; respect important views; respect scale; respect historic boundary walls and garden plots; use natural materials and create views.
- 10.8 The proposal involves the demolition of Paddock Cottage and erection of 2 dwellings partly on its former footprint and partly within the rear garden area. The demolition of Paddock Cottage is considered to be acceptable as it could be argued that it makes a negative contribution to the conservation area. The development of the garden is also considered appropriate since the density of development is compatible, if not a much lower density of development than the prevailing character. The remaining part of the scheme includes 2 more similar scaled houses within the paddock area.
- 10.9 Following negotiations with the applicant, the siting and orientation of the dwellings are considered to be appropriate. Whilst the scale of the houses have been the subject of further discussion, on balance, they are considered to be acceptable. The use of magnesian limestone and natural slate is also welcomed. The main concern initially related to their design and their harmful impact on the conservation area. In particular, major concerns had been raised over the scale of the attached garages and the fact that they did not appear to be subservient to the houses. The ridge heights of the garages were very similar to the eaves heights of the dwellings, resulting in an uncomfortable relationship. Furthermore, the solid to void ratio between the top of the garage doors and the eaves of the houses was unbalanced. However, the applicant has since amended the garages to reduce their height so that they appear more subservient to the houses. Furthermore, the solid to void ratios have been improved with fewer courses of stone between the tops of the garage doors and the eaves line.
- 10.10 The number of windows on some of the houses previously appear cluttered, while the window pane detailing throughout was very inconsistent as were the sizes and proportions of windows and other patio door openings, including cill heights. In addition, the use of large curved dormers within the front roof slopes of the garages is was previously proposed and not sympathetic to the character of Boston Spa. Concerns were also raised over the width of some of the front doors. However, the applicant has amended the fenestration details by introducing tripartite windows to the fronts of the houses, thereby improving the spatial separation of the windows. Furthermore, cill heights are now more consistent, as are the window pane proportions, the curved dormer have been replaced with flat roofs, while some of the front doors have been narrowed.
- 10.11 In summary, following negotiations with the applicant it is considered that the proposed dwellings, including their siting, scale, materials and architectural detailing would be sympathetic to the character and appearance of the Boston Spa Conservation Area.
- 10.12 Given the site abuts the open land and River Wharfe to the north, in accordance with the UDPR consideration needs to be given to how it will be seen from the

landscape. Policy N24 of the UDPR states that where new development abuts open land their assimilation into the landscape must be achieved as part of the scheme. Policy N24 goes on to say that if existing landscaping does not achieve this then a new landscaping scheme should be implemented.

- 10.13 The proposal has been amended to incorporate a fairly extensive buffer zone ranging from 7.5m at its narrowest point to 20m at its widest point. This would be planted up, details of which could be secured through a planning condition. Equally, it is important that the boundary treatment to Plot 4 is sympathetic to the character of the area, and thus, the use of close boarded fencing should be avoided given the visual prominence from users of the Ebor Way. To that end, the applicant proposes high quality railings along this boundary, supplemented by planting. Details of this could be secured through a condition. Therefore, it is considered that the new buffer zone and landscaping will adequately assimilate the development into the landscape and will also retain its ecological value.

Highway Safety

- 10.14 The existing western most access onto High Street currently serves 6 dwellings (4 apartments within Moorlands, no. 5 Moorlands and Paddock Cottage). The proposal seeks to replace Paddock Cottage with another detached dwelling. Given that there is no net increase in development from this access which retains the status quo, then no highway concerns are raised. The driveway and parking arrangements for Plot 1 are considered to be acceptable.
- 10.15 The eastern most access onto High Street currently serves 2 residential properties (nos. 6 and 8 Moorlands) as well as the paddock area behind given the existence of the field gate. Access along this private drive is narrow and two way passing is problematic. Visibility onto High Street is also sub-standard. The application proposes to increase the amount of development from this access to a total of 5 dwellings. Some vegetation and planting is also proposed for removal in certain parts of the road to facilitate two way passing.
- 10.16 Extensive information has been provided by the applicant's highways consultant and this has been the subject of much discussion and consultation with Highways Officers. Whilst the proposal to create passing places is noted, the main concern and objection relates to the access and the sub-standard visibility which exists onto High Street. Visibility has been calculated at 12m when measured 2.4m from the kerb edge, which is significantly below the standard required. This, coupled with the intensification of this sub-standard access with the number of properties increasing from 2 to 5, results in a dangerous and sub-standard access. This would be detrimental to highway and pedestrian safety and contrary to Policies GP5, H4 and T2 of Council's Unitary Development Plan (Review 2006), Policy T2 of the emerging Core Strategy, the guidance contained within the adopted SPD the Street Design Guide and with the advice contained within the NPPF. This should therefore be afforded significant weight in the decision making process.

