

**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 5<sup>th</sup> February 2015**

**Subject: 14/04558/FU – Detached house within grounds at, Boston Spa Methodist Church, High Street, Boston Spa, Wetherby, LS23 6AA**

**APPLICANT**

**DATE VALID**

**TARGET DATE**

Mr David Bull

7<sup>th</sup> August 2014

2<sup>nd</sup> 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: GRANT PERMISSION subject to the following conditions:**

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Building and surfacing materials to be submitted.
4. Tree Protection details.
5. Landscape scheme including replacement planting and boundary treatments;
6. No insertion of additional windows.
7. Laying out of parking area.
8. PD restriction – extensions, roof alterations, outbuildings, fences and walls.
9. Details of existing and proposed ground and finished floor levels.
10. Land contamination and remediation.
11. Drainage details.
12. Ecological mitigation measures.

**1.0 INTRODUCTION**

- 1.1 This application seeks permission to construct a detached dwelling within the grounds of Boston Spa's Methodist Church. This is part of a wider project to improve the access arrangements and internal configuration of the church to create

a more adaptable building. The works to the access are currently being considered under application 14/04557/FU. These are not considered to be controversial and have raised no objection from the community or consultees, and thus will be recommended for approval. Listed Building consent will not be required for the proposed works both internally and externally as the Methodist Church is an exempt religious denomination.

- 1.2 The application is brought to Panel at the request of Councillor John Procter to allow the design of the new dwelling within the conservation area to be carefully considered.

## **2.0 PROPOSAL:**

- 2.1 The proposed new dwelling will be located to the side of the church within an existing area of lawn. It will be set into the river bank, being single storey to the front and two storey to the rear. An attached double garage is proposed to the side. The house will be flat roofed to the front and a lean-to roof to the rear to enable clerestory light to the lower ground floor. A timber pergola attempts to suggest a cloister like relationship with the garden to the front. To the rear a suspended balcony is proposed; this will be formed from oak timber columns and beams with a glass balustrade. The house will be constructed of random coursed limestone with a zinc roof and its windows will be powder coated aluminium.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site is part of the wider grounds of Boston Spa Methodist Church, a two storey, four bay chapel constructed of Ashlar magnesian limestone in a simple Italianate style and with a gabled roof. The original entrance way is located to the front, where centrally located steps lead to a sandstone doorcase and double panelled door with a plain fanlight. The church now has a second entrance to the west side which provides ramped access. This is part of a modern, lower ground floor lean-to extension with cross gable and flat roofed elements. The chapel is grade II listed and within the conservation area
- 3.2 The church and its grounds are set back from the north side of Boston Spa's High Street and situated close to the River Wharf and its banking. Access is taken directly from High Street and the track currently serves the church's car park as well as the doctor's surgery, BT offices, thirteen apartments currently under construction, Chapel Cottage and 203 High Street. The lawn area where the dwelling is to be located is sited between the church and the front garden of 203 High Street. Mature trees, protected by virtue of their conservation area location lie to the boundaries of the lawn, with some smaller, augmenting planting also present. A blanket TPO protects the riverbank.
- 3.3 There are two residential dwellings that lie within close proximity, 203 High Street to the west side, set a little further back toward the river and Chapel Cottage which lies just to the east within the grounds of the chapel.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 13/01333/FU Removal of earth bank to create terraced area  
**Refused**

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions initially took place in 2012; these established that a new entrance way that was sympathetic to the building was likely to be acceptable. The potential of a dwelling to the side lawn was mooted, however no definite plans were provided. Officers drew attention to the setting of the listed building, the conservation area location and the presence of significant trees on the site.

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

- 6.1 The application has been advertised by site notice, in the Boston Spa and Wetherby news and by neighbour notification letter. A second round of consultation was undertaken in December 2014 following the receipt of revised plans.
- 6.2 Boston Spa Parish Council raise no objection in principle but are concerned regarding the impact upon Chapel Cottage.
- 6.3 203 High Street raise concerns regarding potential damage to their garage.

