

NORTH AND EAST PLANS PANEL

**Meeting to be held in Civic Hall, Leeds on
Thursday, 16th May, 2019
at 1.30 pm**

MEMBERSHIP

Councillors

S Arif
D Collins
M Dobson
R Grahame
D Jenkins
E Nash
K Ritchie
S Seary
N Walshaw (Chair)
A Wenham
G Wilkinson

A G E N D A

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

Item No	Ward	Item Not Open		Page No
3	Wetherby		LATE ITEMS To identify items which have been admitted to the agenda by the Chair for consideration (The special circumstances shall be specified in the minutes)	3 - 14
4			DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES - 11TH APRIL 2019 To confirm as a correct record the minutes of the meeting held on 11 th April 2019.	
7			18/07278/FU - 26 DWELLINGS WITH ACCESS ROAD, HARD STANDINGS AND LANDSCAPING AT LAND OFF WALTON ROAD, WALTON, WETHERBY To consider the report of the Chief Planning Officer on an application for 26 dwellings with access road, hard standings and landscaping at land off Walton Road, Walton, Wetherby (Report attached)	

Item No	Ward	Item Not Open		Page No
8	Chapel Allerton		<p>19/00835/FU- ALTERATIONS INCLUDING RAISED ROOF HEIGHT TO FORM HABITABLE ROOMS; TWO STOREY PART FIRST FLOOR SIDE/REAR EXTENSION AT 22 PARK LANE MEWS, SHADWELL, LEEDS, LS17 8SN</p> <p>The report of the Chief Planning Officer requests Members consideration on an application for alterations including raised roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, Leeds, LS17 8SN.</p> <p>(Report attached)</p>	41 - 48
9	Chapel Allerton		<p>18/07670/FU – CHANGE OF USE FROM SINGLE DWELLING HOUSE (C3) TO SMALL HMO (C4) AT 20 ROUNDHAY MOUNT, CHAPELTOWN, LEEDS, LS8 4DW.</p> <p>To receive the report of the Chief Planning Officer requesting consideration of an application for change of use from single dwelling house (C3) to small HMO (C4) at 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW.</p> <p>(Report attached)</p>	49 - 60
10	Burmantofts and Richmond Hill		<p>19/00036/FU - CHANGE OF USE, INCLUDING FORMATION OF LIGHTWELL, FROM RESIDENTIAL PROPERTY (C3) TO A HOUSE IN MULTIPLE OCCUPATION (C4), 63 EAST PARK PARADE, RICHMOND HILL, LEEDS 9</p> <p>To consider the report of the Chief Planning Officer on an application for the change of use, including formation of lightwell, from residential property (C3) to a House in Multiple Occupation (C4), 63 East Park Parade, Richmond Hill, Leeds 9.</p> <p>(Report attached)</p>	61 - 72

Item No	Ward	Item Not Open		Page No
11	Wetherby		<p>18/06367/FU & 18/06368/LI – ALTERATIONS TO BOUNDARY WALL, THE CREATION OF ACCESS AND THE CONSTRUCTION OF 1 REPLACEMENT VICARAGE AND 6 DWELLINGS WITH ASSOCIATED HARD AND SOFT LANDSCAPING AT 86 HIGH STREET, BOSTON SPA, WETHERBY, LS23 6EA.</p> <p>Members are requested to consider the report of the Chief Planning Officer which sets out the reasons for refusal of an application heard at the 11th April 2019, North and East Plans Panel, for alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping at 86 High Street, Boston Spa, Wetherby, LS23 6EA.</p> <p>(Report attached)</p>	73 - 98
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>Next meeting of North and East Plans Panel is scheduled to take place on Thursday 20th June 2019, at 1.30pm.</p>	
2				
a)				
b)				

Third Party Recording

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

Use of Recordings by Third Parties– code of practice

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

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Planning Services

Merrion House
 Merrion Centre
 Leeds

To all Members of North and East
 Plans Panel

Contact: David Newbury
 Tel: 0113 378 7990
 david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
 Date: 7th May 2019

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 16th May 2019

Prior to the meeting of the North and East Plans Panel on Thursday 16th May 2019 the following site visits will take place:

Time	Ward	
9.55am		Depart Civic Hall
10.05am - 10.15am	Burmantofts & Richmond Hill	19/00036/FU - Change Of Use, Including Formation Of Lightwell , From Residential Property (C3) To A House In Multiple Occupation (C4) - 63 East Park Parade, Richmond Hill, LS9 9DA
10.25am - 10.35am	Chapel Allerton	18/07670/FU - Change Of Use Of House (C3) To HMO (C4) - 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW
10.45am - 10.55am	Alwoodley	19/00835/FU - Alterations Including Raised Roof Height To Form Habitable Rooms; Two Storey Part First Floor Side/Rear Extension - 22 Park Lane Mews, Shadwell, LS17 8SN
11.15am - 11.25am	Wetherby	18/07278/FU - 26 Dwellings With Access Road, Hardstandings And Landscaping - Land At Rudgate Park, Walton, Wetherby, LS23 7EJ
12.00 (noon)		Return to Civic Hall

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general enquiries 0113 222 4444



For those Members requiring transport, a minibus will leave the Civic Hall at 9.55am. Please notify David Newbury (Tel: 378 7990) if you wish to take advantage of this and meet in the Ante Chamber at 9.50am. If you are making your own way to a site please let me know and we will arrange an appropriate meeting point.

Yours sincerely

David Newbury
Group Manager

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general enquiries 0113 222 4444



NORTH AND EAST PLANS PANEL

THURSDAY, 11TH APRIL, 2019

PRESENT: Councillor E Nash and N Walshaw in the Chair
Councillors B Anderson, S Arif, M Dobson, R Grahame, D Jenkins, K Ritchie, S Seary and A Wenham

SITE VISITS

The site visits were attended by Councillors Walshaw, Nash, Ritchie, Wenham, and Seary.

94 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

95 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

96 Late Items

There were no late items.

97 Declarations of Disclosable Pecuniary Interests

No declarations of disclosable pecuniary interests were made.

98 Apologies for Absence

Apologies for absence were received from Cllrs. Wilkinson and Collins. Cllr B Anderson was in attendance at the meeting as substitute for Cllr. Wilkinson.

99 Minutes of 14th March 2019

RESOLVED – The minutes of the meeting held on 14th March 2019, were approved as a correct record.

100 Matters arising

Minute 89 – 18/07852/OT Outline planning application for the development of a new engineering and technology campus (use classes B1/B2/D1), with all matters reserved except for access land at the gateway 45 North Aire Valley Drive Cross Green Leeds LS9 0PS.

Cllr R Grahame requested introduction of digitalisation be made available in relation to planning application so that the public can participate and not be just observers.

101 Chairs Comment

The Chair informed the Panel of the following change to the agenda:
Agenda Item 10 – 18/07670/FU – Change of use from single dwelling house (C3) to small HMO (C4) at 20 Roundhay Mount, Chapel Allerton LS8 4DW it was put to the Panel that this item should be deferred.

Members had attended a site visit earlier in the day and it had been noted that work had already started and was not as per the submitted plans. Members resolved to defer consideration of the application.

The Panel was made aware that since April Plans Panel meeting the Core Strategy Selective Review had progress further towards its formal adoption. Accordingly its policies could now be afforded significant weight in the determination of planning applications. This includes Policy H10 – Accessible Housing Standards.

Members were advised that Cllr. Robinson had forwarded the residents request that consideration of Agenda Item 7- 18/085022/FU Demolition of existing livery buildings and erection 9 residential dwellings at Wood Farm, Wetherby Road, Scarcroft be deferred. It was noted that 150 objections had been received and Cllr. Stephenson the local ward member had wished to attend to speak against the recommendations. However, he was unable to attend this meeting.

Members were informed that to defer an item it should be on planning grounds. North East Plans Panel agreed to hear the application.

102 18/05022/FU - DEMOLITION OF EXISTING LIVERY BUILDINGS AND ERECTION 9 NO. RESIDENTIAL DWELLINGS - WOOD FARM, WETHERBY ROAD, SCARCROFT, LEEDS, LS14 3HN

The report of the Chief Planning Officer requested Members consideration on an application for the demolition of existing livery buildings and erection of 9 residential dwellings at Wood Farm, Wetherby Road, Scarcroft, Leeds.

Members had visited the site earlier in the day. Plans and photographs were shown throughout the presentation.

Members were informed of the following points:

- The application site is situated in the Leeds Green Belt within a Special Landscape Area;

- Cllr Stephenson had requested that the Panel consider the application as he had concerns about the impact upon the openness of the Green Belt raised via objections submitted by his constituents;
- The proposal sets out a mix of house types which includes 1x two bedroom bungalow, 2x three bedroom, 2x four bedroom, and 4x five bedroom dwellings with detached garages and associated garden space. It was the view that this design and scheme proposed a good level of accommodation and could be adapted for future living in accordance with Accessible Housing Standards;
- Site to be accessed from the A58 Wetherby Road, with the existing access to be formalised, a circular vehicular access road to be laid out within the site;
- As per the request from Highways the low boundary wall opposite the site was to be retained;
- Materials to include natural stone, slate roof, timber cladding, red brick and red tiles;
- Negotiations had centred on the status of the site. The applicant had provided information to support the applicant's case that the site constituted previously developed land. The site is unallocated brown belt and includes a stable block, menage, former agricultural buildings, hardstanding and a landscaped area;
- 30 letters of objection had been received including a petition with 126 signatures. The concerns raised were set out at point 6.1 of the submitted report;
- Two representations raising general points were set out at point 6.3 of the submitted report;
- Observations set out in letters of support were provided at point 6.4 of the submitted report.
- Neighbours were supportive of the scheme;
- The current boundary of leylandii trees would be lost. However, significant planting was proposed.

It was noted that a further 9 letters of objection had been received and a petition with 48 signatures on it. It was also noted that 1 further letter in support of the application had been received.

In response to Members questions the Panel were provided with the following information:

- The test for very special circumstances in relation to green belt as set out in the National Planning and Policy Framework was not relevant in this instance as the proposed development fell within one of the exceptions listed within the NPPF;
- Substantial weight should be given to the Neighbourhood Plan when considering this application;
- This was a discounted site in relation to Site Allocation Plan;
- 29 trees would be lost. However there would be more than 3 to 1 trees planted to provide a significant buffer;
- Work with Public Rights of Way Team to ensure there would be no impact on the bridleway;

- S278 relates to adopted access;
- This scheme does not fit the threshold for affordable housing;
- The Parish Council supported the mix of housing.

Members welcomed the housing mix especially the addition of a bungalow. Members were of the view that the development would be beneficial to the area and that the suggested buffer would be an improvement on the current leylandii boundary.

RESOLVED – To defer and delegate approval to the Chief Planning Officer subject to the conditions set out in the submitted report and subject to the prior completion of a Section 106 Agreement (provision of landscape buffer).

Additional Condition:

- Accessible and adaptable dwellings in accordance with Part M4 (2) of Building Regulations in accordance with Core Strategy Selective Review Policy H10 – Accessible Housing Standards.

Under the provisions Council Procedure Rules 16.5 Councillors S. Seary and B. Anderson required it to be recorded that they abstained during the vote.

At 14:00, during the consideration of the above item the Chair of North and East Plans Panel, Councillor Neil Walshaw had to vacate the Chair and leave the meeting in order to attend to an urgent domestic matter. At this point, in his absence the Plans Panel duly elected Councillor Elizabeth Nash to be the Chair for the duration of the meeting.

103 18/06367/FU & 18/06/06368/LI - ALTERATIONS TO BOUNDARY WALL, THE CREATION OF ACCESS, AND THE CONSTRUCTION OF 1 REPLACEMENT VICARAGE AND 6 DWELLINGS WITH ASSOCIATED HARD AND SOFT LANDSCAPING - 86 HIGH STREET, BOSTON SPA, LS23 6EA

The report of the Chief Planning Officer asked the Plans Panel to consider planning and listed building applications for works including alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping at 86 High Street, Boston Spa, Wetherby, LS23 6EA.

Members had visited the site earlier in the day. Photographs and plans were shown throughout the presentation.

The application had been presented to North and East Plans Panel at the request of Cllr. Lamb whose concerns had been set out at point 1.1 of the submitted report. Cllr. Lamb was also in attendance at the meeting.

In attendance at the meeting was Phil Ward, Design and Conservation Team Leader at Leeds City Council.

The Panel were informed of the following points:

- The vicarage and attached front garden wall are Grade II listed appearing on 1836-51 Tithe Maps;
- The surrounding area is predominantly residential with a mix of house types;
- A new access would be created onto High Street with the existing access on High Street blocked up;
- The existing vicarage would remain with no works proposed. However, there was an application in respect of the alterations to the boundary wall which was grade II listed;
- Plots 1-3 along with the replacement vicarage had been designed to reflect the character of this part of the locality and to ensure that they remain subservient to the Listed Building, with the new dwellings set lower than the current listed vicarage;
- Plots 4-6 were proposed to be much larger 'villa' type properties;
- The Conservation Officer had been involved in negotiations to ensure that heritage aspects were respected;
- Proposal was for a minimum of 2 off street parking spaces per dwelling;
- The stone removed for alterations to the boundary wall would be reused within the development;
- The removal of some trees was proposed, however compensation landscaping was set out as a condition;
- This site was a windfall site not part of the Site Allocation Plan;
- All services including schools, shops and transport links are located close by;
- 85 objections had been received with objections summarised at point 6.1 of the submitted report. A further letter objecting to the application had been received since the publication of the agenda and set out the following objections;
 - Creation of houses is not adding to the community;
 - Detrimental to flora and fauna
 - New houses would create another new junction on a busy road;
 - Impact on local services;
 - Detrimental to village's heritage, wildlife and existing residents for no discernible need.
- 10 letters of support had been received and were set out at point 6.2 of the submitted report;
- Boston Spa Parish Council also objected to the application and a number of observations were provided by the Parish Council within the submitted report in relation to the Neighbourhood Plan;
- Officers and the applicant had considered the Neighbourhood Plan working within the policies set out in respect of local character;
- An additional condition in relation to Policy H10 Accessible Housing Standards had been added. However, it was noted that the proposed scheme was policy compliant.

Three speakers against the recommendation were present at the meeting including Councillor Lamb.

The speakers informed the Plans Panel of the following points:

- Loss of open space;
- A new junction to add to the seven already on this busy road;
- This type of housing not needed, need affordable housing for young people starting out and elderly people wanting to downsize and who do not wish to leave the village
- The scheme proposed goes against the Neighbourhood Plan;
- The Vicarage is a grade II listed building;
- No consultation had taken place with residents or ward members;
- Officers had told Members that they would be setting out a recommendation to refuse this application. It had been a surprise to find that it was recommended to defer and delegate;
- Wrong housing mix for the area going against the Neighbourhood Plan;
- Boston Spa has done enough in relation to providing housing for the city;
- This proposal was a betrayal of the people of Boston Spa;
- Core Strategy and land supply was irrelevant.

In response to Members questions the Panel was provided with the following information:

- The principle of the development, even if the properties were small, was not justifiable as there had been no proper engagement with the residents of the Parish Council of Boston Spa;
- Cumulative impact on traffic in Boston Spa had increased over recent years with a number of large scale developments;
- Flood risk would be made worse with the increase of hardstanding;
- The impact on the green corridor with the decrease of sanctuary for birds and wildlife;
- A needs assessment had been undertaken as part of the Neighbourhood Plan with a requirement for affordable housing for those wishing to downsize but remain in the area.

Richard Irving and David Chary were in attendance at the meeting speaking on behalf of the Diocese of York and Park Lane Homes. They informed the Panel of the following points:

- The current vicarage is early 19th century and although over the years a number of works had been undertaken the vicarage was draughty and required a number of improvements.
- The Clergy are required to maintain their own homes and it was currently a struggle to maintain the up keep of this grade II listed building.
- The proposed new vicarage would be smaller, more energy efficient and sustainable;

- The development was to be on land currently owned by the diocese who were of the view that the development would be an enhancement to Boston Spa;
- The developer had worked closely with officers of the council to present the current scheme.

In responding to Members questions the Panel were informed of the following:

- Consultation had taken place with the planning officers and the conservation officer;
- Residents and the Parish Council were aware of the scheme;
- There was a need for a new vicarage and the housing mix and design had been conservation led.

Members discussed the application at length receiving advice from officers in relation to a number of points including planning policy, highways and conservation.

It was noted that in the event of the deferment of the application an appeal on non-determination could be lodged.

The Chair offered her sympathy to Boston Spa. However, she reminded the Panel the need to give reasons for refusal on planning grounds.

Councillor Anderson clarified for the Panel that he had not discussed this application with Mr Irving or anyone else but had on a number of occasions heard Mr Irving speak at previous Plans Panels.

At the conclusion of discussions Councillor Anderson proposed to reject the recommendations as detailed within the submitted report so that the application be refused, this was seconded by Councillor Dobson. Upon being put to the vote it was,

RESOLVED –

- (i) That the recommendation of the Chief Planning Officer to grant planning permission and listed building consent be not supported
- (ii) That determination of the application(s) be deferred to allow the Chief Planning Officer to prepare and bring back detailed reasons for refusal based on the following:

16/06367/FU:

1. Highway safety – cumulative impact on the local network arising from this and other developments
2. Harm to character and appearance of the conservation area
3. That the development does not provide an appropriate mix of housing and in particular smaller units

18/0638/LI:

In the absence of an acceptable development scheme for the site it would be premature to carry out works to create a new access point in the boundary wall.

A report is to be presented to the May Plans Panel for Members to consider the suggested reasons for refusal.

Under the Council Procedure Rule 16.5, both Councillor S Arif and R Grahame required it to be recorded that they had voted against the proposal to refuse the application.

104 18/06292/FU - CHANGE OF USE OF SHOP AND THREE FLATS TO DELICATESSEN/SALUMERIA (MIXED A1/A3 USE) AND ALTERATIONS INCLUDING EXTENSIONS - 138 HARROGATE ROAD, CHAPEL ALLERTON LEEDS, LS7 4NZ

The report of the Chief Planning Officer set out an application for the change of use of shop and three flats to delicatessen/salumeria (mixed A1/A3 use) and alterations including extensions, at 138 Harrogate Road, Chapel Allerton, Leeds, LS7 4NZ.

Members had attended a site visit earlier in the day. Photographs and plans were shown throughout the presentation.

Members were informed of the following points:

- The proposal was set out at point 2.0 of the submitted report and included; new internal layout to be open plan with the demolition of partition walls and the creation of a two storey gallery at the entrance; proposed conservatory to the side and new ground floor extension to the rear; basement level storage is proposed beneath the conservatory accessed via a new stair well;
- Access to the new terraced area will be through a new opening at first floor level;
- New shop front is proposed which will be of traditional timber cladding;
- Existing pedestrian and vehicular access to the side and rear of the property to be retained, with a small parking area along Back Allerton Terrace;
- Revised opening hours of the premises is from 7am to 7pm Monday to Sunday including bank holidays;
- Negotiations had taken place due to concerns raised by the Conservation Officer in relation to the design of the shop front, the dormers and single storey extensions. Revised plans had been submitted;
- Local Ward Members had raised concerns which were set out at point 6.2 and Councillors had requested that the application be brought to Plans Panel for consideration;
- 50 objections had been received with a summary of the objections set out at point 6.3 of the report. A further letter of objection had been received since the publication of the agenda. However the points

raised were not read out as the objector was attending the meeting as a speaker against the recommendation;

- 34 letters of support had also been received and these comments were provided at point 6.4 of the submitted report;
- The TPO trees were to be dealt with by condition protection of roots will be undertaken during excavations;
- Information had been received which suggested that this building was one of the oldest in Chapel Allerton and could be timber built. However, no evidence had been found to support this, and it was not currently listed;
- A department of the Council, Housing Leeds, had raised a concern over rights of access over land owned by the Council. Appropriate legal advice had been taken and there is reasonable prospect that such rights exist and, through the imposition of appropriate planning conditions, it is safe to proceed to determine the planning application;
- A1/A3 use is acceptable within a town centre location;
- There would be a loss of 3 residential properties;
- Conditions proposed to address highways issues including access.