Trees, Landscaping & Ecology

- 10.17 There are two separate Tree Preservation Orders which cover the site. A 1969 TPO protects the trees between the two access points, while a 1991 TPO protects the trees along the western boundary adjacent to the paddock. However, all trees are covered in any event given the conservation area designation. Part of the Boston Spa Conservation Area Appraisal notes that mature trees are a significant feature of

Boston Spa and states that it is important to ensure the continued survival of mature trees in the conservation area.

- 10.18 The applicant has submitted a tree survey as part of the application. Within and adjacent to the site are 3 Category A trees, and a significant number of Category B and C trees. There are a number of small trees to be removed adjacent to the eastern access to widen some sections of the road to facilitate two way passing. These include Common Laburnums, a Common Elder, a Common Lime, a Wych Elm and a Common Ash. It is considered that the removal of these are acceptable subject to compensatory planting being implemented.
- 10.19 The creation of the new section of road and turning area to facilitate the access to Plots 2-4 has the potential to impact upon 2 Category B trees along the eastern boundary. These include a Sycamore and a Common Ash tree. The applicant has put forward technical information to demonstrate that the root systems of these trees will not be severely harmed. This includes a ramp with geocell and porous tarmac which leads onto a new surface which will be of a no dig construction. It is considered that this method of construction and the detail provided is acceptable to ensure that the root systems of the Sycamore and Ash tree would not be significantly harmed.
- 10.20 There are 2 Category A trees that lie adjacent to the proposed houses on Plots 2 and 3 which lie off site, just beyond the western boundary. These are Broad Leafed Lime trees and afford a significant positive contribution to the area. The tree behind Plot 3 will not be affected by the proposal given that it is 16m from the nearest point of the proposed house. The Lime tree to the west of Plot 2 was located only 9m from the footprint of the proposed house. It is previously considered that this house and its associated foundations would be located within the root protection area of the tree and would inevitably impact upon its root systems. Following negotiations with the applicant, this dwelling has been positioned 2m further away from this tree. As such, it is considered that the positioning of this house would not be detrimental to the health and vitality of this Lime tree which makes a positive contribution to the character and appearance of this part of Boston Spa Conservation Area. Consequently, the proposed development is considered to be acceptable in terms of the impact upon trees.
- 10.21 The applicant has carried out an Ecology Survey which identified the importance of retaining a corridor along and adjacent to the Ebor Way and River Wharfe. Consequently, the applicant has now included an appropriate landscape within in this area that is capable of supporting ecology. It also noted that the site contained a number of habitats within the buildings, within the grassland, in the semi-improved grassland and within the hedgerows and trees. No protected species were found within the application site.
- 10.22 Two bat surveys were also carried out, which indicated no known bat roosts within the site. If permission were to be granted, suitably worded biodiversity conditions could be imposed to ensure that the development does not pose a significant risk to protected wildlife.

Impact on Living Conditions

- 10.23 In order to be considered acceptable new residential development must provide adequate standard of living for those occupying the new dwellings. Care must also be taken to ensure that the existing residential amenity of those living close to the development is not unreasonably affected.