## **7.0 CONSULTATIONS RESPONSES:**

- |     |                     |  |
|-----|---------------------|--|
| 7.1 | Conservation        | No objection to revised plan subject to planting and sympathetic materials.  |
|     | Highways            | Note that the private drive serves more than 5 dwellings and is narrow in part limiting the possibility for the two way passing of vehicles. |
|     | Mains Drainage      | Raise no objection subject to the imposition of conditions.  |
|     | Contaminated Land   | No objection subject to conditions.  |
|     | PROW                | No objection.  |
|     | Nature Conservation | Raise no objection subject to the imposition of conditions..   |

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the 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 Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

<u>SP1</u>	Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
<u>H2</u>	Housing on non-allocated sites must not exceed local infrastructure capacity.
<u>P10</u>	Seeks to ensure that new development is well designed and respect its context.
<u>P11</u>	Seeks to ensure that heritage assets are conserved and enhanced.
<u>T2</u>	Seeks to ensure that new development does not harm highway safety.
<u>G8</u>	Seeks to ensure that important species and habitats are preserved.

The following saved UDP policies are also relevant:

<u>GP5:</u>	Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
<u>BD5:</u>	Seeks to ensure new development protects amenity.
<u>N19:</u>	Seeks to ensure development within conservation areas preserves or enhances the character of the area.
<u>LD1:</u>	Seeks to ensure the quality of good development.

### National Planning Policy

- 8.3 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.
- 8.4 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.
- 8.5 Sections 7 (design) and 11 (heritage) of the NPPF are relevant to the consideration of this application.

## **9.0 MAIN ISSUES**

- 1) Principle
- 2) Heritage/Design and Character
- 3) Neighbour Amenity
- 4) Highway Safety

## **10.0 APPRAISAL**

### Principle

- 10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Core Strategy seeks to

ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. Boston Spa is not part of the main urban area and is classed as a smaller settlement, however a range of services are available within the village including a primary school, doctor's surgery, local shops and restaurants. Bus services to Leeds and Tadcaster run along the High Street. Policy H2 of the Core Strategy notes that housing on non-allocated sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure, which the addition of one dwelling to the wider settlement of Boston Spa would not. This policy also notes that greenfield land should not be developed if it makes a valuable contribution to the historic or spatial character of the area. The application does relate to a section of greenfield land which forms the setting of a listed building, however as well be outlined below the development will not cause harm to the historic or spatial character of the area.

- 10.2 As such, the principle of developing the site for house is considered to be acceptable.

#### Heritage/Design and Character

- 10.3 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". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality. S72(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. Similarly, Section 16(2) of the same Act imposes obligations on those considering whether to grant listed building consent for development or works that affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses. That statutory framework is reinforced by the National Planning Policy Framework (the Framework) at Section 12. Core Strategy policy P11 and saved UDP policy N19 reflect this special duty and seek to ensure that development is appropriate to its context and preserves the city's heritage assets.
- 10.4 The application which is under consideration is set within the grounds of a listed Methodist church. As such the development must not harmfully affect its spatial setting and that of the wider conservation area, and must also be sensitive to the church and conservation area in scale, form and detail.
- 10.5 As originally submitted there was significant concern regarding both these aspects. The dwelling was two stories in height and suburban in form and design; it was considered to harmfully affect the setting of the church by restricting views of the building and its design was inappropriate within a high quality Georgian townscape. The landscape character and quality of the conservation area would also have been harmfully affected through the loss of mature trees.
- 10.6 However, in its revised form these concerns have been overcome. The house has been reduced to a single storey height at road level, and with its largely flat roofed form the existing views through to the church are retained. To the rear the development is two stories in height and is cut into the river bank. The wooded backdrop of Boston Spa is also an important part of the village's wider setting and

significant loss of trees along this banking and its gradual suburbanisation would be harmful. However, the house is set a sufficient distance within the site to retain a significant tree presence to the rear, and the TPO remains in effect meaning any tree removal is not possible without the consent of the LPA. The main garden area of the house is located to the front which further reduces the pressure on the trees to the rear. As such, in spatial and landscape character terms the application is considered to be acceptable.