Two residents of Chapel Allerton attended the meeting and addressed the Panel providing the following information;

- One resident had lived in Chapel Allerton for 43 years and was part of the group producing the Neighbourhood Plan;
- There was no justification for the loss of the residential properties with a need for affordable housing in the area;
- The building is a timber framed building dating back to the 16 Century and needs to be looked at for listing;
- This is to be a 100 seat restaurant which would be appealing for families;
- The front of the property has steps and is not appropriate for wheelchair and pram access;
- This is a quiet area
- There is greenery and birdlife
- Prior to the application residents had not been aware that 138 Harrogate Road was attached to 1 Regent Street;
- This had also been residential;
- Would welcome a small delicatessen with a few seats but not what is proposed.

The applicant and his representatives attended the meeting and advised the Members of the following:

- The applicant provided an explanation of what a salumeria was and what he was proposing for the premises;
- This was a small entrepreneurial spirit for the city;
- Chapel Allerton was well connected with good transport links;
- Worked closely with the conservation officer on this scheme;
- Tree officers had provided advice and conditions made in relation to the protection of the trees.

Responding to Members questions the Panel were advised of the following:

- The step up to the premises would not be an issue for wheelchairs or prams and there was enough circulation space within the ground floor. It was noted that disabled access would not be possible to the first floor as there was no room for a lift;
- Consultation had taken place in the form of letters to neighbours, a public exhibition in the back gardens where 30 people had attended, and a statement of community involvement and been submitted;
- A condition could be included to address noise attenuation should it be necessary;
- 7am start had been requested to bring the business in line with other premises of a similar nature;
- The bin storage would remain the same as it was currently. However it was suggested that a condition be added in relation to bin storage;
- An additional condition would be included to address the rights of way over Council owned land;
- Applications to have buildings listed are made to the Secretary of State;
- Only 1 flat is currently tenanted and the tenant is aware of the application and has been given notice.

RESOLVED - To grant permission in accordance with officer recommendation with condition 3 to restrict opening hours to 7am to 7pm Monday to Sunday including Bank Holidays.

**105 18/07670/FU - CHANGE OF USE OF HOUSE (C3) TO HMO (C4) - 20
ROUNDHAY MOUNT, CHAPELTOWN, LEEDS, LS8 4DW**

The report of the Chief Planning Officer set out an application for the change of use from a single dwelling house (C3) to small house in multiple occupation (HMO), (C4) at 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW.

Panel deferred consideration of the application. At the Members site visit it was clear that works had commenced and the layout of the basement was not consistent with the submitted application plan. Members deferred consideration pending the receipt of revised plans and clarification as to the precise nature of the proposed development.

**106 19/00338/FU - PART TWO STOREY, PART SINGLE STOREY SIDE AND
REAR EXTENSION AT 5 SCOTT HALL CRESCENT, CHAPEL ALLERTON,
LEEDS, LS7 3RB**

The report of the Chief Planning Officer set out an application for part two storey, part single side and rear extension at 5 Scott Hall Crescent, Chapel Allerton, Leeds, LS7 3RB.

The application was considered at Plans Panel as the applicant is a council officer who works closely with the Development Management Officers and is involved in the processing of planning applications.

Members were advised of the proposal which was set out at 2.1 and 2.2 of the submitted report.

Members had attended a site visit earlier in the day. Photographs and plans were shown at the meeting.

Members were advised that there was a potential impact on the adjacent property of number 3 due to the addition of a window it was suggested that the existing window should be obscure glazed.

No over shadowing or over dominance would be caused to neighbouring properties.

Sufficient parking space was to be retained.

RESOLVED – To grant permission in accordance with the officer recommendation.

107 Date and Time of Next Meeting

The next meeting of North and East Plans Panel to be on Thursday 16th May 2019, at 1.30pm.

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Leeds
CITY COUNCIL

Originator: Adam Ward

Tel: 0113 378 8032

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 18/07278/FU - 26 dwellings with access road, hard standings and landscaping at land off Walton Road, Walton, Wetherby

APPLICANT	DATE VALID	TARGET DATE
Chartford Homes & Homes England	21.11.2018	20.02.2019

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

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:

- 35% Affordable Housing on site;
- Sustainable Travel Plan fund £13,013 (£500.50 per dwelling);
- Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £23,000);

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 limits
2. Plans to be approved
3. Details of external materials
4. Landscaping scheme and implementation
5. Trees to be retained and protected

6. Landscape Management Plan
7. Provision and maintenance of on-site Greenspace
8. Replacement planting
9. Surface water drainage details
10. Foul water drainage details
11. Contamination details and remediation
12. Construction Method Statement
13. Vehicle spaces to be laid out
14. Cycle and motorcycle facilities
15. Approved visibility splays
16. Submission of renewable energy statement
17. Scheme for charging facilities for battery powered vehicles
18. Details to demonstrate compliance with accessible housing standards
19. Details of bird and bat roosting features

1.0 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel as this is a major and sensitive development. Cllr Lamb has also requested that the application is reported to Panel due to consistency.
- 1.2 The site forms part of a larger allocated site within the Site Allocations plan under housing policy HG2-227 and is a full planning application proposing 26 dwellings. A positive resolution to grant outline planning permission has already been made by the Council on this site, while the larger site within the same allocation also has a positive resolution to grant outline planning permission. Both outline applications are currently in the process of their respective Section 106 Agreements being finalised.
- 1.3 It is considered that the proposals, when considered against the land use allocation and the planning history, represent a sustainable form of development in accordance with the development plan and advanced SAP.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site lies to the north of HMP Wealstun, approximately 1.6km outside of Thorp Arch Village. The application site covers an area of approximately 0.9 hectares which consists of an area of hardstanding that previously accommodated the prison's welfare accommodation as well as open semi-improved grassland, scattered scrub and scattered trees.
- 2.2 During the 19th and 20th century the site was used as agricultural land until it was developed as part of the campus of the former Royal Ordnance Factory in the 1940s. The ROF was closed in 1958 and its main site developed into the Thorp Arch Trading Estate.
- 2.3 The area adjacent the north and west of the application site comprises residential dwellings. The existing housing stock is made up of 2-storey housing with the relatively new developments of Walton Chase and Woodlands Drive also located to the west. Members of the Plans Panel resolved to grant outline planning permission for 23 dwellings on this site (reference 16/03692/OT) which also forms part of the same HG2-227 allocation within the Site Allocations Plan. The adjacent site also forms part of the site allocation and Members of the Plans Panel also resolved to grant outline planning permission for up to 119 dwellings on this site (reference 17/07970/OT) at the meeting on 8th November 2018.

- 2.4 HMP Wealstun Prison is approximately 150m to the south of the Application Site. The prison campus features two levels of security, with a secure, enclosed institution forming the southern part of the prison and the open prison to the north. The northern boundary of the prison is formed by a 2m high chain link fence, with a newly planted group of young woodland structure planting on a bund in front of the fence.
- 2.5 To the east of the Application Site lies Thorp Arch trading estate, home of the British Library. The trading estate comprises business, retail and leisure facilities. A Site of Ecological Interest (designated as such within the UDPR) comprising un-managed young woodland and scrub on a raised bund is located to the south east, but outside of the Application Site.
- 3.0 PROPOSAL:**
- 3.1 Full planning permission is sought for the construction of 26 dwellings with associated greenspace and landscaping. The following documents are supplied in support of the application and have been considered:
- Design and Access Statement
 - Transport Statement
 - Planning Policy Statement
 - Arboricultural Report
 - Phase 1 Site Investigation
 - Flood Risk & Drainage Assessment
- 3.2 The application relates to a proposed residential development on land north of HMP Wealstun, Walton Road. The overall application site, which measures 0.9 hectares, has been put forward as a housing allocation within the advanced Site Allocation Plan (SAP). The SAP puts forward a target of 142 dwellings on the wider site with a total site area of 6.33 hectares forming the overall allocation. The combined 26 dwellings proposed under this current application and the 119 dwellings on the larger part of the allocation slightly exceeds the 142 dwelling allocation target. However, this figure is a minimum which should be achieved.
- 3.3 The identified site requirements within the proposed SAP allocation solely relate to the provision of an Ecological Assessment of the site, with potential requirements for mitigation measures, with a requirement for an associated biodiversity buffer to the south eastern boundary and a requirement that the land (designated as SEGI) not be transferred to private ownership. However, this relates to areas of land located on the larger parcel of land within the allocation, the subject of application no. 17/07970/OT.
- 3.4 The residential units are shown to be spread across the entire site, with a mix of detached, semi-detached and terrace properties, all of which are 2 storeys, with one housetype featuring dormers on the rear roofslope. The layout is similar to the indicative layout submitted as part of the outline scheme for 23 houses, with the Greenspace located to the eastern side of the site.
- 3.5 In terms of the proposed mix, the proposals can be broken down as follows:
- 9 x 2 bed houses (35%)
 - 6 x 3 bed houses (23%)
 - 11 x 4 bed houses (42%)

- 3.6 In terms of the design, the proposed dwellings are traditional in their form and would be constructed from brickwork with some rendered detailing and tiled roofs. Car parking is provided in the form of a mix of detached garages and open parking spaces located between dwellings which contributes to the gaps between dwellings and sense of spaciousness. The scheme also retains the only Category A tree within the site, with other trees being removed to facilitate the development being small self-seeded trees which do not contribute positively to the character of the area. The layout provides scope for significant replacement tree planting and landscaping.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 16/03692/OT- Outline Application for residential development for up to 23 dwellings. The Plans Panel resolved to grant permission at the Panel meeting on 15 June 2017. The Section Agreement is currently being progressed and permission will be granted upon completion.
- 4.2 16/0014/DEM - Determination for Demolition of Prison officers Social Club (Approved 15/01/2016)
- 4.3 17/07970/OT - Outline Application for residential development for up to 119 dwellings on the adjacent site. The Plans Panel resolved to grant permission at the Panel meeting on 8 November 2018. The Section Agreement is currently being progressed and permission will be granted upon completion.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A pre-application enquiry was submitted prior to the submission of this application and advice was provided based upon the submission for 34 dwellings.
- 5.2 Since the submission of the application which initially proposed 33 dwellings, officers have met with the applicants to discuss the scheme. Following negotiations on matters relating to the design, layout and highways issues, the scheme has been amended and reduced from 33 to 26 dwellings. The revised scheme has been subject to re-notification.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised as a major development. Site notices were posted around the site on 12 December 2018 and through publication in the Yorkshire Evening Post in a notice dated 18 December 2018. Following the receipt of revised plans, the application was re-publicised by site notice on 26 March 2019, with the re-consultation also including direct notification to all who had responded to the first wave of publicity in December. In total, 40 letters of objection have been received. A number of the objections received involve repetition of comments and subject matter. The objections raised are summarised as follows:

- Smaller houses with smaller gardens would be squashed together;
- Density inappropriate;
- Materials inappropriate in Thorp Arch and would have a detrimental impact on the area;
- Impact on local infrastructure, including schools, doctors, and dentist;

- Lack of school places;
- No shops in the area within walking distance and therefore unsustainable;
- Lack of public consultation;
- Proposal is over the 23 houses previously permitted by the Council;
- Proposal is contrary to policies within the Neighbourhood Plan;
- Proposal is well in excess of 23 houses for this site;
- Poor bus services;
- Increased traffic and congestion;
- Impact on parking;
- Impact on Thorp Arch bridge leading to Boston Spa;
- Dangerous for pedestrians;
- Size and mix of dwellings should reflect demand within the parish;
- Crime rate will increase;
- Increased noise and pollution;
- Insufficient greenspace;
- Lack of space for buffer planting;
- Contrary to Localism;
- Planning by stealth;
- Site is outside the LCC settlement hierarchy and does not comply with the Core Strategy;
- Applicant describes site differently and therefore lack of attention to detail;
- Overlooking of rear garden areas;
- Not sustainable.
- Existing property values will decrease.

6.2 Thorp Arch Parish Council have written in objection to the proposals and their comments can be summarised as follows:

- Unsustainable form of development;
- Criticism of the outline application for 119 dwellings on the adjoining site;
- Cumulative impact;
- Limited access to a range of facilities;
- Impact on local services and infrastructure;
- Increased congestion;
- Increase in density;
- Conflicts with the Neighbourhood Plan policies;
- Lack of children's play area;
- Supply of water facilities and the need to comply with conditions;
- Environmental impacts on the character of the area;

6.3 Walton Parish Council have written and object to the application on the following grounds:

- Traffic generated will have a direct effect on the village of Walton;
- Concerns over the escalation of housing numbers over the outline scheme, and therefore question the sustainability of the site;
- Overdevelopment of the site;
- Does not provide a mix of properties that the area needs;
- Would be contrary to Thorp Arch parish Council's Neighbourhood Plan;

6.4 The Thorp Arch Group (TAG) object to the application on the following grounds:

- Location of site not suitable for significant residential development;
- Contrary to the Neighbourhood Plan due to the increase in number of dwellings;
- Contrary to Core Strategy and Inspector's decisions on other sites.
- Parking issues;
- No practical way to enforce visitor parking;
- Development will result in a congested site;
- The affordable housing is located in one part of the site and only includes one parking space each;
- Inadequate layout;
- Density is too high.

7.0 CONSULTATION RESPONSES:

Statutory

7.1 LCC Highways

7.2 The overall off-street parking provision equates to 55 open surface spaces between 26 houses, therefore an average of 2.11 spaces per dwelling. In addition to this, there are a further 5 garage spaces and an area labelled W11 opposite plot 24. Plots 18, 19, 25 and 26 are two bedroom properties with 6 spaces between them. Visitor car parking can be accommodated on streets with a 5.5m width and it appears that adequate space would exist outside plots 1-11 and 15-18 (15 spaces) plus up to 4 cars adjacent plots 15 and 18 (8 spaces) without causing undue difficulty. Given the total available parking equates to more than 3 spaces per dwelling it would be difficult to justify a highway objection to the level of parking offered.

7.3 Whilst the layout is acceptable, the dimensions to some driveways could be altered to ensure they do not leave some cars either overhanging driveways or partly obstructing footways. The double width driveways to plots 9 to 12 should have a 6m width instead of the 5.4m proposed. The driveway lengths to plots 20, 21, 23 and 24 should be increased to 15m to allow 3 cars to be parked clear of the highway.

7.4 In terms of the access arrangements and impact on the local highway network, the proposals are considered to be acceptable.

Non-statutory

7.5 LCC Sufficiency & Participation Team – Children's Services)

It is considered that the build out rate will mean that the impact of 33 houses is minimal and therefore no objections are raised. *The scheme has since been reduced to 26 dwellings.*

7.6 LCC Environmental Studies – Transport Strategy

On examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements. Therefore in this case we do not require an acoustic assessment to be submitted.

7.7 West Yorkshire Police

WYP provide advice on matters relating to locks and windows in order to meet the Secured by Design standard.

7.8 Housing Growth Team

HGT advises the development is located within AH Zone 1 which has a 35% AH requirement over a threshold of 10 units. Within the proposed development of 26 dwellings, the Council would expect 9 units to be identified for Affordable housing. 40% of which should be Affordable housing for households on lower quartile earnings and 60% Affordable housing for households on lower decile earnings. For onsite provision, the developer should market affordable units to Registered Providers at the specified benchmark transfer prices, as outlined in the Affordable housing benchmark prices and rents in Leeds to the Council's approved schedule only.

The AH proposals meet adopted policy requirements for levels of affordable housing and this matter will be controlled through S106 agreement. Housing Mix and extra care requirements and recommendations would be addressed at the Reserved Matters stage.

7.9 Yorkshire Water

No objections subject to the imposition of conditions.

7.10 Flood Risk Management

Flood Risk Management advises that the drainage strategy for the foul and surface water have been agreed. This could be dealt with through conditions.

7.11 Ainsty Drainage Board

Provide technical details relating to surface water and discharge rates. No objections in principle are raised, subject to conditions.

7.12 LCC Landscape

Following revisions, it is considered that the proposed development is acceptable, subject to the imposition of conditions.

7.13 LCC Access Officer

The revised drawings have been assessed but they still show all entrances as being stepped. This would mean that the dwellings do not meet M4(1) which is the min standard for accessible housing which is mandatory under the building regulations and is referenced in our new Accessible Housing Policy H10. A planning condition is suggested to request all dwellings meet this in the absence of any information to suggest the topography of the site is steeply sloping which is the only exemption to this requirement for level access aka step free access.

7.14 West Yorkshire Combined Authority

WYCA advises the site is located within the recommended 400m from the nearest bus routes that operate on Walton Road. Bus services which operate on Walton Road and Street 5 include the 70/71 which operates between Wetherby and Leeds with some services extending to Harrogate at a 30 minute frequency. The bus availability for the site is therefore considered to be acceptable in the given circumstances. The size and scale of the development is unlikely to change the bus route of frequency. The closest bus stop on this corridor 14494 does not have a shelter. As part of this scheme, a bus shelter could be provided at the above named stop at a cost of £10,000 to the developer to improve the public transport offer. In addition a Real Time Passenger Information display could be provided at bus stop 10223 at a cost of £10,000 to the developer. In order to access these

stops, safe and direct pedestrian links are required. WYCA also require that the developer needs to fund a package of sustainable travel measures. A contribution therefore to a sustainable travel fund at a cost of £13,013.

7.15 LCC Contaminated Land

Advise no objections to the determination of the application subject to conditions concerning further information on ground investigations, amended reports, verification reporting, and controls on the import of soil which are matters proposed to be controlled through conditions.

8.0 RELEVANT PLANNING POLICIES:

The Development Plan

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 (2014), The Aire Valley Area Action Plan (2017), saved policies within the Leeds Unitary Development Plan (Review 2006), the Natural Resources and Waste Development Plan Document (2013), and any relevant (made) Neighbourhood Plan.

8.2 The proposed development has been considered in the context of the detailed policies comprised within the Development Plan. The site presently forms unallocated 'white land' on the Policies Map. The following documents and policies are relevant to the determination of this application:

- The Leeds Core Strategy (Adopted November 2014) (CS);
- Saved UDP Policies (2006), included as Appendix 1 of the CS;
- The Natural Resources & Waste Local Plan (NRWLP, Adopted January 2013).
- Thorp Arch Neighbourhood Plan

8.3 The following Core Strategy (CS) policies are relevant:

- Spatial policy 1 Location of development
- Spatial policy 6 Housing requirement and allocation of housing land
- Spatial policy 7 Distribution of housing land and allocations
- Spatial policy 8 Economic Development Priorities
- Policy H1 Managed release of sites
- Policy H2 Housing on non allocated sites
- Policy H3 Density of residential development
- Policy H4 Housing mix
- Policy H5 Affordable housing
- Policy P9 Community facilities and other services
- Policy P10 Design
- Policy P11 Conservation
- Policy P12 Landscape
- Policy T1 Transport Management
- Policy T2 Accessibility requirements and new development
- Policy G1: Enhancing and extending green infrastructure
- Policy G4 New Greenspace provision
- Policy G8 Protection of species and habitats

- Policy G9 Biodiversity improvements
- Policy EN1 Climate change – carbon dioxide reduction
- Policy EN2 Sustainable design and construction
- Policy EN5 Managing flood risk
- Policy ID2 Planning obligations and developer contributions

8.4 The Core Strategy sets out a need for circa 70,000 new homes up to 2028 and identifies the main urban area as the prime focus for these homes alongside sustainable urban extensions and delivery in major and smaller settlements. It also advises that the provision will include existing undelivered allocations (para. 4.6.13). It is noted that the application site falls within the Outer North East Housing Market Characteristic Areas identified in the Core Strategy. In terms of distribution 5,000 houses are anticipated to be delivered in the Outer North East Area. The Council have also carried out a selective review of some of the Core Strategy and this will include policies relating to housing, space standards and greenspace. This is the current position, and therefore will be subject to changes, including the advancement of the Site Allocations Plan and Core Strategy Selective Review, which are mentioned below.