- 10.24 It is considered that an acceptable standard of living will be provided for the future occupants of the site and the standard of living proposed falls in line with the guidance provided within the SPG Neighborhoods for Living. The dwellings will be served by adequate off street parking spaces and adequate private garden space to the rear. Internally, all bedrooms and living space will be served by windows with adequate outlook.
- 10.25 The development, within the context of the local area, proposes a layout that enables acceptable spacing between dwellings without creating any infringement onto the residential amenity of future occupants of the proposed houses. Separation distances to the boundaries and main aspects are considered to be acceptable and are fully compliant with those detailed in guidance.
- 10.26 In terms of the impact upon the living conditions of neighbouring residents, the properties which need to be considered are the existing bungalow (no.8 Moorlands) that currently sits alongside Paddock House, the right hand side semi (no. 6 Moorlands), the properties to the west within the Copse and West End, and the future occupants of the Taylor Wimpey development to the east, the approved layout of which has been considered in the context of this current application.
- 10.27 With regard of the impact upon no. 8 Moorlands, the house on Plot 1 would sit further southwards than Paddock House. However, given its orientation, separation from the side boundary of 5m and taking into account that it does not breach the 45 degree rule, the proposal would not have an unacceptable impact on the living conditions of the occupants of the bungalow in terms of overlooking, loss of privacy or over dominance. The dwelling on Plot 2 is positioned 20m from the rear elevation of no. 8 and is off-set so that there is no direct overlooking. Whilst it is acknowledged that some oblique views from upper floor windows towards no.8's garden may be possible, this is not an uncommon relationship between other houses nearby. As such, no significant loss of amenity would result from Plot 2.
- 10.28 In terms of the impact on no. 6 Moorlands, the main impact will be from additional traffic travelling past their property and in particular the enjoyment of a ground floor habitable room that forms part of a previous extension. Traffic already passes by this dwelling to the bungalow and traffic is permitted to gain access to the paddock. It is not considered that the use by 3 further dwellings would be so significant as to harm living conditions to the extent that permission should be refused.
- 10.29 None of the residents within the dwellings to the west within The Copse or West End will be unduly harmed by the proposal in terms of overlooking, dominance and loss of light. The dwellings on Plots 3 and 4 are set away from the boundary by some 19m and 21m respectively (Neighbourhoods for Living requires 10.5m). The two storey element on the houses on plots 1 and 2 are 14m and 15m away from the boundary with their gable ends facing the boundary with no windows within. Single storey elements and garaging come closer to the boundary, but these are only single storey and together with the distance that existing houses are away from the common boundary ensures that there is no harmful impact upon existing residents. The development is therefore far in excess of the minimum distances that are required, and thus policy compliant.
- 10.30 The approved layout for the Church Fields development has been considered in the context of this application to assess any potential impact on the living conditions of future residents. The houses on Plots 3 and 4 are some 29m (single storey garage is 17m) and 31m from the boundary with the Church Fields site. These distances

are far in excess of the policy requirement, concluding that no future residents on the adjacent site would be adversely affected.

Public Representations

- 10.31 The issues raised by the objections have been addressed and discussed within the relevant sections of this report.