- 10.7 The detailed design of the dwelling and its architectural detailing is unusual for the majority of Boston Spa's conservation area. The high street frontage is a mix of a both polite and vernacular urban forms whilst some elements of a broader rural vernacular are present within the wider village. The immediate architectural setting around the church is varied; a modernist flat development is being constructed to the High Street frontage, 203 High Street is a mid-twentieth century property with a simple gabled form, Spa Surgery recreates the polite Georgian townscape, whilst the Methodist Church itself has a unique character. As such no one historical or architectural period predominates, nor is there a consistent size, scale or design of building.
- 10.8 The revised design creates a simple, balanced dwelling with a clear and defined shape and form. It is intended to be a relatively unobtrusive property which nonetheless reflects some of the detail of the adjacent listed building and its ecclesiastical setting. The house will be constructed from limestone which will allow the dwelling to tonally blend with the church, and the use of random courses and a split or punched face will help to ensure it appears as a subordinate, ancillary element when read against the grander, ashlar building.
- 10.9 The use of clerestory lighting is often found in ecclesiastical buildings, albeit not often in the contemporary approach which is suggested here, and the timber pagoda and its relationship to the square front garden echoes the cloister of monastic houses. This detail will also tie into timber detailing used within the new entrance way. Essentially the house is designed to be a piece of architecture with a unique shape and form which is informed by its context, but which is ultimately a recessive, rather than visually dominant feature within the wider site and the conservation area.
- 10.10 Thus, in its revised form the new dwelling is now considered to respect the spatial, architectural and landscape character of its setting. The house will sit appropriately alongside the church and be a subordinate feature which allows the listed building to retain visual and architectural prominence, and its scale and materials are appropriate to the character of the area. The revised design allows the trees within the site to be retained, both those visible from High Street and those on the wooded river bank. As such the application preserves the special interest of the heritage assets and complies with the aims and intentions of local and national planning policy.

#### Residential Amenity

- 10.11 Saved policy GP5 notes that extensions should protect amenity and policy BD5 notes that "all new buildings should be designed with consideration given to both their own amenity and that of their surroundings". The proposed new dwelling would provide an adequate level of accommodation and garden space and thus provide an acceptable level of amenity for future occupants. Boston Spa Parish Council have raised concerns regarding the impact of the development upon

Chapel Cottage and the occupants of 203 High Street raise concern regarding potential damage to property.

- 10.12 Chapel Cottage is the existing dwelling which is located within the grounds of the church. It is assumed that this was originally a caretaker or warden's cottage but which is now occupied independently of the church. The new house would potentially affect views from the west facing windows, and also the garden area of the house. However, the new dwelling is set back from Chapel Cottage meaning that no direct view from any window would be affected and the 9.0m distance between the two houses is considered to be sufficient for the oblique views which would be impacted. Furthermore, given that the dwelling is largely single storey with a flat roof, particularly to the front, it's massing is low and the impact on the neighbours will not be unreasonable. It is acknowledged that the house is located close to a section of the garden area, however again given the modest height of the house at this intersection no significant harm is expected. The proposed garden which is retained for the cottage is also considered to be of a reasonable size and scale. Although this is not an overly private garden space this is no change from the current situation.
- 10.13 The placement of new windows and the proposed balconies is also considered to be acceptable in respect of neighbour amenity. To the front all the windows are at single storey height and thus can be adequately screened through the provision of an appropriate boundary treatment which in this context would be a native, evergreen hedge such as yew, beech or holly. To the rear, there are larger areas of glazing and balconies which will allow views toward the land associated with 203 High Street. However, the main amenity space of 203 is to the front, with the house relatively tight to the river banking and limited usable amenity space to the rear. The area potentially most overlooked is to the rear of the garage. This is not considered to be an overly sensitive area, and the wooded nature of the rear bank will mean that clear and direct views toward number 203 are limited. As such, the application is not considered to cause undue harm to neighbouring amenity.
- 10.14 It is noted that the occupants of 203 raise concerns regarding potential damage to property. Whilst it is always hoped that developments will be carried out with care and due regard to near neighbours it is not possible to refuse the application due to concerns about potential damage at an unspecified point in the future. This is essentially a civil matter which must be resolved outside the planning process.