8.5 Unitary Development Plan (UDP) saved policies of relevance are listed, as follows:

- GP5: General planning considerations.
- N23/N25: Landscape design and boundary treatment.
- N24: Development proposals abutting the Green Belt or open countryside
- N29: Archaeology.
- BD5: Design considerations for new build.
- ARC5: Archaeology
- T7A: Cycle parking.
- LD1: Landscape schemes

Natural Resources and Waste Local Plan (NRWLP)

8.6 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16 January 2013 and is part of the Development Plan. The NRWLP sets out where land is needed to enable the City to manage resources: e.g. minerals, energy, waste and water over the next 15 years, and identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and coal risk and recovery are relevant.

- Policy General 1 – Sustainable Development;
- Policy Air 1 – Management of Air Quality Through Development;
- Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
- Policy Water 1 – Water Efficiency;
- Policy Water 2 – Protection of Water Quality;
- Policy Water 6 – Flood Risk Assessments;
- Policy Water 7 – Surface Water Run Off;
- Policy Land 1 – Contaminated Land;
- Policy Land 2 – Development and Trees.

Site Allocations Plan

8.7 The site is identified for housing in the advanced Site Allocations Plan (SAP) Site Reference HG2-227. The wider site is earmarked for 142 units and includes the

former Prison Officers Social club site which has recently obtained a positive resolution from Plans Panel to grant planning permission for 23 dwellings (16/03692/OT). The remaining and larger parcel of the SAP allocation has also obtained a positive resolution from Plans Panel to grant planning permission for up to 119 dwellings (16/07970/OT).

- 8.8 Paragraph 48 of the Framework makes clear that the amount of weight given to relevant policies in emerging plans relates to a) how advanced the emerging plan is, b) the extent to which there are unresolved objections to relevant policies and c) the degree of consistency of those policies with the NPPF. Taking these factors into consideration: a) the SAP is at an advanced stage with consultation on Main Modifications (MM) being undertaken between 21 January and 4 March 2019. b) the Inspectors are content that the Main Modifications are those which are necessary to make the Site Allocations Plan sound having had regard to all the objections to the plan. The Inspectors at the time of writing are having regard to the consultation responses made on MMs, before reaching their conclusions on the soundness and legal compliance of the plan in their final report. The final report is expected to be published this month and adopted of the Sap is scheduled for July. The Inspector has raised no concerns in relation to site HG2-227. To that end, it is considered that the allocation of housing on the site can be afforded significant weight. The Inspector raises no issues of inconsistency with national guidance. The MMs that introduce Policy HGR1 and removal of phasing from the Plan, together seek to ensure minimal land is released from the Green Belt, whilst ensuring that suitable sites necessary to make housing provision for years 1 to 11 (2012-2023) of the current plan period (2012-28) are delivered. HG2-227 provides for local housing needs in the HMCA up to 2023.
- 8.9 Paragraph 73 of the NPPF sets out that LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. When measured against the Adopted Core Strategy housing requirement in Policy SP6 (at 4,700 homes per annum) the Council can demonstrate a 4.79 year supply of housing, inclusive of backlog and appropriate buffer as set out in the Housing Delivery Test. This is not the full 5 year supply as required by para 73 of the NPPF and under such circumstances it would be usual for paragraph 11 of the NPPF to be engaged and the most important policies for determining the application to be considered out of date for decision taking. Accordingly, the "tilted balance" of decision taking is relevant to this determination. The "tilted balance" is a matter of planning judgement and the weight to be given to local development plan policies is a matter for the decision taker.

Core Strategy Selective Review

- 8.10 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/ beginning of March 2019 and the Inspector's Main Modifications were issued on April 10th 2019. The advanced nature of this review is such that significant weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards
H10 – Accessible Housing Standards
G4 – Greenspace provision
EN1 – Carbon Dioxide reduction
EN2 – Sustainable Design and Construction
EN8 – Electric Vehicle Charging Infrastructure

8.11 Supplementary Planning Guidance/Documents

SPG10 Sustainable Development Design Guide (adopted).
SPG13 Neighbourhoods for Living and Addendum (adopted).
SPG22 Sustainable Urban Drainage (adopted).
SPG Greening the Built Edge
SPD Street Design Guide (adopted).
SPD Designing for Community Safety (adopted).

Neighbourhood Planning

8.12 The Thorp Arch Neighbourhood Development Plan 2017-2028 is a 'made' plan and therefore carries full weight in the determination process forming part of the overall development plan for this part of Leeds. Relevant policies include:

- Policy BE1: Design and development in the Conservation Area
- Policy BE2: Design and development outside the Conservation Area
- Policy BE3: Local Green Spaces
- Policy BE4: Protecting non designated heritage features
- Policy CNE1: Protecting countryside character
- Policy CNE2: Green corridors:
- Policy CNE3: Public rights of way
- Policy CNE4: Enhancing biodiversity:
- Policy H1: Residential development
- Policy H2: Housing type and mix
- Policy CF1: Retention and provision of community and recreational facilities

8.13 Neighbourhood Plan Background

8.13.1 By way of background, prior to its' examination, the draft Thorp Arch Neighbourhood Plan identified the application site as a desired area for green space provision, with community aspirations to establish allotments, a football pitch and a new footpath, identified as site 'K' within the draft plan. In response to the inspectors question as to whether the designation of site K would place a blanket restriction on the site that would affect its potential in the emerging Site Allocations Local Plan, the Local Authority commented that:

8.13.2 *"The proposed housing allocation indicates that the site has a capacity of 142 units. The proposed local green space designation would significantly restrict the potential capacity of the site and consequently the housing needs for the wider area (Outer North East HMCA) would not be met to the detriment of achieving sustainable development. The proposed Local Green Space designation is therefore not supported." "The Council feels that blanket designation of the whole of site K as Local Green Space would not be compatible with the development of the site for housing but an amended Neighbourhood Plan policy could set out a greenspace site requirement for that site in the event that it is allocated through the Site Allocations Plan."*

8.13.3 The Green Space Background Paper which forms part of the evidence base to the submission draft Site Allocations Plan identifies that the Outer North East housing market area and Wetherby ward specifically are deficient of a number of green space typologies (parks and gardens, allotments and natural green space). 71% of

the green space sites in the Outer North East area are below the required quality score, which indicates that there is a marked issue of substandard green space provision across the housing market area. It was noted by the inspector that onsite green space provision calculated in accordance with Policy G4 of the Core Strategy would result in 1.14 ha of green space.

- 8.13.4 The Inspector resolved to determine that Planning Practice Guidance is clear that neighbourhood plans should avoid placing blanket restrictions on sites that would prevent them being considered for housing development unless they are supported by robust evidence. NPPF paragraph 76 (2012 NPPF) states that the designation of sites as Local Green Space should be consistent with the local planning of sustainable development and investment in sufficient homes. The inspector resolved that Site K is part of a site that has been included in the Submission draft Site Allocations Plan for housing development to meet the strategic needs of outer north east Leeds and that its designation as a Local Green Space does not have regard to national policy, would not meet the Basic Conditions and, should the site be allocated for housing development in the Site Allocations Plan there will be a need to include some greenspace within the site.
- 8.13.5 Consequently the site and the adjoining development site is not allocated as a local green space within the made Neighbourhood Plan, despite the original intention to allocate it as such.
- 8.13.6 It is also worthy to note that both the Boston Spa and Walton Neighbourhood Plans have been made and therefore form part of the development plan. The application lies outside the boundaries of both Neighbourhood Plan areas, but in any event, does not conflict with the objectives or aspirations of either of these plans.

National Planning Policy Framework (NPPF 2019)

- 8.14 The NPPF compliments the requirement under section 38(6) of the 2004 Act that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was updated on 19 February 2019 and sets out the Government's planning policies for England and how these are expected to be applied, alongside other national planning policies. The NPPF seeks to boost the supply of (sustainable) housing whilst prioritising the reuse of previously developed land, and sets out the presumption in favour of sustainable development.
- 8.15 Paragraph 213 of Annex 1 (Implementation) of the NPPF advises to the effect 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 NPPF policies, the greater the weight they may be given.
- 8.16 The overarching policy of the Framework remains the presumption in favour of sustainable development, in respect of which the three dimensions remain (economic, social and environmental). These are considered below.
- 8.17 NPPF paragraph 12 makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, and that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plan forming part of the development plan) permission should not usually be granted.

- 8.18 Paragraph 12 is to be considered in the context of NPPF paragraph 11 and decision taking. First, for the purposes of paragraph 11(c), the Development does not accord with the up-to-date Development Plan, and so this is not a case in which national policy advises that the Development should be approved without delay (or at all).
- 8.19 Paragraph 11(d) advises, in relevant part, that where policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.20 For the purposes of NPPF paragraph 12 therefore, the Development must be in accordance with the Development Plan in order to be approved unless material considerations indicate otherwise. This reflects the statutory test.
- 8.21 Paragraph 14 states that in situation where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, subject to a number of criteria.
- 8.22 Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 72 advises that the supply of large number of new homes can offer be best achieved through planning for large scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
- 8.23 Chapter 8 relates to promoting healthy and safe communities, with paragraph 91 advising that planning policies and decisions should aim to achieve healthy, inclusive and safe places. It is also important that a sufficient choice of school places is available to meet the needs of existing and new communities, as advised by paragraph 94. Planning policies and decisions should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, as required under paragraph 98. Furthermore, paragraph 96 advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 8.24 By NPPF paragraph 111 it is advised that development that generates significant amounts of movement should be supported by either a Transport Statement or Transport Assessment. By NPPF paragraph 108(a), opportunities for sustainable transport modes should be explored. So far as possible, under paragraph 110(a) priority should be given to pedestrian and cycle movements and to ensuring access to high quality public transport services. Under paragraph 110(c) NPPF places should be created that are safe, secure and attractive that minimise the scope for conflicts between traffic and cyclists or pedestrians. The safety of the road user is also a general consideration which naturally underpins the promotion of sustainable transport and which must fall to be considered, for the purposes of NPPF Chapter 9.
- 8.25 NPPF paragraph 117 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 122 advises that policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing; local market conditions and viability; the availability and capacity of infrastructure and services; the desirability of maintaining an area's

prevailing character and setting; and the importance of securing well-designed, attractive and healthy places.

- 8.26 Chapter 12 concerns achieving well design places, with paragraph noting that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).
- 8.27 Chapter 14 relates to climate change and flooding, with paragraph 153 advising that in determining planning application, local planning authorities should expect new development to comply with any development plan policies for decentralised energy supply unless it can be demonstrated that it is not feasible or viable and take account of the landform, layout, building orientation, massing and landscaping to minimize energy consumption. Paragraph 163 advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.28 Chapter 15 relates to conserving and enhancing the natural environment. Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment. With regard to habitats and biodiversity, paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) of significant harm to biodiversity result from a development cannot be avoided, adequately mitigated or compensated for, then permission should be refused; b) development on land within or outside a SSSI and which is likely to have an adverse effect on it should not normally be permitted; c) development resulting in the loss or deterioration of irreplaceable habitats; and d) development whose primary objective is to conserve or enhance biodiversity should be supported.
- 8.29 Annex 1 to the NPPF (Implementation) includes paragraph 213 which is to the effect 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 NPPF, the greater the weight that may be given. The degree of consistency between relevant, existing policies and the proposed development has been appropriately considered. Paragraph 48 frames the process for applying weight to emerging policy which is of relevance to the SAP (of which there is a Submission Draft, and which is at a very advanced stage following four years of detailed assessment and consultation, including with local people).
- 8.30 As above, from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer, the greater the weight that may be given).

8.31 In February 2019, the Government published its revisions to the National Planning Policy Framework. The revisions focus on the housing land supply assessments and methodology; clarification of Habitat Regulations Assessment and definitions in glossary relating to “deliverable” and “local housing need”.

Planning Practice Guidance

8.32 In respect of planning obligations (including Sec.106 Agreements) it is set out that “Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind” (para: 001).

DCLG - Technical Housing Standards 2015:

8.33 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. This is now at an advanced stage and can be given significant weight. As such, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

9.0 MAIN ISSUES:

Principle of Development
Affordable Housing
Housing Mix and Density
Highways and Transportation
Design & Layout
Impact on Living Conditions
Other Matters
Compliance with the Neighbourhood Plan
Section 106 Obligations and CIL
Consideration of Objections

10.0 APPRAISAL

Principle of Development

10.1 The application seeks full planning permission for a residential development comprising 26 dwellings. The site is part previously developed and part greenfield and sits between the villages of Walton and Thorp Arch and adjacent to Wealstun Prison. The site is not allocated within Unitary Development Plan (Review 2006), but allocated as a housing site under Policy HG2-227 within the advanced Site Allocations Plan (SAP).

- 10.2 The NPPF at paragraph 49 indicates that housing applications should 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. Paragraph 14 of the NPPF confirms that a 'presumption in favour of sustainable development; should be seen as the 'golden thread' running through the planning process. It goes on to confirm that for decision taking this means that where relevant policies are out of date, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in this Framework indicate development should be resisted.
- 10.3 The NPPF advises that LPAs should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing supply against their housing requirements. Deliverable sites should be available now, be in a suitable location and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. Sites with planning permission should be considered deliverable until permission expires subject to confidence of delivery.
- 10.4 The Council does not currently have a five year land supply and won't have one until Adoption of the revised Submission SAP. This has been evidenced at several s78 Appeals over the past 18 months.
- 10.5 As outlined earlier, the Core Strategy policies relating to housing land supply are considered to be out of date if a five year supply of deliverable housing sites cannot be demonstrated. Notwithstanding this, the local planning authority have undertaken a selective review of the Core Strategy which involves reviewing and updating the housing policies, as well as carrying out their Site Allocations Plan which is at a very advanced stage.
- 10.6 At present, it is therefore clear that the Council has not got a five year supply of deliverable housing site. This therefore lends weight to the principle of residential development as paragraph 11 of the NPPF notes that in making decisions local planning authorities should apply a presumption in favour of sustainable development. The guidance then advises that for decision makers this means approving proposals that accord with an up-to-date development plan without delay, or the policies which are most important for determining the application are out-of-date, granting planning permission unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Frameworks taken as a whole. This referred to as the tilted balance.
- 10.7 The lack of a 5 year supply of deliverable housing sites and lack of any other harm, lends weight in support of the proposal which could deliver much needed housing in the short term. It is located in a reasonably sustainable location, given the scale of development proposed, where infrastructure already exists to absorb the pressure for additional residential development.
- 10.8 In terms of more up to date policy, the site is part of an allocated site (HG2-227) for residential development in the Site Allocations Plan (SAP) which is at an advanced stage. This should therefore be afforded significant weight in the decision making process. Furthermore, the Plans Panel have made positive resolutions to grant outline planning permission on two applications that overall form the entire SAP allocation. Indeed, the Plans Panel resolved to grant outline consent on the current

application site (16/03692/OT) to establish the principle of residential development as well as means of vehicular access. Whilst outline planning permission has yet to be granted as the Section 106 Agreement has not been completed, this is a material planning consideration which should be afforded significant weight.

- 10.9 Whilst a condition was agreed to be included within the outline approval stipulating a maximum of 23 dwellings within the site, through any subsequent Reserved Matters, that in itself should not be a barrier for an applicant to propose additional housing above this number, unless there are sound planning reasons for such an increase in the amount of housing units. In any event, the housing numbers set out within the SAP are minimum housing units to be achieved.
- 10.10 Given the above factors, namely the SAP allocation and the planning history including the positive resolutions by the Plans Panel, and in applying the tilted balance, it is considered that the principle of residential development on this site is acceptable.

Affordable Housing

- 10.11 Core Strategy Policy H5 identifies the affordable housing policy requirements. The site lies within Affordable Housing Zone 1 on Map 12 of the Core Strategy. The affordable housing requirement is 35% of the total number of units, which equates to 9 units. The applicant proposes that 35% of the total number of dwellings on site are affordable and is agreeable to a S106 obligation in this regard.
- 10.12 In total, nine 2 bedroom affordable houses are proposed. The quality and design of the affordable units are considered to be equal to the open market dwellings. The provision of these affordable houses would be secured through a S106 agreement.

Housing Mix and Density

- 10.13 In terms of housing type, the schedule of accommodation submitted with the application proposes a mixture of two, three and four bed dwellings but no flats. In terms of housing size, the schedule envisages no one bed units, 35% two bed units, 23% three bed units and 42% four bed units, so the proposed mix would be between the minimum and maximum targets set out within Policy H4. The proposal would have no flats in relation to policy H4 and housing type, against a minimum of 10%. However, the area is not characterised by flats and therefore there are no policy reasons to insist upon this type of accommodation.
- 10.14 For smaller settlements a minimum density of 30 dwellings per hectare is required under Core Strategy policy H3, unless there are overriding reasons concerning townscape, character, design, or highway capacity. The development is calculated at 36 dwellings per hectare and therefore meets the policy requirements. It is also slightly denser than the scheme within the outline application, but is considered to be in keeping with the general character of the area.

Highways and Transportation

- 10.15 This planning application has been submitted proposing vehicular access from Grange Avenue, and is identical to that submitted as part of the outline application for 23 dwellings. The access road would then feed into two smaller cul-de-sacs leading to private driveways and garages. Therefore, the vehicular access arrangements into the site are considered to be acceptable.

- 10.16 In terms of traffic generation, the proposal results in an increase of 3 dwellings above the outline scheme which proposed 23 dwellings. It is not considered that an increase in 3 dwellings, resulting in a total development comprising 26 dwellings would result in a significant increase in vehicular trips. Therefore, having regard to the positive Panel resolution for the outline scheme, it is not considered that the current scheme for 26 dwellings would have a detrimental impact on the local highway network, on Thorp Arch Bridge or any other nearby junctions.
- 10.17 The proposed layout has been designed to adoptable standards under Section 38 of the Highway Act 1980. The layout, parking, servicing and bin areas are all considered to be acceptable and in accordance with the Leeds Street Design Guide. Adequate car parking is provided in garages and open car parking areas and located in appropriate locations so as to avoid the appearance of a car dominated development. At the time of writing this report, minor changes were requested to some of the parking areas and it is envisaged that a revised plan will be submitted before the Panel meeting to address these minor concerns.
- 10.18 West Yorkshire Combined Authority (WYCA) have requested that the applicant contributes towards a Travel Plan review fee, Residential Travel Plan Fund and public transport infrastructure improvements (to promote sustainable travel) with funding secured under the terms of a Section 106 Agreement. These are considered to be agreed matters and set out with the Section 106 section of this report.

Design & Layout

- 10.19 An indicative masterplan was been submitted as part of the previous outline application for 23 dwellings. This illustrated how the site could be developed and built out for a development comprising up to 23 dwellings. One vehicular access point is proposed from Grange Avenue which then splits into two separate cul-de-sacs. The area of Greenspace is located to the eastern side of the site and accessed from Rudgate Park. However, over time, and once the adjoining larger allocation is developed, the Greenspace will be integrated into the wider development and accessible from all directions.
- 10.20 The general layout is considered to be well connected with dwellings adequately spaced to ensure that the development does not appear cramped. Parking spaces are generally located to the sides of the majority of the dwellings rather than on the street frontage to avoid the appearance of a car dominated development. Development plan policies note that special consideration should be given to the prevailing character and density of the surrounding area in order to ensure that the development will not be at odds with and harmful to that established residential character. However, it must be said that the character of the houses within Rudgate Park to the north and other dwellings to the west of the opposite side of Walton Road are mixed, with no one style or character prevailing. However, houses are generally 2 storey with brick being the dominant material housing. Houses within Rudgate Park typically have white horizontal timber cladding at their upper level. Furthermore, there are some 3 storey town houses to the west. The simple form and design of the proposed houses are considered to be acceptable in this location and compliant with the development plan policies.
- 10.21 It is also important that the development and layout of this site does not compromise the ability for the adjoining site to be developed and vice versa. It is also important that the scale and design of both sites are read as one. It is

considered that there are no reasons to doubt that both sites could be well integrated and would lead to a well designed attractive residential environment. In summary therefore, it is considered that based upon the submitted scheme, the proposed layout and design is acceptable and would provide a development which would positively contribute to the character of the area.

