



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 11th 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 13th 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.



Leeds
CITY COUNCIL

Report of the Chief Planning Officer

Originator: Adam Ward

Tel: 0113 387 8032

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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.

Conditions

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29. Plans to be approved.
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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 24th 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 published 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.

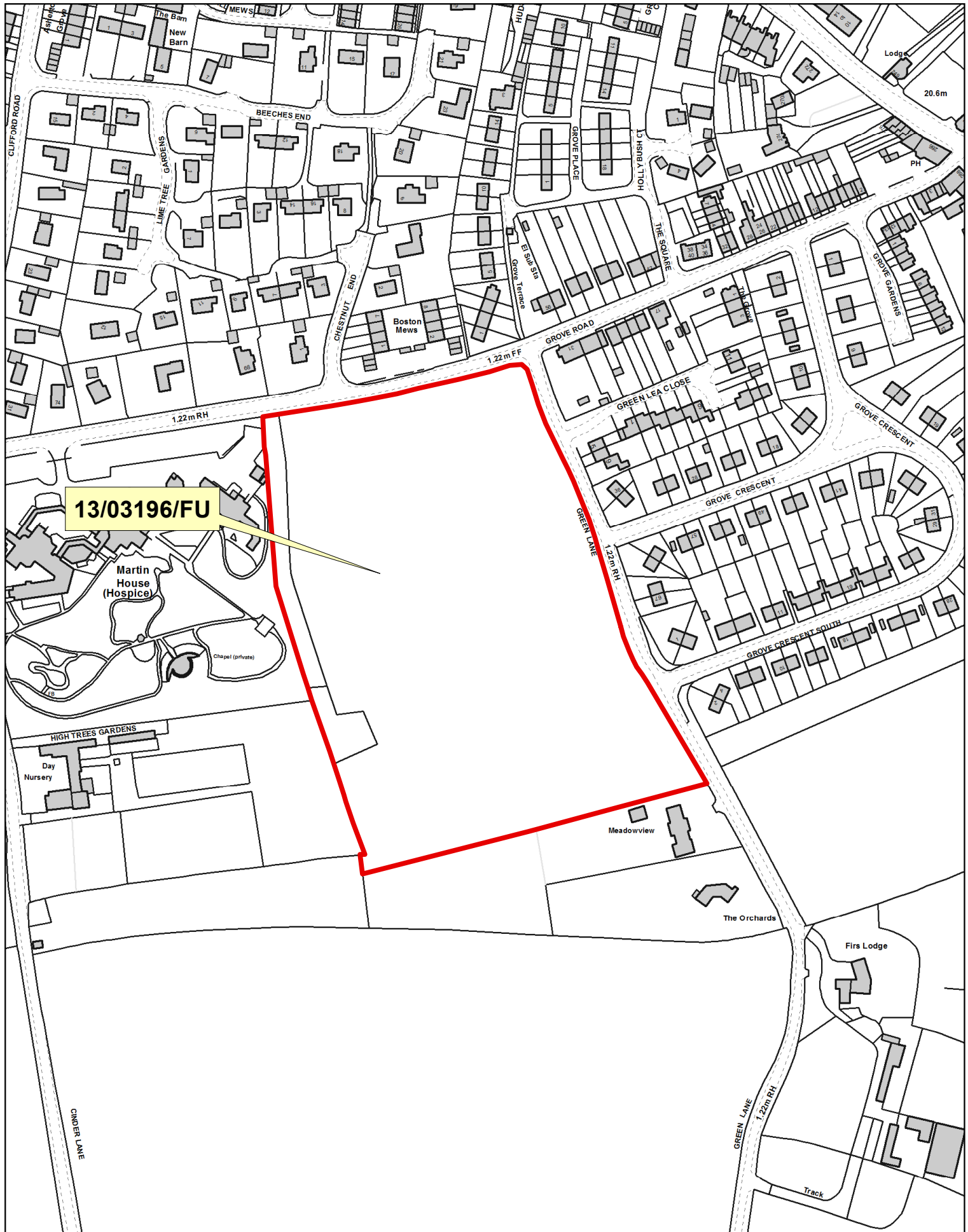
- 9.30 The planning conditions at the head of this report are all considered to be necessary and reasonable for this particular proposal and meet the statutory tests set out within the National Planning Policy Guidance (NPPG). Such conditions which relate to technical highways requirements, surface water 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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