#### Highway Safety

- 10.15 Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations. Concern has been raised by Highway Officers that the existing access track serves more than five dwellings and thus, in principle, additional residential development cannot be supported, and also that the two way passing of vehicles is not possible at the narrowest point of the road.
- 10.16 Although the access track does serve more than five dwellings (15 including the flats, two excluding the flats), it also serves the church, the surgery, and the BT premises. The additional traffic movements associated with one additional dwelling are unlikely to have any significant impact over and above the intensity of the existing use and thus harm caused by the additional movements is considered to be unlikely. The road does narrow as it moves north, however this narrower area serves only the church and the two existing houses. The level of conflict that the

traffic movements associated with one additional house will cause is considered to be minimal.

- 10.17 As such, whilst the concerns of Highway Officers are noted, it is not anticipated that there will be significant harm to highway safety through the provision of one additional dwelling served from the access point. This is also balanced against the applicant's need to fund the works to the listed church and the development of the proposed dwelling would assist with this.

#### Representations

- 10.18 All material considerations raised through representations have been discussed above. As noted, the concerns regarding potential property damage are a civil matter and not material to the consideration of the application.

### **11.0 CONCLUSION**

- 11.1 The application is therefore considered to be acceptable. The new dwelling is would not harm the special interest of the heritage assets, the amenity neighbours nor highway safety. As such the application is compliant with the relevant policies and guidance and approval is recommended.

#### **Background Papers:**

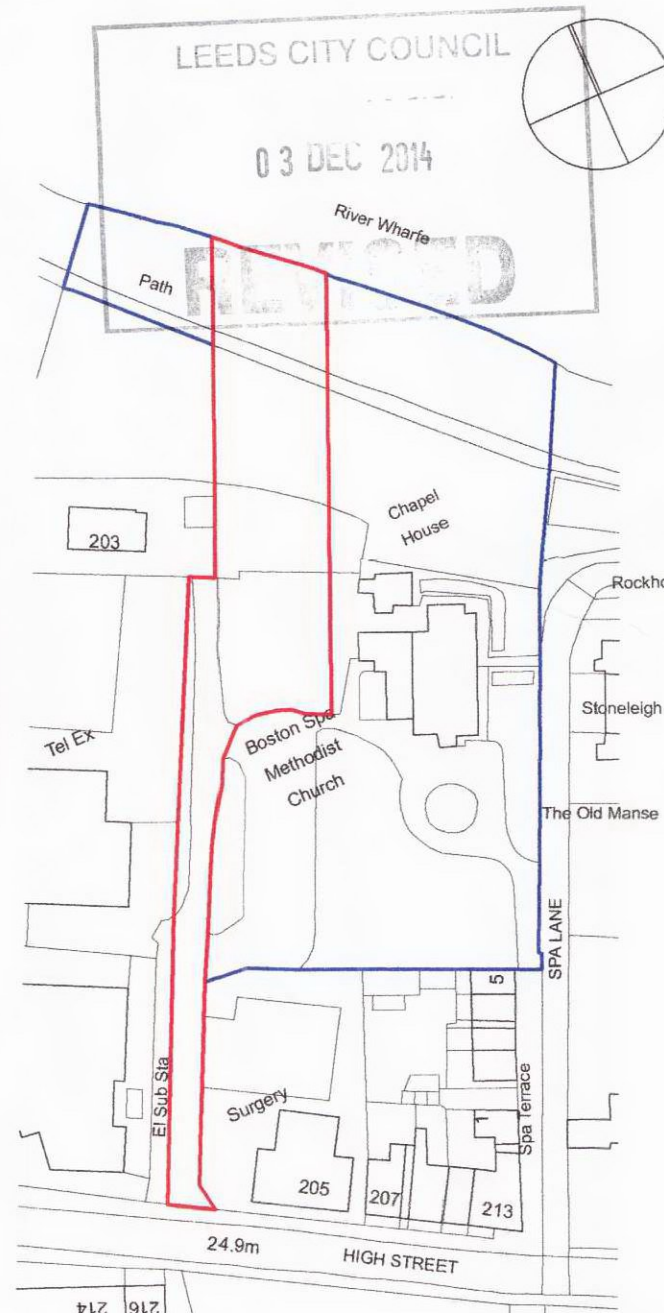
Application files	14/04558/FU
	Certificate of ownership: Certificate A signed by the agent



# Notes

Do not scale from drawing, use figured dimensions only.  
All dimensions must be checked and verified on site prior to commencement of work and architect to be notified of any discrepancies.  
This drawing is intended to permit overall scheme proposals only and cannot be used for construction purposes without further information.