Impact on Living Conditions

- 10.22 Based upon the proposed details of the residential development of 26 dwellings on this site it is considered that an acceptable scheme would be achieved without having a detrimental impact on the living conditions of existing residents in terms of loss of privacy, overdominance and loss of sunlight and daylight. The residents who could be potentially most effected would be those located on Grange Avenue and Rudgate Park. However, adequate separation distances have been demonstrated on the submitted plans and show compliance with the guidance set out within Neighbourhoods for Living.
- 10.23 In terms of the amenity to be afforded to potential future residents of the development, based upon the submitted details, it is considered that a well-designed layout in the manner shown would give new residents a pleasant and attractive living environment. The provision of the Greenspace to the east of the site, would also provide residents with an accessible and well designed amenity area. Adequate private garden areas would be created for all dwellings which would comply with the guidance within Neighbourhoods for Living. Furthermore, all dwellings are in compliance with the National prescribed Minimum Standards and Policy H9 of the CSSR.
- 10.24 In terms of compliance with Policy H10 of the CSSR, negotiations have been on going with the applicants and the Council's Access Officer to ensure that the development meets the required standards. The applicant has confirmed that they will always aim to deliver M4(1) standards to all plots where site topography allows and will deliver at least 30% to meet M4(2) wheelchair accessible plots, and would expect to do so on this site. While the floorplans show compliance with the policy, the elevations show a stepped access. The applicant has confirmed that the drawings will be amended to demonstrate compliance with the policy and therefore an update will be provided at Panel to provide the latest position on this matter.

Other Technical Matters

Flood Risk & Drainage

- 10.25 Core Strategy Policy EN5 relates specifically to flood risk and states that the Council will manage and mitigate flood risk by utilising a number of measures. With relevance to the residential developments these include:
- Avoiding development in flood risk areas, where possible, by applying the sequential approach and mitigation measures outlined in the NPPF;
 - Protecting areas of functional floodplain from development;
 - Requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigation where appropriate;
 - Reducing the speed and volume of surface water run-off as part of new build developments;

- Making space for flood water in high flood risk areas;
- Reducing the residual risks within Areas of Rapid Inundation.

- 10.26 In terms of the Natural Resources and Waste Local Plan, Policy WATER 3 requires that development is not permitted on the functional floodplain, while Policy WATER 4 states that all developments are required to consider the effect of the proposed development on flood risk, both on-site and off-site. Within Zones 2 and 3a proposals must pass the sequential test, make space within the site for storage of flood water and not create an increase in flood risk elsewhere. Policy WATER 6 provides technical guidance on what flood risk assessments need to demonstrate in order for the LPA to support new development. Finally, Policy WATER 7 relates to surface water run-off which seeks to ensure that there is not increase in the rate of surface water run-off to the exiting drainage system with new developments. New Development is also expected to incorporate sustainable drainage techniques wherever possible.
- 10.27 The planning application is supported by a preliminary drainage layout and is located outside of a flood risk area, and neither has the site been known to flood. No objections have been received from the statutory consultees, subject to the use of conditions requiring a drainage scheme to be agreed. Subject to the use of conditions, it is considered that the development can be adequately drained, and the site itself is not at undue risk of flooding nor would unduly increase the risk of flooding elsewhere and is therefore policy compliant in these regards. In dealing with the outline application, no flooding or drainage concerns were raised.

Ecology

- 10.28 In terms of ecology, Policy G8 states that development will not be permitted which would seriously harm any sites designated of national, regional or local importance or which would cause any harm to the population or conservation status of UK or West Yorkshire Biodiversity Action Plan Priority species and habitats. Policy G9 seeks that new development demonstrates that there will be a net gain for biodiversity, that development enhances wildlife habitats and opportunities for new areas for wildlife and that there is no significant impact on the integrity and connectivity of the Leeds Habitat Network. The majority of the application site is not the subject of any planning policy designation for its nature conservation interest. The site of the proposed development comprising the hardstanding of the former social club and previously mown grassland, and is not of itself of significant nature conservation value. Biodiversity enhancements in the form of bird and bat roosting features to dwellings and/or trees can be secured by condition, in line with the requirements of Core Strategy policy G8 and guidance contained within Section 15 of the NPPF. Subject to such a condition there is no evidence that the proposal would harm protected species or their habitats and as such is policy compliant in these regards.
- 10.29 The site does however adjoin a Site of Ecological or Geological Importance at the woodland to the immediate south-east; this land is within the current ownership of Homes England. This is designated as a Site of Ecological or Geological Importance (SEGI 029). The woodland is to be retained with a long term management and enhancement plan proposed, which would be secured by condition. This has been dealt with by application reference 17/07970/OT.

Land Contamination

- 10.30 With regard to contamination, the Council's contaminated land team recommends Phase I and Phase II desk studies be required, together with any necessary remediation statements, in recognition of the sites former uses. The HCA have

responded to this point to confirm that they have tendered for site investigation works and accept the need for the use of Grampian conditions in this regard in view of the more sensitive residential end use proposed. It is not considered that contamination would preclude the grant of planning permission on this previously developed site and it is therefore policy compliant in this regard, subject to the use of conditions. No such issues were raised in dealing with the outline application.

Compliance with the Neighbourhood Plan

- 10.31 The wider area is covered by three separate Neighbourhood Planning Areas, each of which have a 'made' neighbourhood plan in place. These form part of the adopted development plan for Leeds and therefore carry full weight in the decision making process and should be considered in the determination of any particular planning application falling within the Plan area. The application site sits within the area of Thorp Arch and consequently within the Thorp Arch Neighbourhood Planning Area. Other Neighbourhood plans cover the villages of Boston Spa to the south west and Walton to the north.

Thorp Arch Neighbourhood Plan

- 10.32 The Thorp Arch Neighbourhood Plan 2017 - 2028 was 'made' on 30 January 2017, and therefore forms part of the development plan for Leeds. The Plan sets out the vision and objectives for the Neighbourhood Plan Area and contains a number of policies which are split into topic areas, as well as listing a number of projects and inspirations. The Neighbourhood Plan objectives are:

- To maintain and enhance the historic character of Thorp Arch.
- To maintain and enhance key landscapes, natural habitats and biodiversity.
- To provide new residential development that is well designed and that delivers housing that meets the needs and aspirations of the local community, with adequate parking and open spaces.
- To create an improved and safer environment for moving around the parish.
- To maintain and improve accessibility, to improve and increase recreational and social amenities.
- To support local businesses and improve opportunities for new business development.

- 10.33 Policy H1 of the Plan relates to residential development and states:

"The site of the former social club is a housing commitment and the Council resolved to approve outline planning permission in June 2017 for 23 dwellings on the site subject to the approval of reserved matters and a s106 Agreement. Proposals for development of any residential site should seek to incorporate the following design features (access to green spaces, contain their own green spaces, reflect local design, and provide adequate car parking)."

- 10.34 The Neighbourhood Plan does not seek to put forward any housing allocations, but merely factually acknowledges and accepts that the council has resolved to grant permission on part of this site for 23 houses, and therefore on this basis accept the principle of development.
- 10.35 The Plan also sets out a number of thematic policies, in addition to H1 above, which are set out at paragraph 8.10 of the previous report to Panel, also appended

to this report. The Plan also sets out a number of projects and aspirations for the future. These include:

- P1 – Children’s play area and equipment: To be located on land adjacent to Thorp Arch Grange (1.09ha);
- P2 – New cycle track: To link housing areas in the north-east with Thorp Arch;
- P3 – New sports facilities including a new playing field and allotments: This is proposed to be allocated on the site which is now the subject of this planning application;
- P4 – Thorp Arch and Boston Spa Cricket ground and facilities: To purchase the land to secure its use for sport and the community in perpetuity;
- P5 – Improvements to facilities, infrastructure and visitor information in Thorp Arch Village: To include various visual and physical improvements and enhancements;
- P6 – Rudgate Park – Improve screening of TAE entrance road and the British Library: To include heavy tree planting
- P7 – Realign the pathway and road into All Saints Church; and
- P8 – New footpath for a section of Ebor Way.

10.36 In terms of the details of the submission, the application site provides on-site greenspace. The proposal is considered to satisfy Policy H2 ‘Housing Type and Mix’ in providing a mix of house types and dwelling sizes which seeks meet local housing needs, in particular downsizing.

10.37 The adjacent site and application no. 17/07970/OT seeks to provide an area of allotments which has been illustrated on the respective submitted plans. This proposal could meet one of the Neighbourhood Plan’s proposed projects (P3) for re-establishing a playing pitch and providing allotments. Whilst the Neighbourhood Plan is clear that the projects list does not form part of the policy framework, such measures would contribute towards meeting Core Strategy Policy G6 (iii) in demonstrating a clear relationship to improvements of existing green space quality in the locality. Other project aspirations in the Neighbourhood Plan are provided for by the adjacent Homes England application; these include the reinstated footpath, enhanced cycle connections and on-site public open space. It should be noted these are aspirations in the Neighbourhood Plan, not policy-based requirements. As such, it is not considered that the proposed development and the adjacent development proposals are contrary to any policies of the Neighbourhood Plan, and is, in fact, in conformity to it.

Section 106 Obligations and CIL

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

- Affordable housing at 35% (9 dwellings) on site;
- Residential Travel Plan fund £13,013 (£500.50 per dwelling);
- Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £23,000);

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

- (i) necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
- (ii) directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
- (iii) fairly and reasonably related in scale and kind to the development. Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

10.40 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations offered by the developer include the following:-

- Affordable housing at 35% (9 dwellings) on site. This is in line with Core Strategy Policy H5.
- A contribution towards a Sustainable Travel Fund is required to reduce the reliance on the use of the private car and to encourage other sustainable forms of transport, such as use of buses, walking and cycling in accordance with the guidance within the NPPF and policies within the development plan.
- Public Transport Infrastructure improvements (i.e. bus shelter and real time passenger information display of £23,000). This is considered to meet the CIL Regulations.

10.41 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). The CIL contribution generated by this development will be approximately £160,000.

Consideration of Objections

10.42 The issues raised by the objections received have been considered within the relevant sections of the report. A children's play area will be secured as part of the larger allocated development site. The application has taken into consideration Localism and has had regard to the made Neighbourhood Plan. There is no evidence to suggest that crimes rates would increase as a result on the proposed development. Retail facilities exist within the nearby village of Boston Spa and market town of Wetherby, with bus services available with bus stops in very close proximity to the site. The impact on property prices and values in not a material planning consideration.

11.0 CONCLUSION:

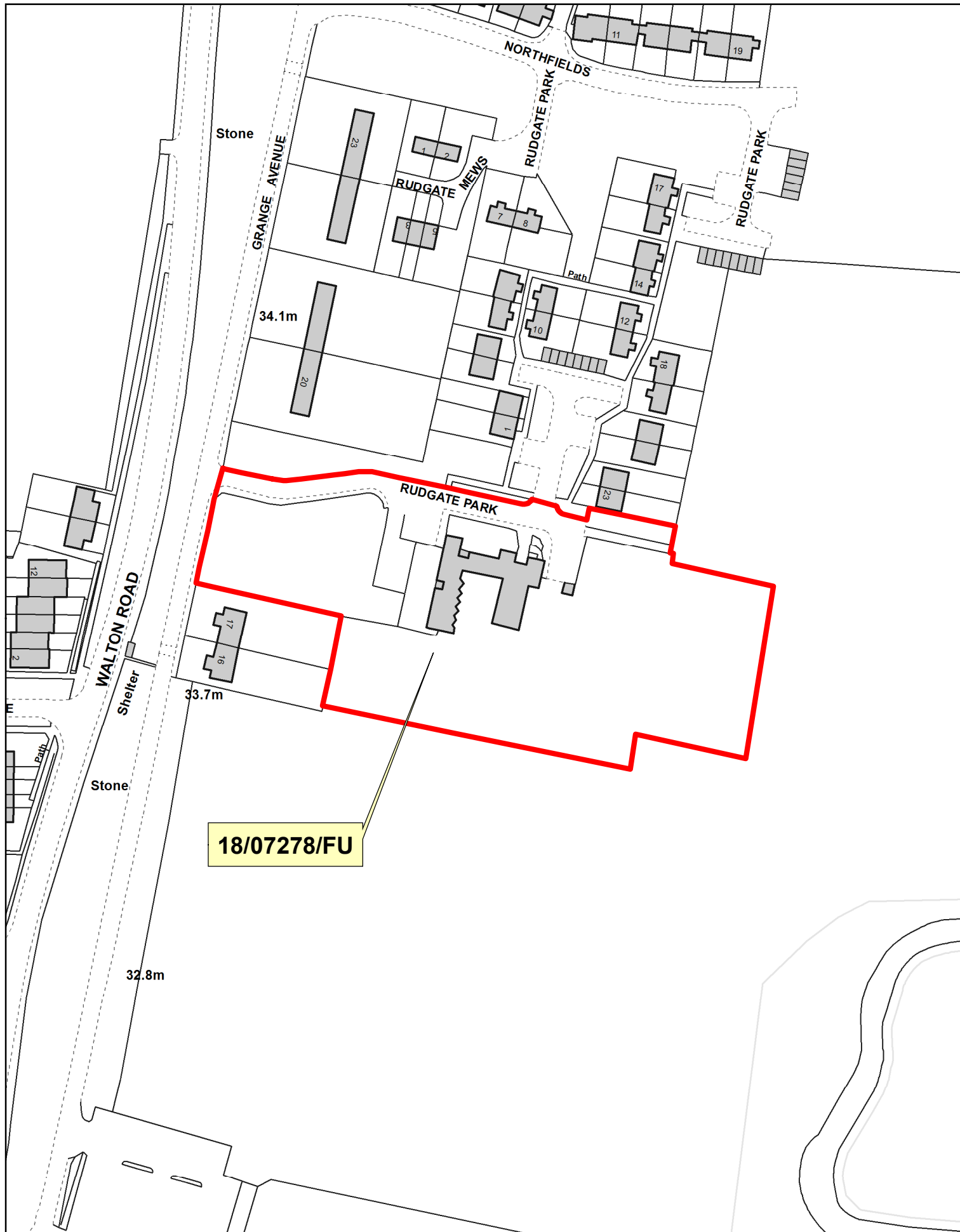
11.1 The proposed scheme is considered to be acceptable given the SAP allocation and the positive resolution to grant outline planning permission for residential development on this site and the adjacent site. The proposal would therefore deliver additional housing in the short term, including the provision of much needed affordable housing. It would provide an acceptable form of development in terms of its design and layout, and would not raise any harmful impacts. The proposal is

therefore policy compliant, when considered against relevant policy documents when read as a whole, and is considered to represent a sustainable form of development. The benefits of delivering new housing in this sustainable location are considered to outweigh any limited harm identified, and is therefore compliant with paragraph 11 of the NPPF and relevant policies contained within the development plan. On this basis the application is recommended for approval.

Background Papers:

Application file and files 16/03692/OT and 17/07970/OT

Certificate of Ownership: Certificate A signed

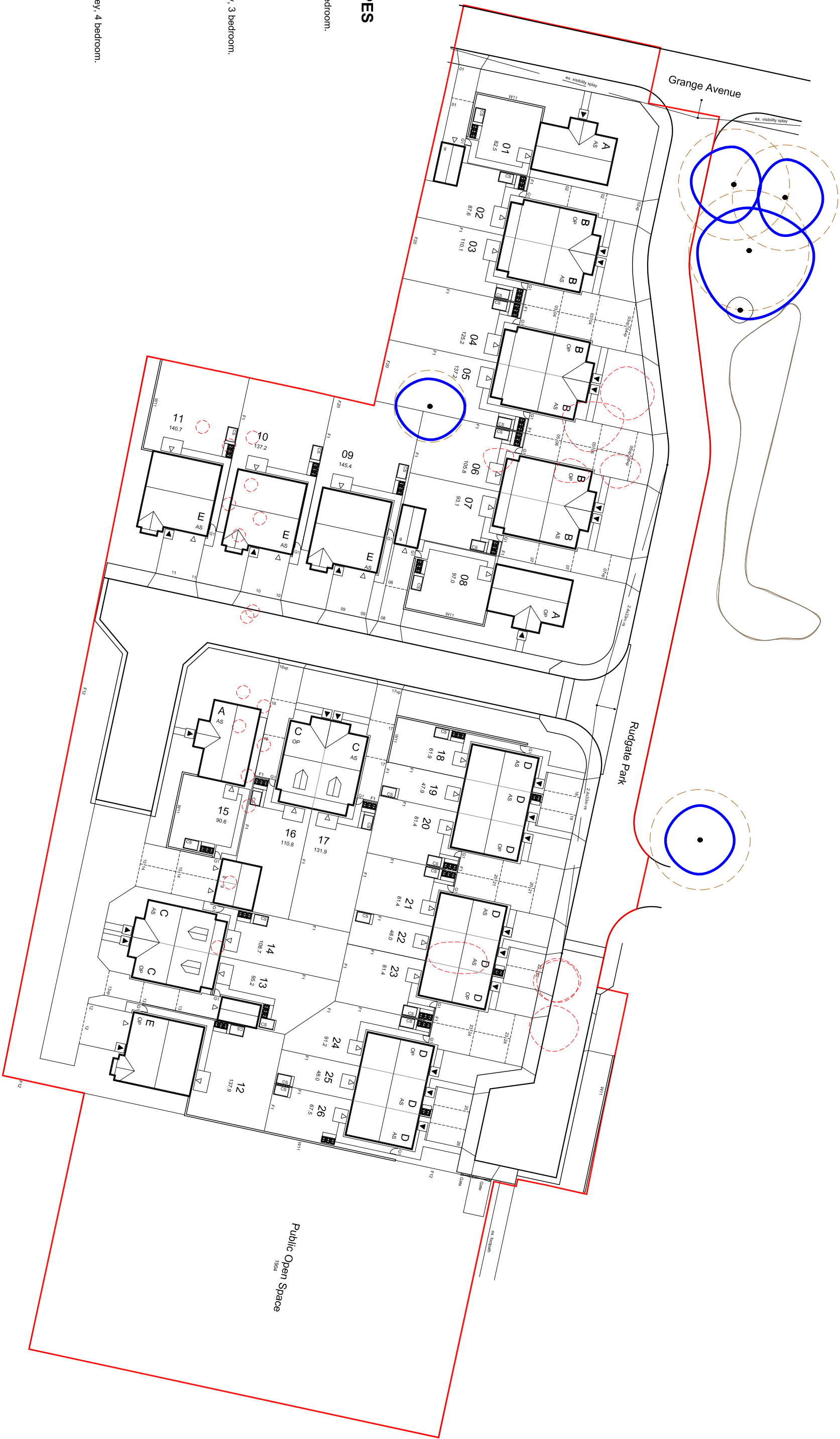


NORTH AND EAST PLANS PANEL

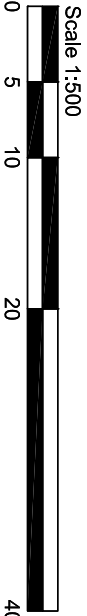
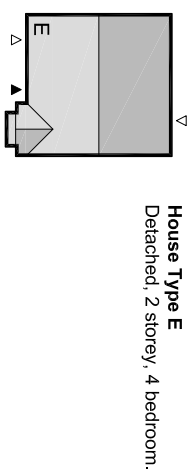
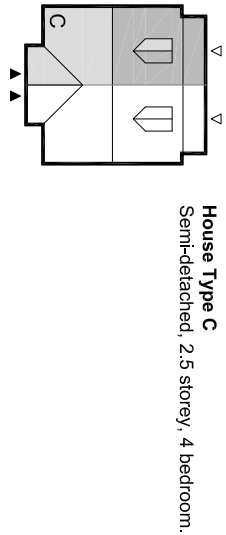
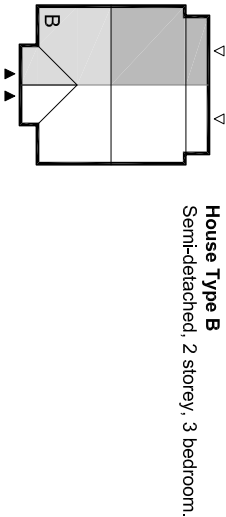




West
East
Sun path



SCHEDULE OF HOUSE TYPES



WARNING TO HOUSE-PURCHASERS.