11.0 CONCLUSION

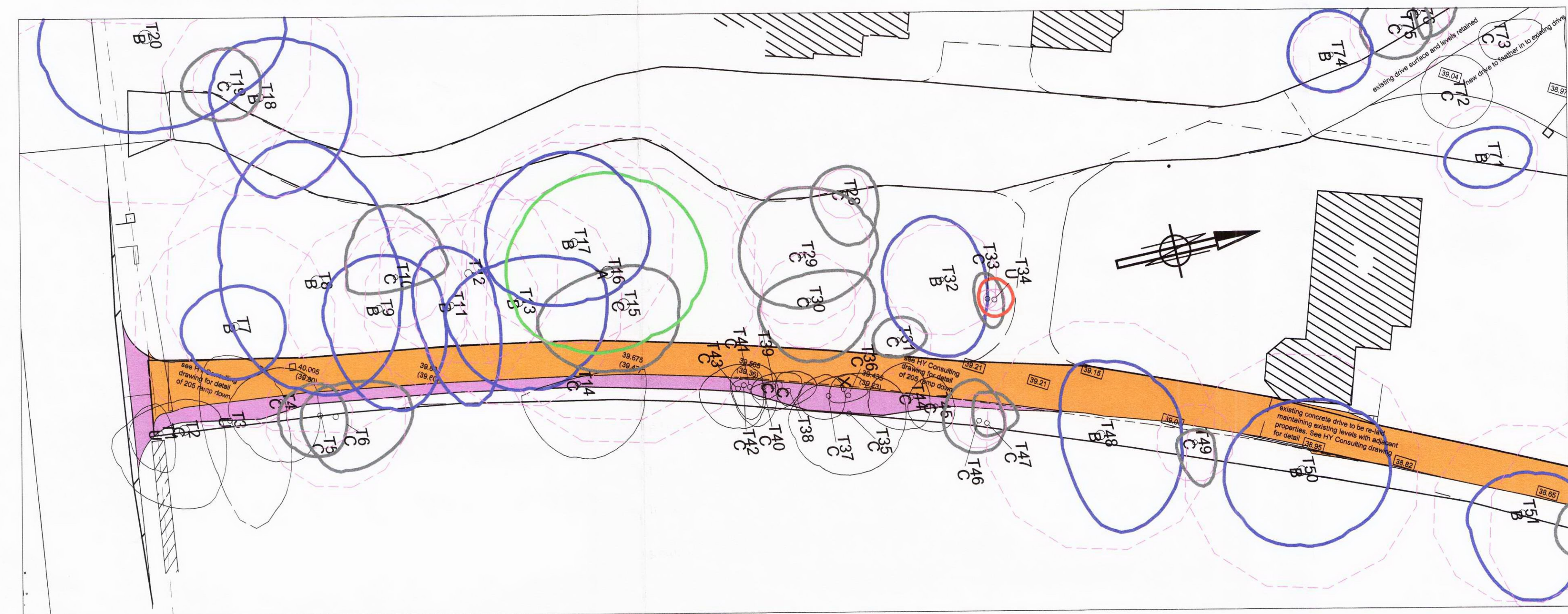
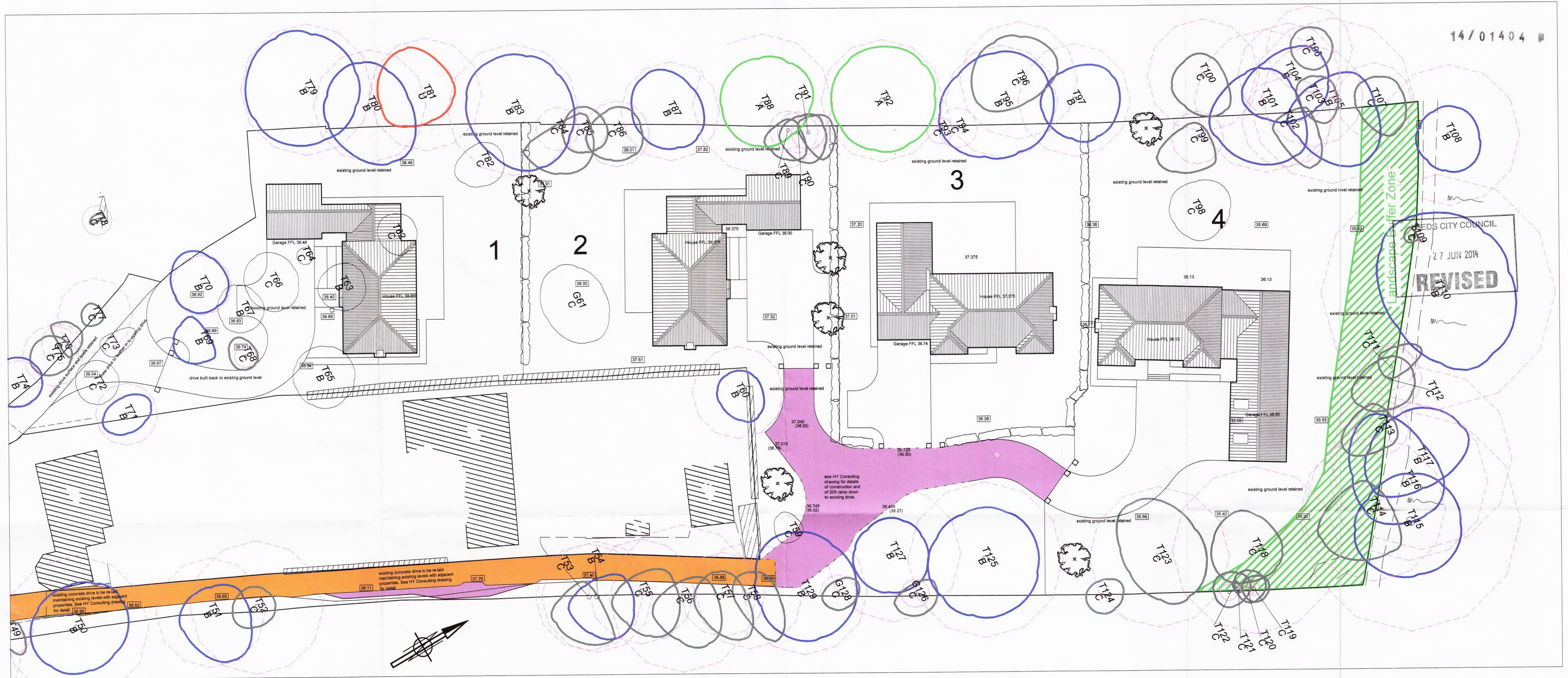
- 11.1 It is considered that the intensification of one of the access points would be detrimental to highway and pedestrian safety and this should be afforded significant weight. The siting, scale and design of the houses would not be harmful to the conservation area, while there will be no significant impact on trees or residential amenity. Therefore, given the highways safety concerns, it is recommended that planning permission is refused as the proposal is considered contrary to adopted policies of the UDPR, policies of the emerging Core Strategy, the guidance within a SPD and the guidance within the NPPF.

Background Papers:

Application file: 14/01404/FU

Certificate of Ownership: Certificate B signed and notice served on the owners of nos. 1-5 The Moorlands.