14/04558



Location Plan 1:1250

NB: This location plan refers to planning application reference no. 03498279 only which proposes a new detached family dwelling within the grounds of Boston Spa Methodist Church

Rev	Drawn	Date

Client  
Boston Spa Methodist Church  
Spa Lane, Boston Spa, LS23 6AG,

Job title  
Proposed Dwelling

Drawing  
Site Plan As Proposed (New Dwelling)

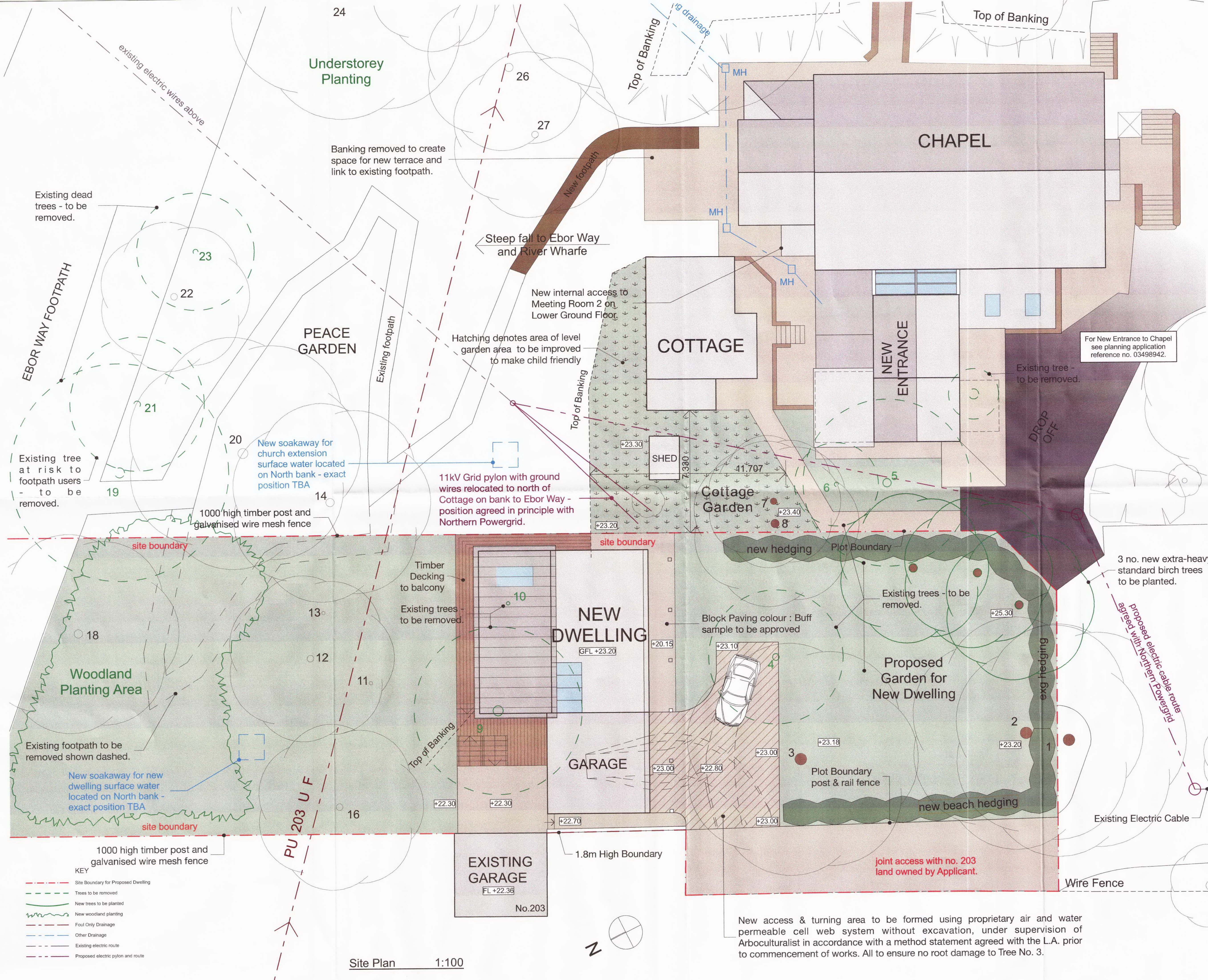
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Date: Nov 2014  
Rev: -  
Scale: 1:100 at A1  
Drawn: JD / MJN  
Chkd: -