Purchasers are warned that this is a working drawing and the contents of this drawing may be subject to change at any time and alterations and variations can occur during the progress of the build process. As such the layout, form, content and dimensions of the finished construction may differ materially from those shown. Whilst we make every effort to ensure our drawings are up to date there may from time to time be a need to make changes to the drawings. Purchasers are advised to check with the Sales Representative or the Planning Department whether any alterations have been made to this drawing. The contents of this drawing do not constitute a contract, part of any contract or warranty.

LEGEND

	Existing trees to be retained Category A - Green, Category B - Silver, Category C - Grey
	Trees to be removed
	Min. root protection zone, (RPZ) refer to arboricultural report.
	1.8m high timber screen fence.
	0.9m high 3 rail timber fence.
	1.8m high timber screen fence.
	1.8m high timber screen fence.
	1.8m high screen wall with timber fence infill panel.
	1.8m high timber gate
	1.8m high timber gate
	5 bar field gate
	0.45m high timber knee rail.
	Primary entrance door with mobility threshold & 1.2 x 1.2m level landing.
	Cycle / Garden Store inc. hard standing. (refer to detail reference SD-17-986)
	Hard standing for recycling / refuse bins, 3no. Standard Local Authority 240lt wheeled bins. Exact location subject to individual plot levels.
	The vehicular access gradient shall not exceed 1 in 40 (2.5%) for the first 15m and 1 in 20 (5%) thereafter, unless otherwise agreed in writing by the Local Planning Authority / Local Authority Section 36.
	The gradient of the pedestrian access shall not exceed 1 in 20 (5%), unless otherwise agreed in writing by the Local Planning Authority / Local Authority Section 36.
	The gradient of all ditches shall not exceed 1 in 12.5 (8%), unless otherwise agreed in writing by the Local Planning Authority
	Any tree, shrub or plant not shown to be retained is to be removed.

D 28.03.19 Layout amended and number of units reduced from 27 to 26.
Revisions

PLANNING



building homes • creating futures

Chartford Developments Ltd
The Tannery
91 Kirkstall Road
Leeds
LS3 1HS
Tel 0113 237 2900
Fax 0113 237 2901

Proposed Residential Development
at
Grange Avenue
Thorp Arch
Wetherby
Leeds
LS23 7BB
DEVELOPMENT PLAN

Area	Drawing No. 072-PD-01
Date Sept 18	Rev D
Scale 1:500@A2	



Originator:	Sarah Woodham
Tel:	0113 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 19/00835/FU- Alterations including raised roof height to form habitable rooms; two storey part first floor side/rear extension at 22 Park Lane Mews, Shadwell, Leeds, LS17 8SN

APPLICANT	DATE VALID	TARGET DATE
Mr A Jonisz	25 February 2019	20 th May 2019

<p>Electoral Wards Affected:</p> <p>Chapel Allerton</p> <div> <input type="checkbox"/> Yes Ward Members consulted (referred to in report) </div>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:
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1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Roofing and walling materials to match the existing
4. No insertion of windows
5. The proposed ensuite window in the rear elevation of the dwelling shall be obscure glazed.

1.0 INTRODUCTION

- 1.1 The application is brought to North and East Plans Panel at the request of Councillor Harrand. His reasons are loss of light or overshadowing will directly impact upon several neighbouring properties by blocking light. The heightening of the roof and bringing out the rear elevation by 4m is clearly going to have a material impact on the overbearing, overshadowing and overlooking of the garden and property at No 24. Overlooking/loss of privacy will reduce privacy to house opposite, particularly the new gable ended 2nd floor which will look directly into No 24's upper floor and ground floor windows. Visual amenity (but not loss of private view) due to the position of No 22 in the Mews it is the most visually dominant house already. The design and scale of the proposal would cause it to appear as an incongruous addition and the wider

visual harm would be significant. Adequacy of parking/loading/turning parking is an existing issue within this small infill development and any habitation of this size would create further long term additional parking and access problems. Parking on the Mews is currently an issue, to the extent that the Council have written to homeowners regarding difficulties surrounding refuse collection due to the amount of cars parked along the road.

- 1.2 The Officer Delegation Scheme sets out that a Ward Member can request that an application in their ward be referred to the relevant Plans Panel. The Scheme sets out that *“The request must set out the reason(s) for the referral based on material planning consideration(s) and must give rise to concerns affecting more than neighbouring properties...”*. Whilst Councillor Harrand raises objections to the impact of the development on neighbours wider character and highway safety concerns are also raised. In light of this it is considered that the terms of the Scheme are met and it is appropriate to refer the application to Plans Panel for determination.

2.0 PROPOSAL

- 2.1 The proposal is for alterations including raised roof height to form habitable rooms and a two storey part first floor side/rear extension. The increased ridge height will be approx. 500mm from the existing ridge line, changing the roof design at the front and rear from a hipped roof to a gable roof. At ground level the extension will project out 3m beyond the rear wall of the dwelling.
- 2.2 The first and second floor area of the extension will project from the rear elevation approx. 4m therefore being in line with the ground floor. The two storey side/rear element of the extension will be set 6.8m behind the existing front elevation of the main dwelling. The side element of the extension will be set below the ridge line by approx. 1.3m.

3.0 SITE AND SURROUNDINGS:

- 3.1 The proposal relates to a detached property constructed in red brick and features a pitched roof. The site is located within a predominantly residential area and the surrounding dwellings are similar in terms of the type, form, materiality and character. To the front of the property is garden space consisting predominantly of a small grassed area. To the side, lies a driveway leading to an attached garage which is to be retained. To the rear is 13m deep garden area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/01640/FU - First floor side/rear extension – Withdrawn - 22.07.2015
- 4.2 30/13/97/FU - Two storey rear extension – Withdrawn - 04.04.1997

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was originally advertised by Neighbour Notification Letters that were issued on 25th February 2019.

6.2 15 letters of objection were received from neighbouring properties. The concerns raised are:

- Out of character/out of keeping
- Extension far too big for the plot
- Overlooking
- Overshadowing/loss of light
- Negative impact on the character of the estate
- More parked cars
- Increase in roof height will stand out
- Impact on the value of properties
- Impact upon the right to light

7.0 CONSULTATIONS RESPONSES:

7.1 None received

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

8.2 The Development Plan for Leeds comprises the Adopted Core Strategy (November 2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood development plan.

Adopted Core Strategy

8.3 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered most relevant:

Policy P10: Seeks to ensure that new development is well designed and respect its context.

Saved UDP policies:

8.4 Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
Policy BD6: All alterations and extensions should respect the scale, form, detailing and materials of the original building.

Relevant Supplementary Planning Guidance includes:

8.5 Supplementary Planning Guidance “Householder Design Guide” (HDG) – that includes guidance that the design and layout of new extensions and that they should have regard to the character of the local area the impact on their neighbours.

HDG1: All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality. Particular attention should be paid to:

- i) the roof form and roof line;
- ii) window details;
- iii) architectural features;
- iv) boundary treatments and;
- v) materials.

Extensions or alterations which harm the character and appearance of the main dwelling or the locality will be resisted.

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over dominance or overlooking will be strongly resisted.

National Planning Policy (NPPF)

- 8.6 The National Planning Policy Framework (2019) 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. NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 Section 12 of the NPPF – Requires good design.
- 8.9 The Planning Practice Guidance (PPG) provides comment on the application of policies within the NPPF. The PPG also provides guidance in relation to the imposition of planning conditions. It sets out that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable, precise and; reasonable in all other respects. The Neighbourhood Planning Act 2017 requires that for all applications determined after October 2018 any pre-commencement conditions are agreed in advance with applicants.

9.0 MAIN ISSUES

- Character and Appearance
- Residential Amenity
- Parking

10.0 APPRAISAL

Character and Appearance

- 10.1 The proposal is for alterations including a raised roof height to form habitable rooms

in the roofspace and a two storey part first floor side/rear extension. The increased ridge height will be approximately 500mm over the existing ridge height. The existing hipped roof to the front and rear would be converted to a gabled finish to assist in the creation of two additional bedrooms within the roofspace. A number of roof lights are proposed in the roof slope. The side and rear extension will appear sufficiently subordinate and proportionate to the main building. The subordination will be achieved by the first floor area of the extension having a reasonable width and the ridge line of the two storey side extension being set below that of the revised main roof and the front wall at first floor level being set back from the front elevation of the main building by approximately 1.3m. The roof design of the existing porch will be altered to a mono-pitch roof and as such will be more in keeping within the immediate street scene; more so with the removal of the canopy to the front. The use of matching materials will ensure that the proposal will tie in with the main building and be policy compliant. The subordinate nature of the first floor side element area of the extension ensures that the proposal will not harm the spatial character of the area and that a terracing affect will be minimised should the occupiers of the adjacent dwelling seek to extend in a similar manner.

- 10.2 This property is at the entrance of this part of Park Lane Mews. The property is detached from the other properties. Given the relatively modest increased ridge height and the location of the property it is not considered that the proposal will negatively impact the character of the immediate street scene. There are a number of properties that have gabled roof finishes and gabled front porches within the immediate street scene. There is also some variation in ridge and eaves heights between properties. It is considered that the proposal complies with Policy P10 of the Core Strategy, which seeks to ensure that new development is designed taking into account its context, and it is considered that it complies with saved Policies GP5 and BD6 which seeks to ensure alterations to buildings are designed with consideration given to both their own amenity and the amenity of their surroundings. The proposal will also comply with policy HDG1 of the Householder Design Guide as the scale, form and proportions of the extensions proposed pay due regard to the character and appearance of the main dwelling and the area.

Residential Amenity

- 10.3 In relation to potential overlooking, the proposed windows in the front and side elevation will overlook the highway and will not offer views of the private area of the neighbouring dwellings. The views out from the ground floor windows of the rear elevation will be obstructed by the boundary treatment. The bedroom windows of the rear elevation will be located around 13m away from the rear boundary (which is in excess of the requirement set out in the HDG) and thus it is considered that the proposal will not unduly overlook the private amenity space of the dwellings located beyond the rear boundary. The proposed shower room will be obscure glazed due to the nature of the room. Within the roofscape there are a number of roof lights these will serve bedrooms 4 and 5, bathroom and a store area. The roof lights will face onto Park Lane Mews and would not adversely impact upon neighbouring properties private amenity space.
- 10.4 The extension at ground floor will have a modest 3m projection beyond the rear wall of the main dwelling, given the existing set back at first floor the projection will be 4m bringing this in line with the ground floor extension. The two storey rear/side extension will be set in line with, and not project beyond the rear of, No 20 Park Lane Mews and as such will not impact the neighbouring property in terms of dominance or overshadowing. Therefore, it is not considered that the extensions will have a negative impact on the garden area or the internal spaces of No 20 by way of

overshadowing or dominance. The proposal is considered to comply with policies GP5 and HDG2.

Parking

- 10.5 Off street parking will not be altered by this proposal. Therefore, it is considered that the proposal will not raise on street parking issues.

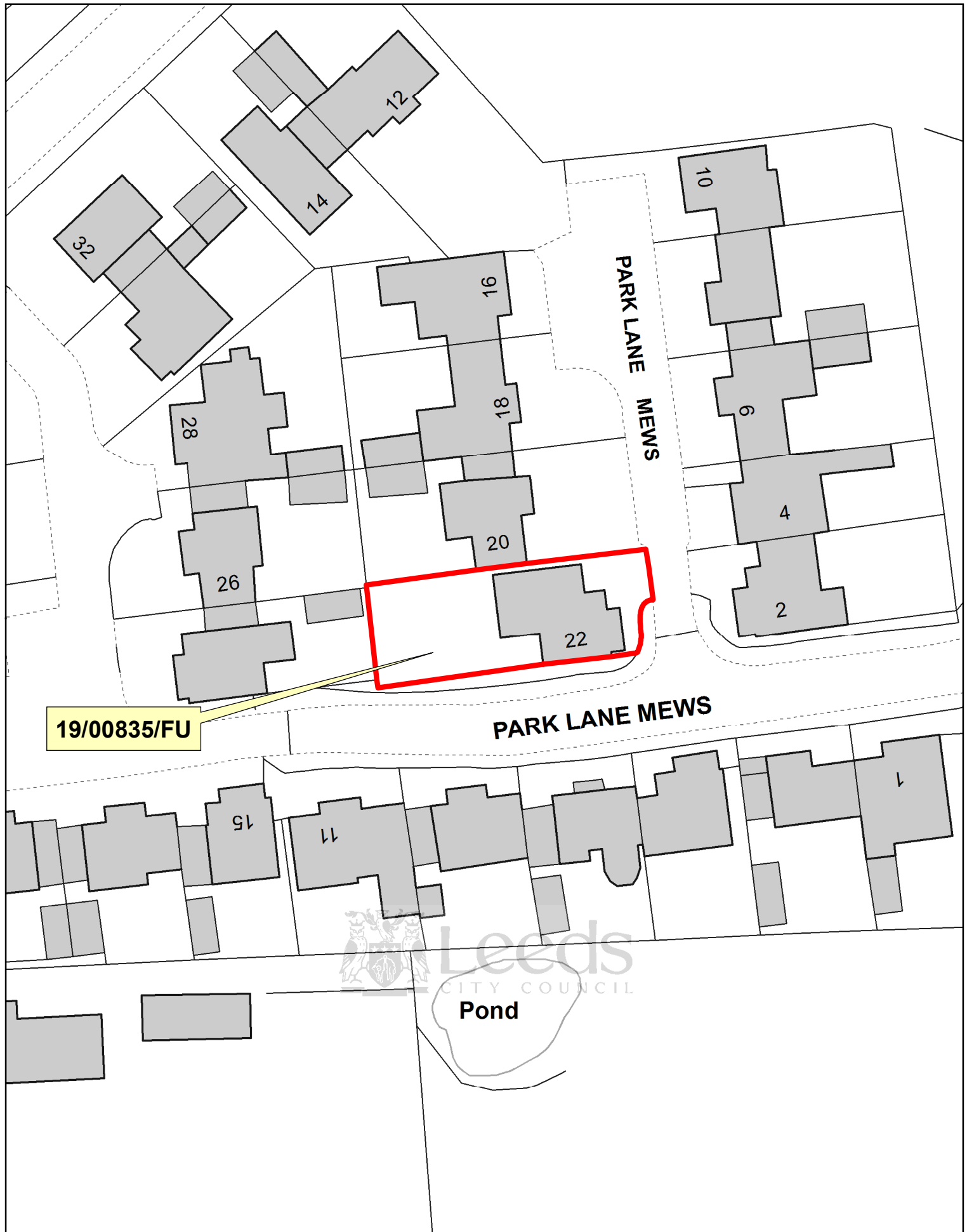
11.0 CONCLUSION

- 11.1 In light of the above, it is considered that the design, scale and height of the development are acceptable within the immediate context and will not harm the character or the appearance of the area. Furthermore, the proposal will not result in any on street parking issues. As such, the proposed scheme is considered to be compliant with the relevant policies and guidance detailed within this report and subject to the conditions listed at the head of this report approval is recommended.

Background Papers:

Application file: 19/00835/FU

Certificate of ownership: Certificate 'A' signed by the Agent



NORTH AND EAST PLANS PANEL

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Originator:	Umar Dadhiwala
Tel:	0113 2224409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 18/07670/FU – Change of use from single dwelling house (C3) to small HMO (C4) at 20 Roundhay Mount, Chapeltown, Leeds, LS8 4DW.

APPLICANT
Mr M Blackman

DATE VALID
08.01.2019

TARGET DATE
5th March 2019

Electoral Wards Affected:

Chapel Allerton

☐ Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. Details of cycle storage facilities to be submitted and approved
4. Details of bin stores to be submitted and approved
5. Layout to be maintained in accordance with approved plans (i.e. no more than 6 bedrooms)

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of the Chapel Allerton Ward Councillors who have cited a range of concerns and impacts arising from the proposed House in Multiple Occupation (HMO) use which are summarised under para.6.2 of this report. The councillors raise material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

2.0 PROPOSAL:

- 2.1 The applicant seeks planning permission to change the use of a property on Roundhay Mount from a dwellinghouse currently occupied in the C3 planning use class to a small house in multiple occupation (HMO) (between 3-6 occupants) in the C4 planning use class.
- 2.2 The plans show six bedrooms and includes one communal living room space, two kitchens and three toilets/ washrooms.
- 2.3 As part of the scheme additional roof lights are proposed, which will provide a source of outlook and sunlight for the bedrooms in the roof.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located in an area that is predominantly residential in nature and is characterised by red brick terraced and semi-detached properties.
- 3.2 The application property is situated on the south-western side of Roundhay Mount, Chapeltown (which falls within the Chapel Allerton ward area) and is a semi-detached, late Victorian property. The front of the property faces onto Roundhay Mount.
- 3.3 The property features a small front garden which is enclosed by a low wall and hedge. To the rear is much larger garden area. There is a drive for parking to the side. On-street parking is prevalent within the area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 12/03542/FU- Change of use and alterations of basement to a self-contained flat. Refused for the substandard amenity offered for future occupants.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been publicised by means of site notice posted 17.01.2019 and by way of Neighbour Notification Letters Posted 09.01.2019
- 6.2 A letter of representation received from the Chapel Allerton Ward Members stating objection to the proposals on the following summarised grounds:
- There is already a high concentration of flats and HMO's in the Chapel Allerton area. Larger family homes are needed.
 - To continue to introduce HMO's will undermine the balance and health of communities.
 - The area has high levels of unemployment.
 - There is already an issue with parking in the area and the proposal will make the problem worse.
 - There should be a parking space for each flat and on the current plan the proposal does not provide any off road parking spaces.

- The kitchen/lounge/dining area is far too small for the number of potential residents, this is being proposed as a 5 double sized room HMO and if fully occupied could house 10 people.

7.0 CONSULTATION RESPONSES:

7.1 Highways: No objections, subject to conditions

7.2 Flood Risk Management: No objection

8.0 PLANNING POLICIES:

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Local Plan DPD and any made Neighbourhood Plan.

Local Plan

8.2 The Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

Policy H6 – HMOs, Student Accommodation and Flat Conversions. The relevant part of the policy is set out below:

Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation (HMOs), Development proposals for new HMOs will be determined:

- (i) To ensure that a sufficient supply of HMOs is maintained in Leeds,
- (ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
- (iii) To avoid detrimental impacts through high concentrations of HMOs that would undermine the balance and health of communities,
- (iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,
- (v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMO's

8.3 The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

- GP5 - Development control considerations are all to be resolved, including impact on amenity being considered.
- Policy BD6 – Alterations should have regard to original building.
- Policy T7A – secure cycle parking facilities

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Parking SPD (January 2016)

Other Relevant Local Documents

- 8.5 Other relevant local documents include:
- LCC Advisory Standards for Houses in Multiple Occupation (January 2012)

National Planning Policy Framework

- 8.6 A revised NPPF was published by the Government's Ministry of Housing, Communities and Local Government in February 2019. The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 8.7 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Article 4 Direction – C3 to C4

- 8.8 The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 Direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.
- 8.9 The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.

- 8.10 Revised guidance contained within 'Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995 November 2010' in relation to the use of Article 4 directions for this purpose was published by the government on the 4th November 2010. This guidance states that Article 4 directions can be used where the exercise of permitted development rights would 'undermine local objectives to create or maintain mixed communities'.
- 8.11 The council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available. However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.
- 8.12 The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
- Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative impacts on the physical environment and streetscape
 - Pressures upon parking provision
 - Increased crime
 - Growth in private sector at the expenses of owner-occupation
 - Pressure upon local community facilities and
 - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population
- 8.13 In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.
- 8.14 The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area but simply dis-applies permitted development rights and requires each instance of a proposal to be assessed as a planning application in the usual manner. That is, planning applications which are required by the Direction will be assessed against national and local planning policies.