14/01404



Landscape Key

- Catagory A Trees
- Catagory B Trees
- Catagory C Trees
- Catagory U Trees
- Root Protection Area
- removed trees
- indicative new tree
- indicative new hedge
- landscape buffer zone

Key

- (35.62) existing level
- 35.62 existing level retained
- 35.62 proposed new level
- existing drive
- additional drive

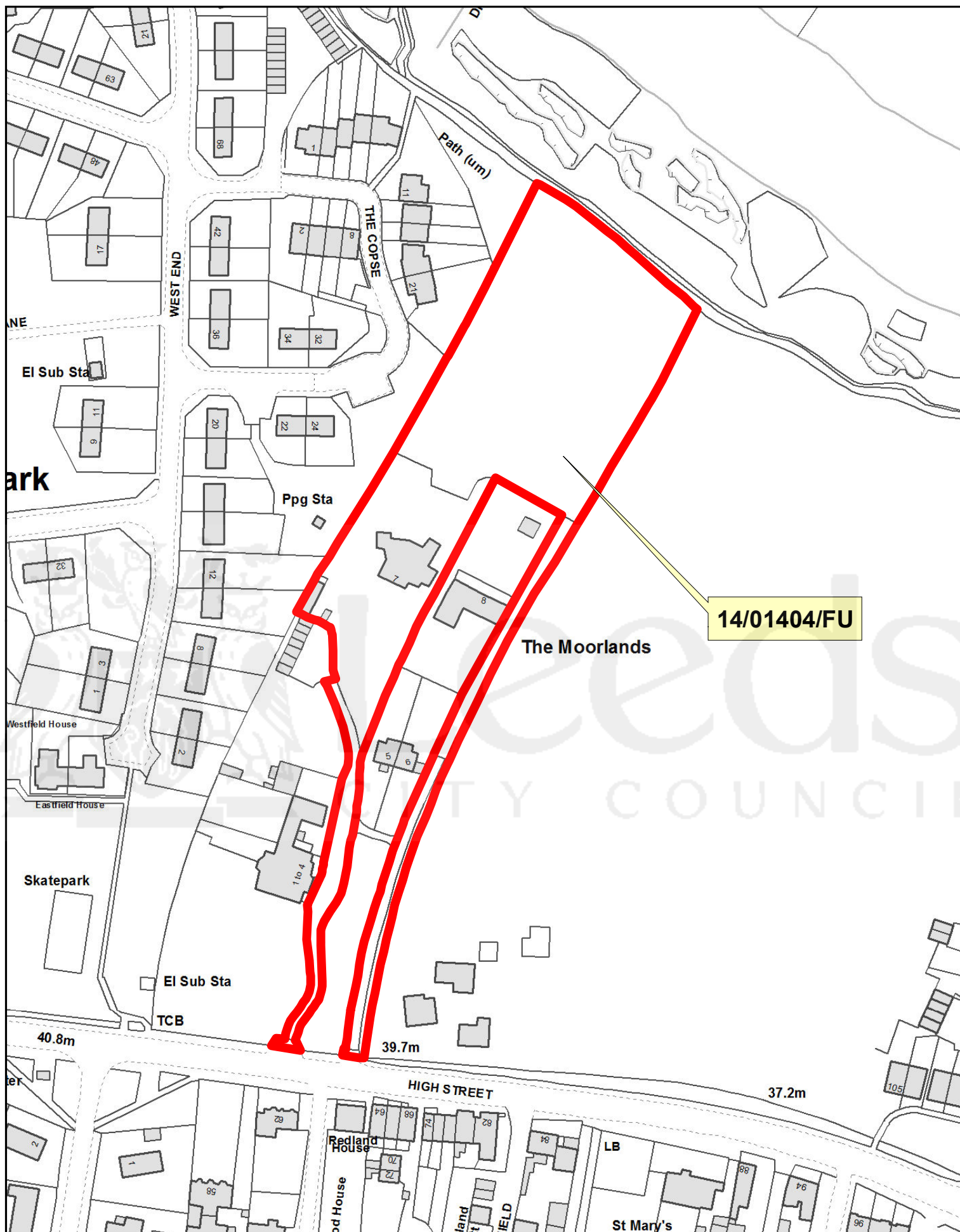
Revisions

D 30-4-2014 Landscape buffer added
E 15-6-2014 Planning Revisions

Park Lane Homes
The Moorlands Boston Spa
Site Layout Plan scale 1:250 24-02-2014 drwg. no.2418-01-08E

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NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