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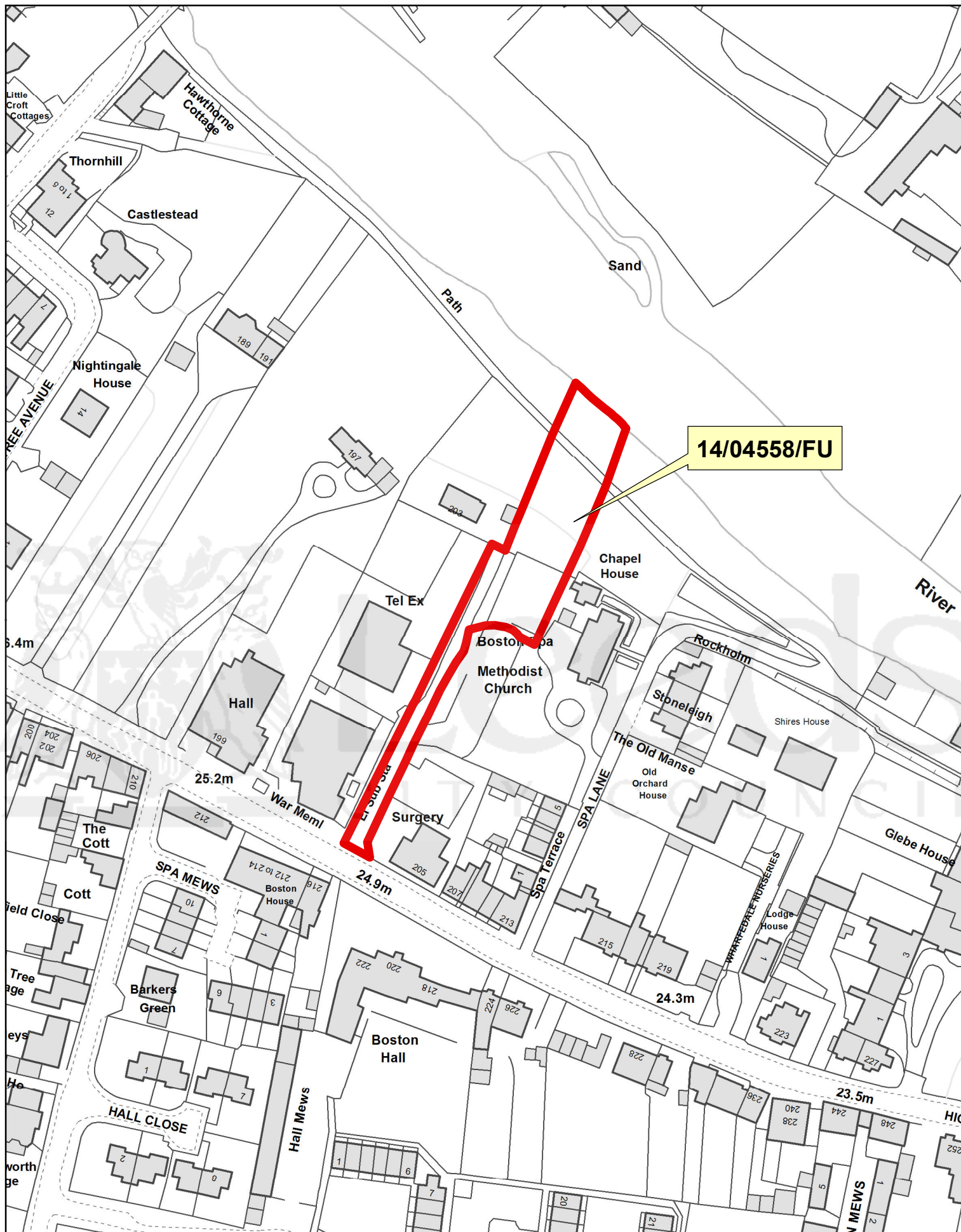
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# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