9.0 MAIN ISSUES:

1. Housing Mix and Balanced Communities
2. Design and Character
3. Highways
4. Public Representations

10.0 APPRAISAL:

Housing Mix and Balanced Communities

- 10.1 The existing property is occupied as a dwellinghouse under the C3 planning use class. The application site is not allocated for any specific purpose within the city council's development plan and is located within the established residential area of Chapeltown with ready access to public transport to the nearby local and national town centers. The conversion of the property to an HMO would retain its use for residential purposes and this would be compatible with the predominantly residential surroundings. On the case officer's site visit, the properties along Roundhay Mount and adjacent streets appeared generally well kept with no obvious signs of HMOs or negative impacts on the physical environment and streetscape, including parking provision.
- 10.2 Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) is the relevant local planning policy for this development proposal and Part A of that policy specifically relates to the creation of new HMOs. It is recognised that policy relates to HMOs occupied by all individuals and not solely those occupied by students. Part A of Policy H6 aims to ensure:
- (i) a sufficient supply of HMOs is maintained in Leeds;
 - (ii) HMOs are located in areas well connected to employment and educational institutions associated with HMO occupants;
 - (iii) the detrimental impacts through high concentrations of HMOs are avoided where this would undermine the balance and health of communities;
 - (iv) to ensure that the proposal address relevant amenity and parking issues; and
 - (v) this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.3 Broadly, the policy approach seeks to tackle types of accommodation that have resulted in housing and population imbalances in certain parts of the city. The policy's wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities.
- 10.4 Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:
- (i) A search of LCC Council Tax records and the database of HMO Licenses issued by LCC shows that there are few HMOs in this part of Chapeltown with two HMO's present on the opposite row of terrace and three properties immediately to the rear of the site on Harehills Avenue. Otherwise, individual HMO properties are infrequently located on streets further afield. Whilst it is noted that some unlicensed properties could be present, the loss of this individual property from the existing family housing stock is not considered to have a significant impact on the availability of family housing in the area as many still exist. Arguably, the conversion of the dwelling to form an additional HMO would assist in improving the choice of housing types and tenures in this part of Chapeltown and satisfies this policy criterion.
 - (ii) The property is situated within a well-established residential area with close links to local centres and the City Centre and links to educational establishments. Thereby, it is considered that the proposal complies with this particular policy criteria.
 - (iii) In assessing the impact on a 'community', Policy H6 should not be assessed on a single street basis but on a wider community area. As searches of the LCC Council Tax records, HMO License database and planning permission reveal

most of the surrounding houses remain occupied by families, couples and single people. HMO properties are lightly spread within the community. The application site does not fall within a part of the city that is recognised to have a high concentrations of HMOs, such as areas within Hyde Park, Headingley or Woodhouse - where some streets contain up to eighty or ninety percent HMOs. Such circumstances led to the formation of planning policies over the past decade to address such severe housing and population imbalances. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. For these reasons, the proposal would not result in an unacceptable increase of HMOs in the locality which would undermine the balance and health of communities. Accordingly, this proposal is considered to satisfy this policy criterion.

- (iv) Leeds UDP Policy GP5 aims to protect amenity including neighbouring amenity. Core Strategy policy P10 aims to protect general and residential amenity and it is recognised that HMOs can impact on neighbouring amenity in a number of ways. The government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Response' notes that this can include through anti-social behaviour, noise and nuisance. In the subject property the internal layout shows six bedrooms. The overall intensity of its use would therefore unlikely to be materially different from occupation as a single family dwelling. There may be a different pattern of comings and goings, and occupants may lead different lifestyles, but it is not considered that in this instance the accommodation available would create unacceptable situation in terms of potential noise and disturbance concerns for adjoining residents such as to justify refusal on these grounds.

The submitted floor plans show that the envelope of the building is able to accommodate six bedrooms and the internal layout shows a communal areas comprising of two kitchens, a living room and three bathrooms. These spaces are considered to be of good size for communal use given the number of rooms proposed. As such it is considered that the HMO would provide adequate accommodation for future occupants of this type of housing choice.

There is one bedroom proposed in the basement, with limited outlook. Natural light will be provided by way of a window in the front elevation which is set above ground level and a side elevation window. It is also noted that the ground level of the site drops down towards the rear and that there is a lower ground level access door and window that overlooks the garden and provides a good source of outlook and sunlight for the basement level living room that faces the rear garden. There are also bedrooms in the roof. One of the two bedrooms will be served by a conventional window. In the other bedroom room, two roof lights are proposed to allow adequate sunlight and outlook.

The occupiers will have access to a good size private garden and which is larger than the typical garden found within the area. The proposal will have sufficient space to accommodate ancillary items such as bins and cycle storage and details of the cycle storage shall be secured by planning condition. A condition covering bin storage is not considered necessary as the proposal is not considered to differ greatly from the existing arrangements.

Roundhay Mount contains an arrangement of terrace houses and the occupiers are entirely reliant on space being available on-street in which to park their vehicles. The identified property is a five bedroom dwelling which brings with it

its own parking demand and this would be balanced against the parking requirements for a six bedroom HMO. On this basis, the Highway Officer considers that a highway objection would be difficult to justify and officers concur with this assessment.

- (v) In regard to concerns relating to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs, the determination of this point relates to whether the area has an existing high concentration of HMOs. As commented above, the immediate area does not have a high concentration of HMO type accommodation and predominantly offers terraced housing which is generally suitable for family occupation. In this particular instance, it is not considered that the proposal would unacceptably reduce the stock of family housing in this street and the local area and this policy criterion is satisfied.

- 10.5 Further to the above considerations, it is noted that the supporting text to Policy H6 states that: *“In the interpretation of H6A (iii) it is recognised that some streets (or part of a street) may already have such a high concentration of HMOs that the conversion of remaining C3 dwellings will not cause further detrimental harm. Also, in the interpretation of H6A (v) it may be the case that the remaining C3 dwellings would be unappealing and effectively unsuitable for family occupation. In such circumstances policy H6A would not be used to resist changes of use of such dwellings to HMOs”*. It is clear that the vast majority of properties in Roundhay Mount and adjacent streets are occupied in the C3 planning use class and are of a size and location which would be suitable for family occupation. As such it is not considered that the aforementioned exemption to the policy would be applicable.
- 10.6 Overall, it is considered that the proposal would not make a significantly harmful contribution to wider housing mix and community balance concerns so as to justify a refusal. As such the proposal is considered to comply with Core Strategy Policy H6 and the guidance contained within the NPPF.

Design and Character

- 10.7 The proposed external alterations which include the insertion of roof lights in the roof, are considered to be a fairly minor alteration to the scheme which do not raise visual amenity concerns.

Highways

- 10.8 It is noted that any change of a standard dwelling to some form of variation on that theme is likely to potential intensify the use of the property. However, as an existing 5 bedroom house the number of residents it could accommodate would be broadly similar to that now applied for. It is arguable that a family occupying such a property is likely to have children who are not old enough to drive and own their own vehicle whereas multiplicity of occupiers could potentially own a vehicle each. This, however, is not something which can be predicted with any certainty and in both scenarios the level of vehicle ownership will vary widely over time. The Highways Officer has evaluated the scheme in terms of the on street parking demands that the proposal may generate and has not raised any issues, subject to the conditions recommended being attached to the decision notice.

Public Representation

- 10.9 The comments made by the Ward Councillors with regards to the high concentration of HMO's in the Chapel Allerton area and with regards its impact on the health of community, have been discussed in the report.
- 10.10 The comments made in relation to the high levels of unemployment in the area, is noted. However, it is not considered that there is a direct correlation between the levels of employment in the area and HMO's.
- 10.11 The concerns in relation to on street parking have been evaluated by our Highway Team, who has raised no concern with the application.
- 10.12 The comments made with regards to the size of the proposed kitchen/lounge/dining area is noted. It is considered that the size of the rooms are considered to be adequate for the needs of the HMO.
- 10.13 The Ward Councillors also raise concerns that once the property is fully occupied the proposal could house 10 people. The permission only allows for six people to live at the property at any one time. In an event that more people are found to be living at the property enforcement action can be taken.

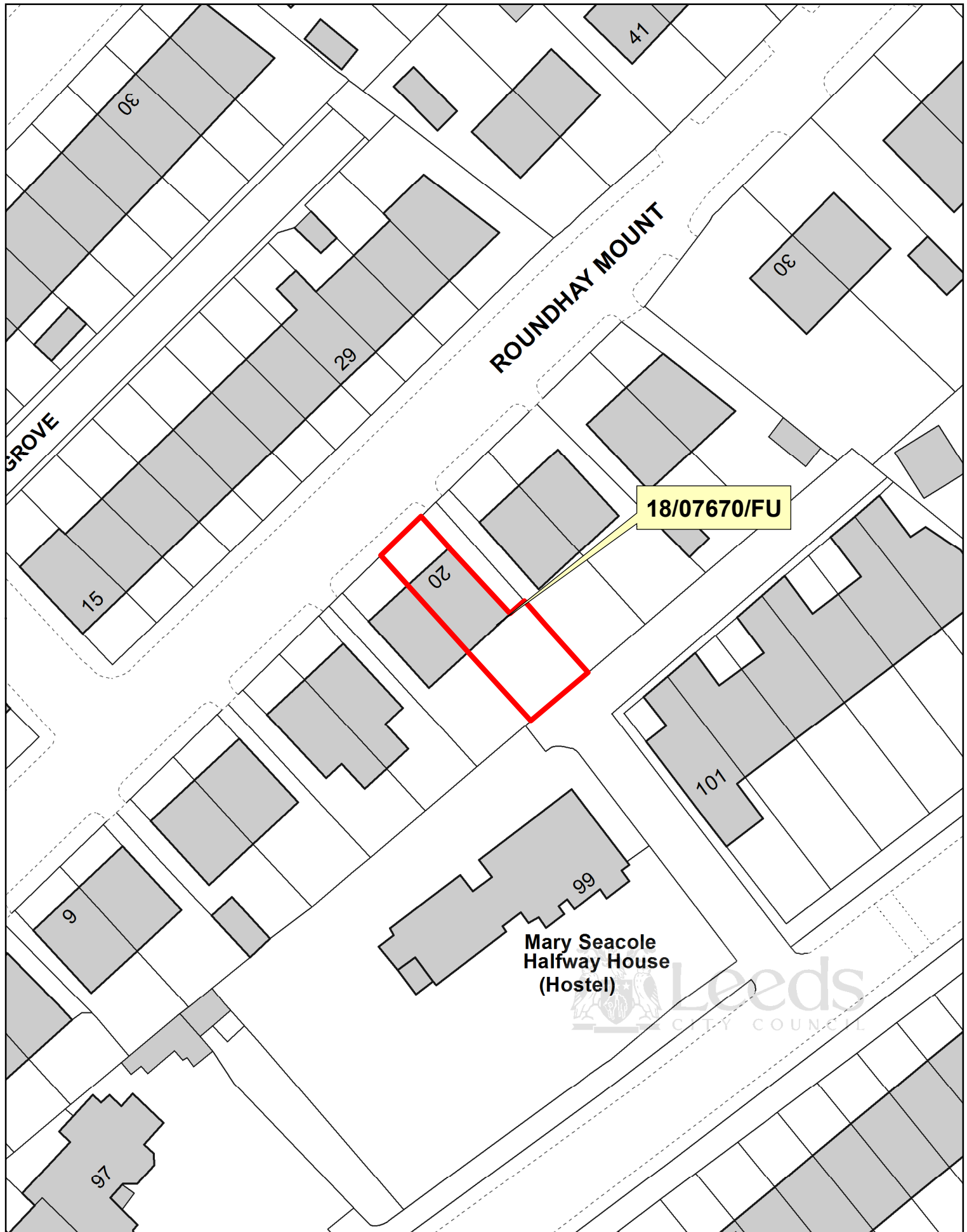
11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report, it is concluded that the proposed change of use from a C3 dwelling to a C4 HMO along Roundhay Mount would not result in an unacceptable increase of HMOs in the locality that would undermine the balance and health of the community and would not unduly impact on the residential amenity of highway network of the locality. It is therefore considered to accord with up-to-date planning policies within the Development Plan with no material considerations to indicate otherwise. In accordance with guidance within the NPPF and the local planning policy guidance, it is recommended that the application be approved subject to conditions.

Background Papers:

Application file - 18/07670/FU

Certificate of Ownership – Cert A signed by the applicant



NORTH AND EAST PLANS PANEL

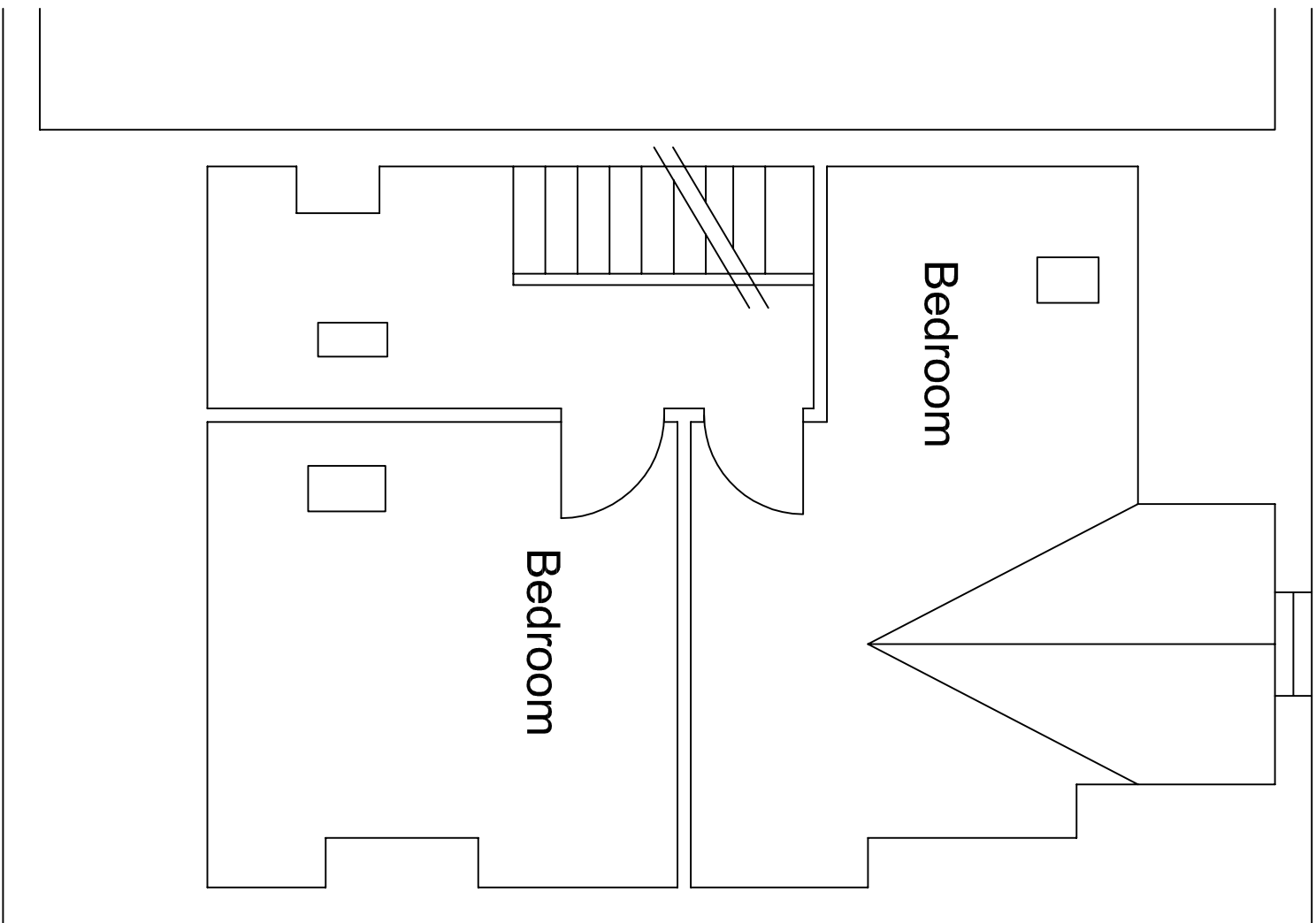
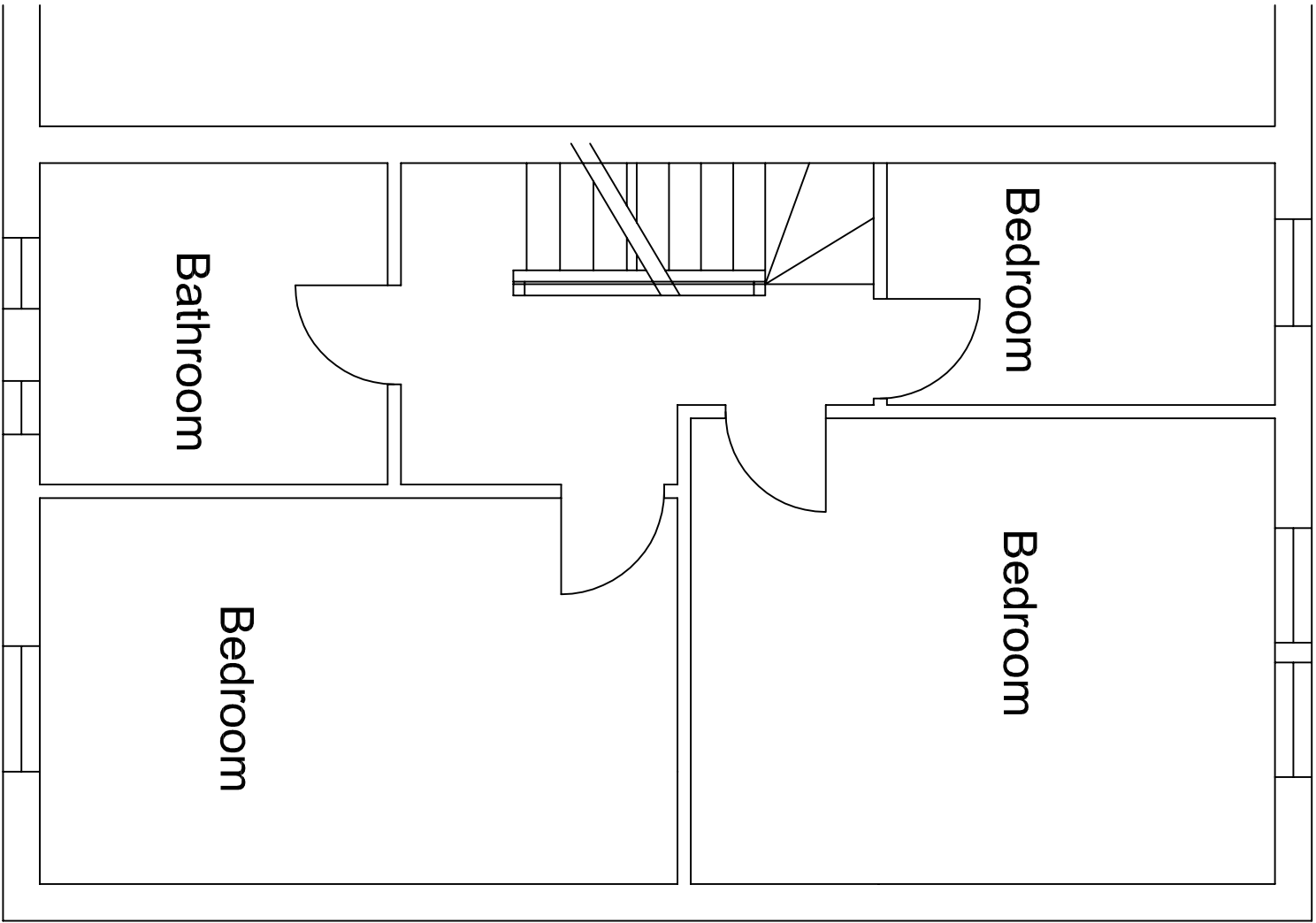
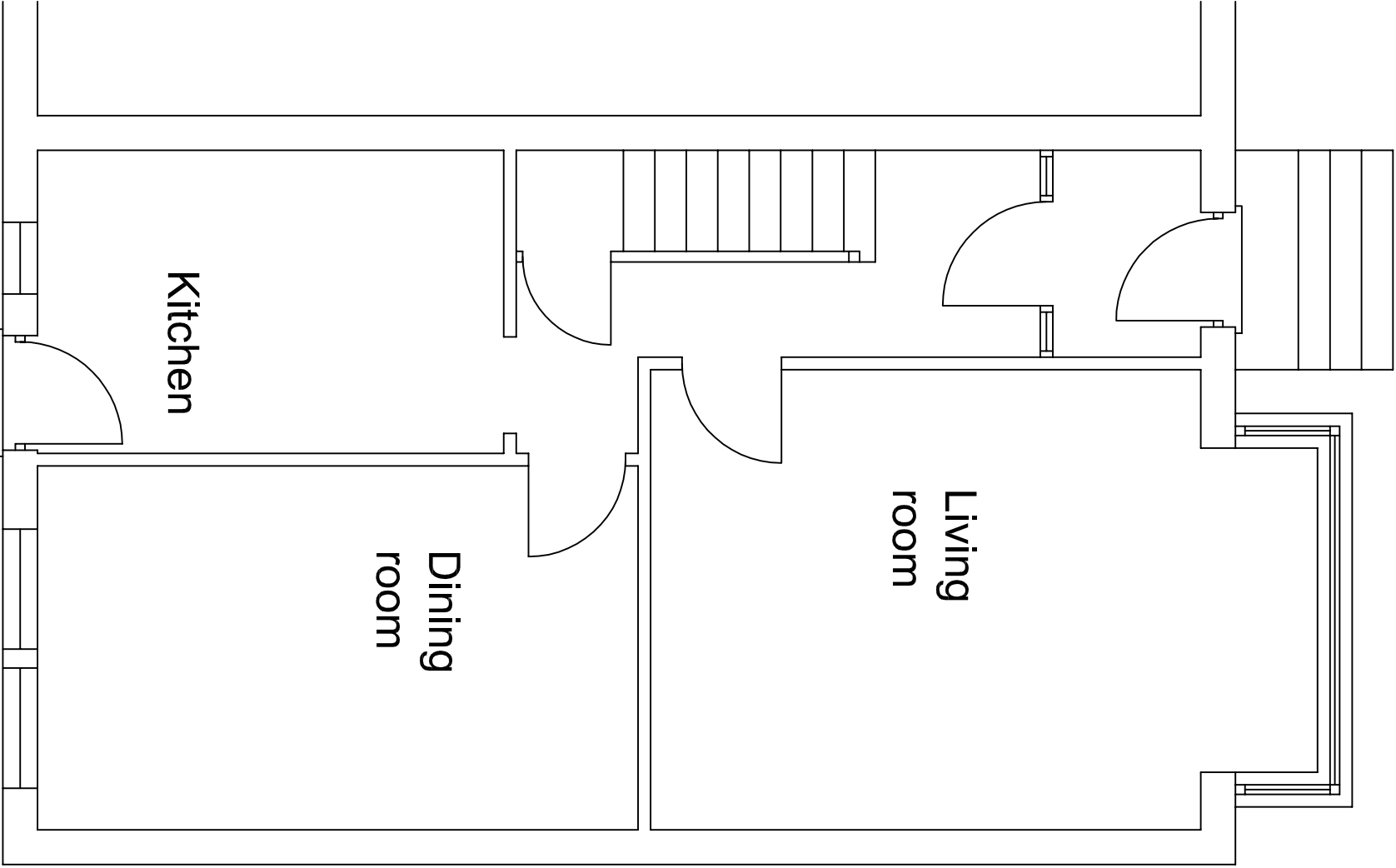
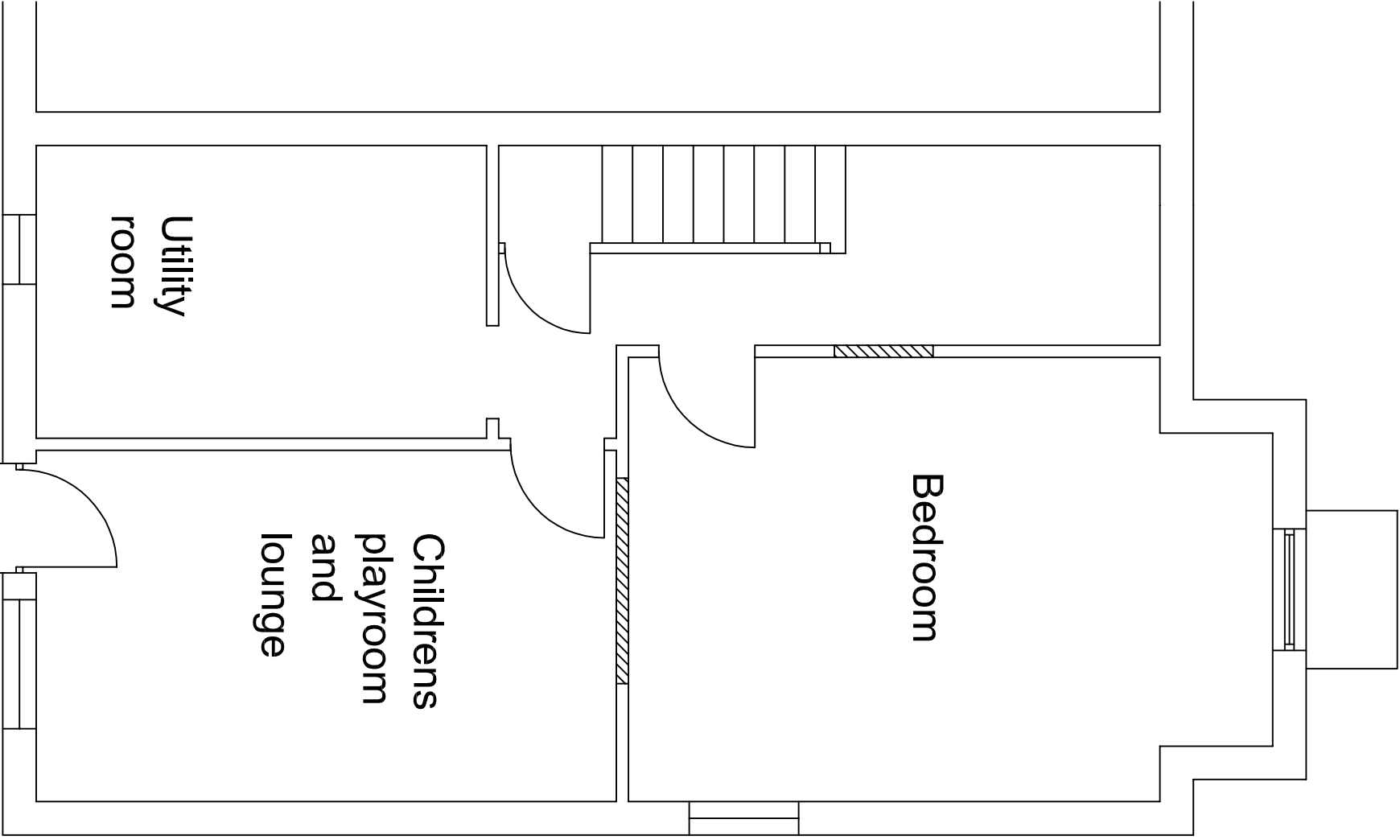
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Existing Ground Floor

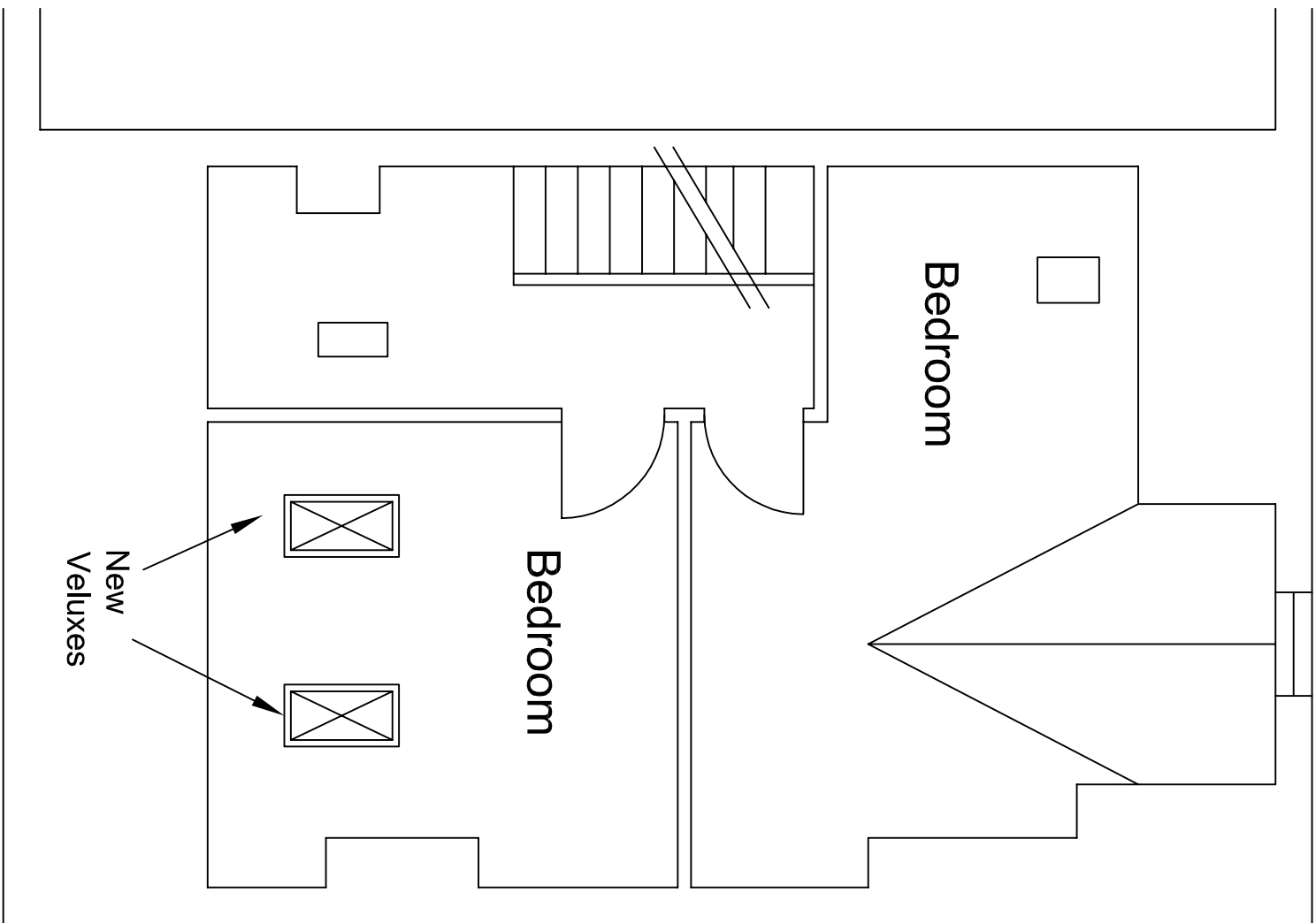
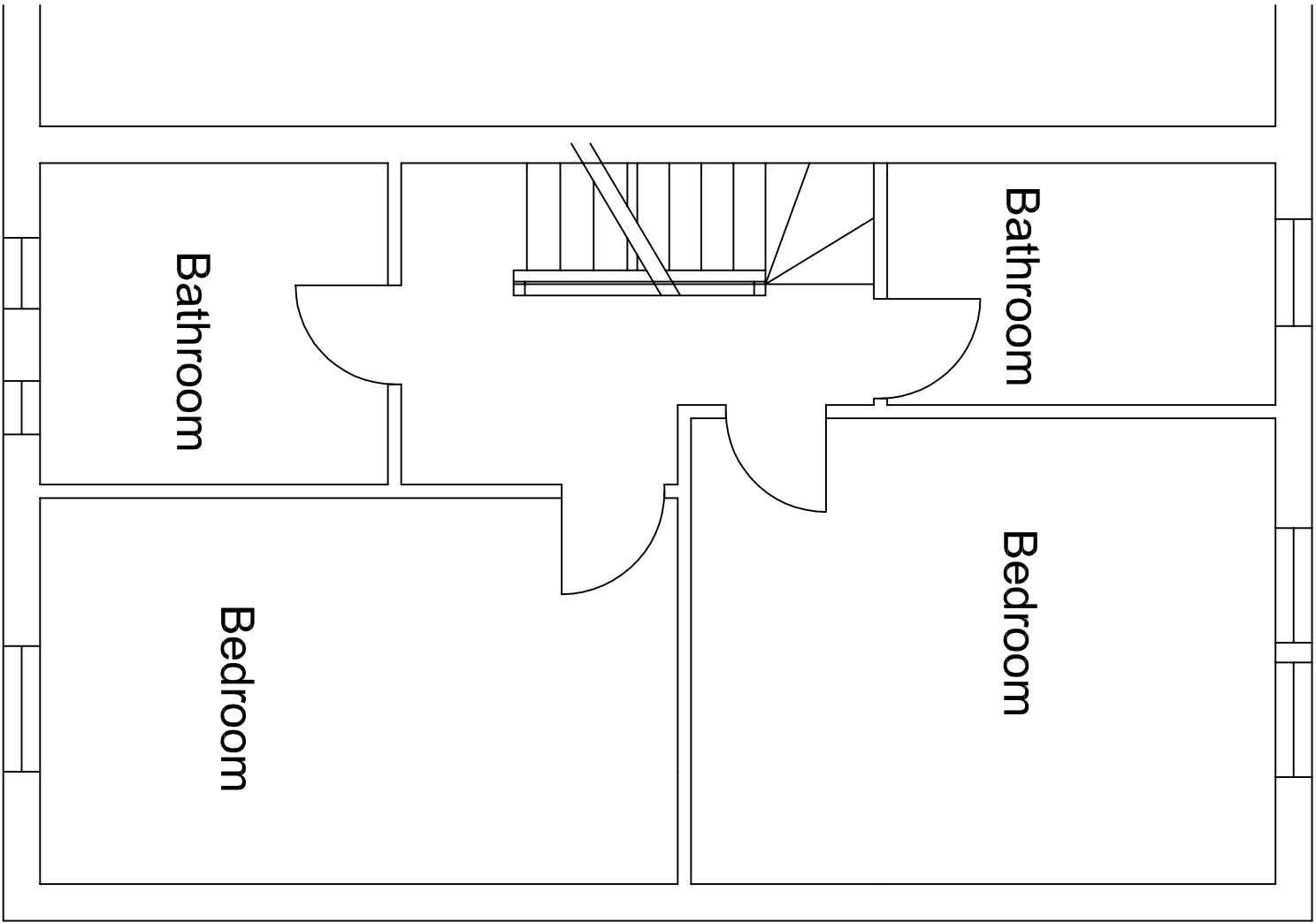
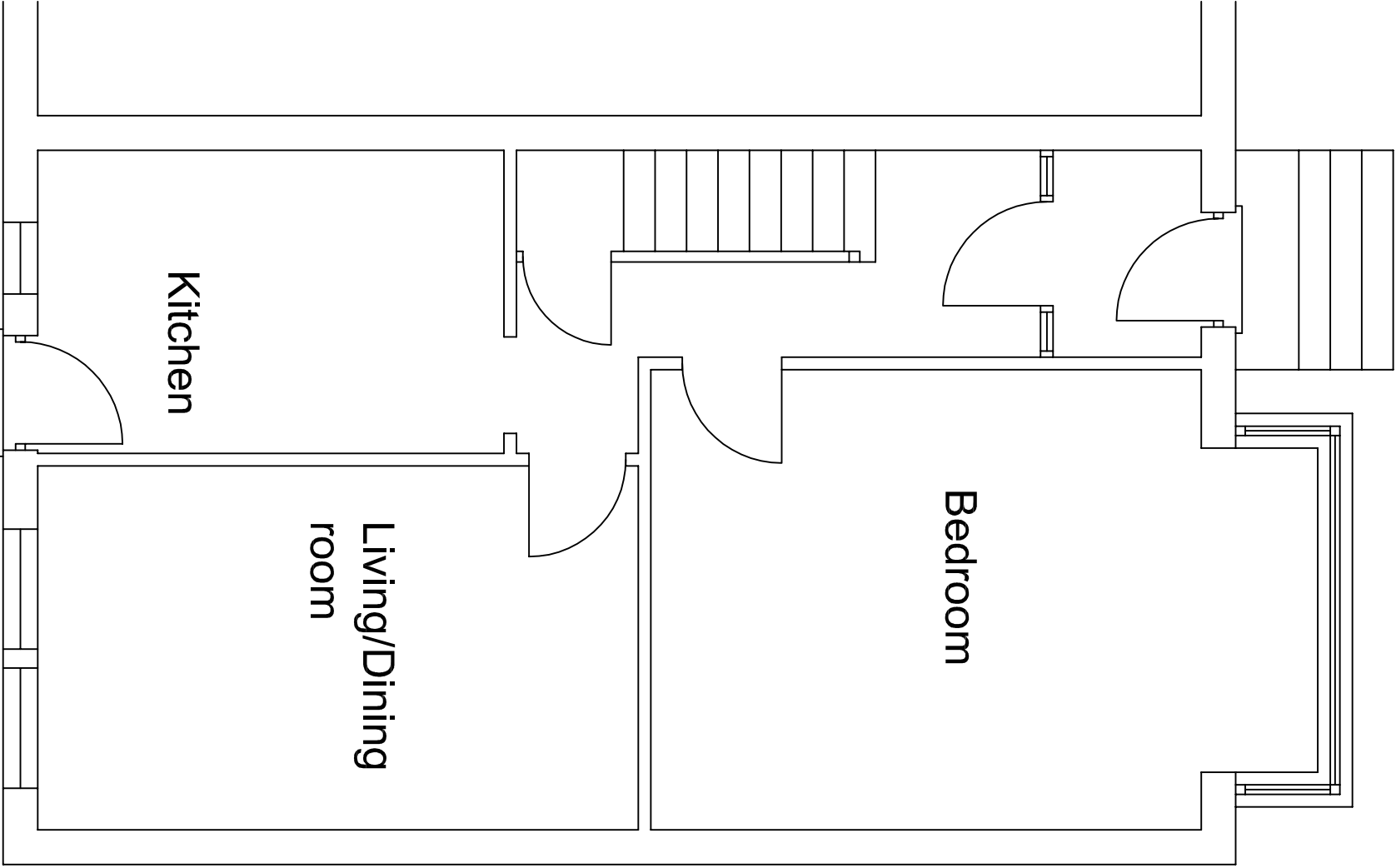
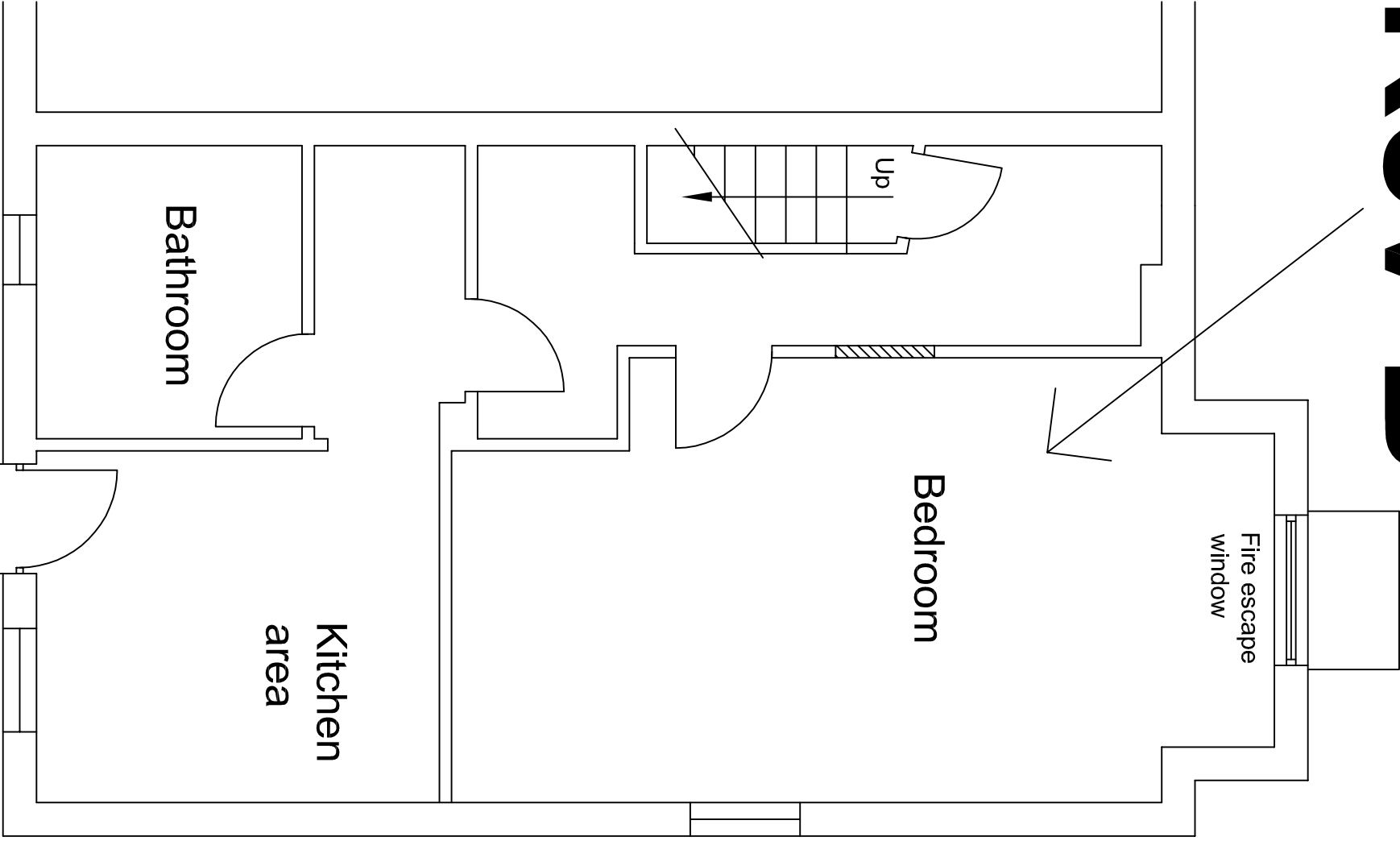
Existing First Floor

Existing Attic

Existing Basement

1:50@A1

Rev B

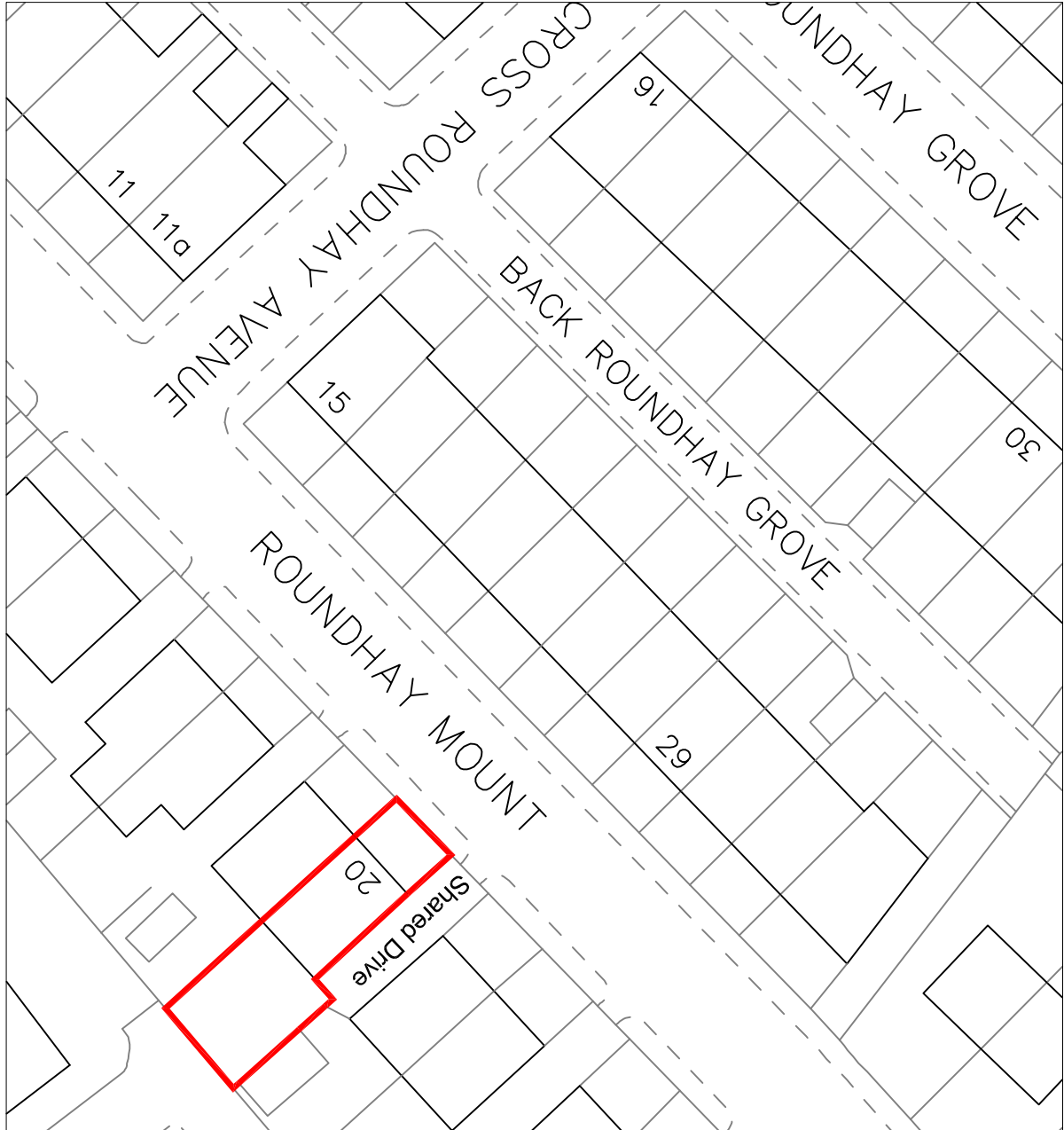


Proposed Ground Floor

Proposed First Floor

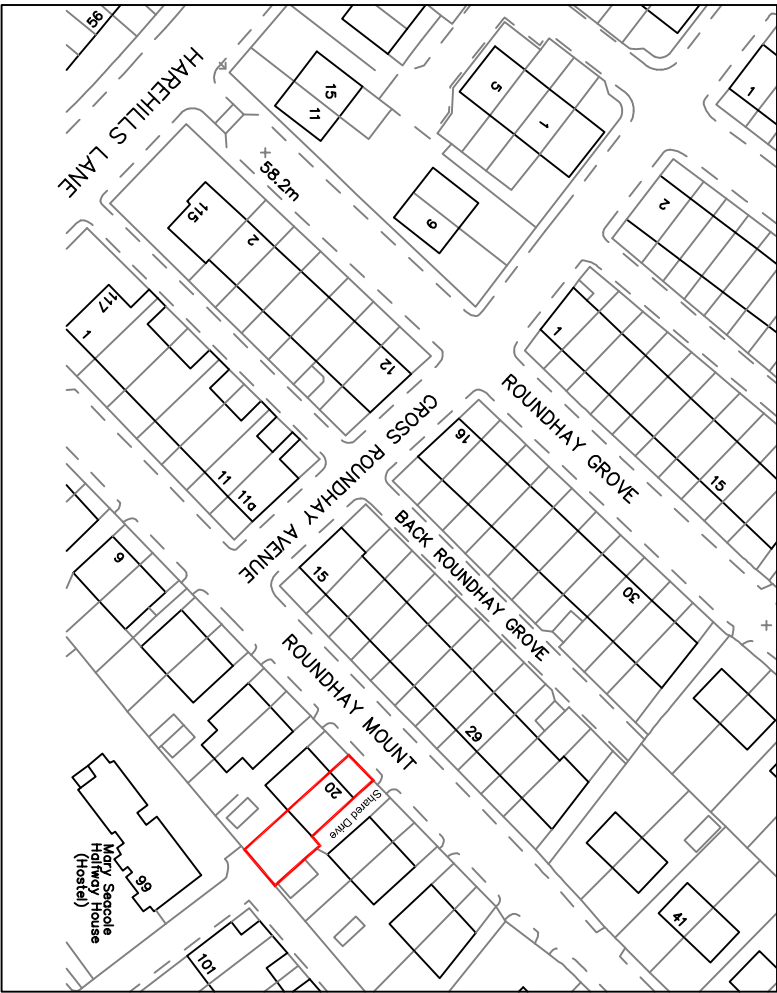
Proposed Attic

Proposed Basement (as built)

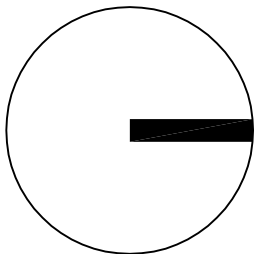


Proposed Site Plan

1:200@A1



Location Plan 1:1250



Mr M Blackman
20 Roundhay Mount
Change of use of a 6 bedroom
house to 6 bed HMO

Dwg Title
Plans

Date	SCALE	Drawn	Chk By
010818	As Shown	S Galfor	-
Proj No	Dwg No	Rev	
		B	

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Originator: D Jones

Tel: 0113 378 8022

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 19/00036/FU - Change of use, including formation of lightwell, from residential property (C3) to a House in Multiple Occupation (C4), 63 East Park Parade, Richmond Hill, Leeds 9

APPLICANT

Ms H Williams

DATE VALID

04.01.2019

TARGET DATE

04.04.19

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes

Ward Members consulted

Specific implications for:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the gap

☐

RECOMENDATION: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission (3yrs)
2. In accordance with approved plans
3. The proposed bedrooms shall not be occupied until the basement communal and living room accommodation facilities have been provided, as shown on the approved layout. The communal and living room accommodation shall be retained thereafter.
4. Development shall not be occupied until bin stores have been provided in accordance with details which shall have been approved in writing by the local planning authority. The approved facilities shall be retained for the lifetime of the development.
5. Development shall not be occupied until secure cycle parking facilities have been provided in accordance with details which shall have been approved in writing by the local planning authority. The approved facilities shall be retained for the lifetime of the development.
6. The basement bedrooms shall not be occupied until the enlarged openings and glazed door have been installed, and the stair wall brickwork replaced with railings, in accordance with the approved plans. The door shall be retained as glazing for the lifetime of the development.

1.0 INTRODUCTION

- 1.1 This application is referred to the North and East Plans Panel at the request of Ward Councillor Denise Ragan who is concerned about an existing concentration in the area and that this undermines the balance and health of the community. Existing parking issues and the proposal adding to these is also cited as a concern. Councillor Ragan raises material planning considerations that give rise to concerns affecting more than neighbouring properties and therefore, in line with the terms of the Officer Delegation Scheme, it is appropriate to report the application to Panel for determination.

2.0 PROPOSAL

- 2.1 This application proposal involves the conversion of an end of terrace double fronted dwelling to a 5 bed House in Multiple Occupation (HMO).
- 2.2 Such a change would typically be permitted through the provisions of General Permitted Development Order Schedule 2, Part 3, Class L (Small HMOs to dwellinghouses and vice versa). However, the identified site falls within an area subject to the City Council's Article 4 Direction which requires planning permission for the change of use of dwellinghouses (C3 use) to small HMOs (C4 use). This Direction was brought into effect in February 2012.
- 2.3 The submitted proposal involves a range of internal alterations to facilitate the change in accommodation type and comprises the formation of a communal living room and communal area within the basement area, and five bedrooms all with en-suite facilities on the three floors above. On each floor, the accommodation comprises:
- | | |
|------------------------|--|
| Basement | 2 bedrooms, with en-suites |
| Ground floor | Living room, kitchen and communal area |
| 1st floor | 2 bedrooms, with en-suites |
| 2nd floor (roof space) | Bedroom with en-suite. |
- 2.4 The proposal involves the reinstatement of the original basement windows and formation of associated lightwells. The original basement door opening would be reformed and the stairwell solid wall (above ground level) replaced with railings.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a Victorian, red brick, two storey, end-terrace property situated on a residential street of similar properties. The property is double fronted onto East Park Parade but also has openings facing towards Ecclesburn Road and Back Ecclesburn Street.
- 3.2 The property has a modest front garden facing East Park Parade and Ecclesburn Road, and a rear yard onto Back Ecclesburn Street, where the bins are currently stored.
- 3.3 The area is wholly residential characterised by terraced houses, although, there are some semi-detached houses locally. East End Park is located on the opposite side of the road.

4.0 PLANNING HISTORY

- 4.1 The site has no relevant planning history.

5.0 HISTORY OF NEGOTIATION

- 5.1 During consideration of the application, the following amendments have been negotiated:
- Amenity rooms located to the ground floor, to encourage greater use.
 - Removal of external brick staircase and replacement with railings to improve light into basement and outlook from bedroom.
 - Clear glazed door into basement bedroom, to improve receipt of natural day light.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was publicised by a site notice posted adjacent to the site dated 16th January 2019.
- 6.2 Letter of objection and Panel referral request from Councillor Denise Ragan, on the following grounds:
- Believe there is already a high concentration of HMO properties in the East End Park area.
 - To continue to introduce HMO's into East End Park, will undermine the balance and health of communities in the ward.
 - There is already an issue with parking in this part of the ward and this proposal will add further pressure to the problem.
- 6.3 Councillor Asghar Khan objects on the following grounds:
- Negative impact from HMO's i.e. Loss of family housing in the area and increased levels of crime and increase in antisocial behaviour.
 - When numbers of single people are congregated in one place and many are economically inactive there is a high risk of Socio Economic problems that affect the local community.
 - Creating this HMO will add additional demands on an already stretched refuse and clean neighbourhoods service.
 - The turnover of tenants in an HMO tends to be higher leading to a deterioration in community cohesion.
 - HMO will cause additional demand for parking and a higher volume of traffic in a child family area; neighbour will not be able to park outside their houses- cause unease between residents, as well as having a safety impact on the young children that play in this street and crossing over to East End Park. It will create extra bins on street.
 - The area has a high level of social deprivation and community cohesion is already faltering here as owner occupiers are moving away from the area due to landlords buying up the housing and letting to tenants who struggle to engage and have a positive impact on the community.
 - Area is and has always been a high balance of families or couples. There are a small number of retired people in the area that have lived here many years , this is a result of a good community spirit in the area where

neighbours become friends as a result of longevity from living in a stable community.

- The balance and health of the community would be further undermined if HMO was licensed in the street.

6.4 5 letter of representation have also been received as a result of the public notification process. The objections are on the following grounds:

- Do not want this to set a precedent which is likely to attract either students or very low income workers or even families.
- The house would produce far more waste than the council can provide a service for, which will in turn will promote rodents and insect infestations.
- Our streets are already clogged up with cars and not enough parking, this will be exacerbated if there is going to be a rise in the number of occupants in the area. This will then increase the amount of damage done to vehicles squeezing into the spaces and in turn increase insurance for those vehicles in the area.
- Transient residents/landlords will not look after the property as well as a private house would.
- Inadequate services in the area.
- A similar proposal by the same applicant has been refused recently at Victoria Avenue.
- Money would be better spent improving nearby estate, which needs investment.
- The 'Glensdales' have been degraded as a result on HMOs.

7.0 CONSULTATION

7.1 Highway Development Services: No objection subject to secure cycle parking. However, future occupants would not be eligible for on-street parking permits within the existing or any future controlled parking zones in the locality.

7.2 Housing: Housing assess properties on a case by case basis using the HHSRS (Housing Health & Safety Rating System). If we inspect this property and find inadequate light/ventilation to the basement then in principle we may need to take action. Other common hazards for such areas include space & overcrowding/damp and mould growth.

8.0 PLANNING POLICY

8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP), the Natural Resources and Waste Local Plan DPD and any made Neighbourhood Plan.

Local Plan

8.2 The Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

Policy H6 – HMOs, Student Accommodation and Flat Conversions. The relevant part of the policy is set out below:

Within the area of Leeds covered by the Article 4 Direction for Houses in Multiple Occupation (HMOs), Development proposals for new HMOs will be determined:

- (i) To ensure that a sufficient supply of HMOs is maintained in Leeds,
- (ii) To ensure that HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants,
- (iii) To avoid detrimental impacts through high concentrations of HMOs that would undermine the balance and health of communities,
- (iv) To ensure that proposals for new HMOs address relevant amenity and parking concerns,
- (v) To avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMO's

8.3 The most relevant saved policies from the Leeds Unitary Development Plan are outlined below.

- GP5 - Development control considerations are all to be resolved, including impact on amenity being considered.
- Policy BD6 – Alterations should have regard to original building.

Supplementary Planning Documents and Guidance

8.4 Relevant supplementary planning documents and guidance are outlined below:

- Parking SPD (January 2016)

Other Relevant Local Documents

8.5 Other relevant local documents include:

- LCC Advisory Standards for Houses in Multiple Occupation (January 2012)

Article 4 Direction – C3 to C4

8.6 The application site falls within an area that is subject to an Article 4 Direction. The Council confirmed the making of an Article 4 direction which requires planning permission for the conversion of dwelling houses (Class C3 use) to houses in multiple occupation (HMOs) (Class C4 use) of between 3 and 6 unrelated occupants in 2011. The direction came into force on 10th February 2012.

8.7 The Article 4 Direction was introduced in response to changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in October 2010 and to the Town and Country Planning (Use Classes) Order 1987. At that time the government stated that Article 4 directions could be used by Local Authorities to remove permitted development rights for a change of use from the C3 use class to the C4 use class in areas where high concentrations of HMOs are leading to the harmful impacts.

8.8 The Council recognises that HMOs can provide an affordable type of housing and contribute to the overall mix of housing types and tenures available.

However it is also recognised that high concentrations of HMOs can result in numerous harmful impacts.

- 8.9 The government published the report 'Evidence Gathering – Housing in Multiple Occupation and possible planning response – Final Report' in September 2008. This report identified the following impacts that occur as a result of high concentrations of HMOs:
- Anti-social behaviour, noise and nuisance
 - Imbalanced and unsustainable communities
 - Negative impacts on the physical environment and streetscape
 - Pressures upon parking provision
 - Increased crime
 - Growth in private sector at the expenses of owner-occupation
 - Pressure upon local community facilities and
 - Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population
- 8.10 In making the Article 4 direction the Council recognised that some or all of the above impacts are occurring in areas with existing high concentrations of HMOs in Leeds. The Article 4 Direction boundary was subsequently chosen to include areas which are either recognised to be suffering from some, or all, of the harmful impacts identified above or be likely to suffer encroachment of HMO concentrations due to their proximity to existing areas of high concentrations.
- 8.11 The Article 4 direction does not serve as a justification for refusing or approving planning permission in the Direction area. Planning applications which are required by the Direction will be assessed against national and local planning policies.

National Planning Policy

- 8.12 A revised NPPF was published by the Government's Ministry of Housing, Communities and Local Government in February 2019. The National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. 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.
- 8.13 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.0 MAIN ISSUES

1. Housing Mix and Balanced Communities
2. Design and Character
3. Highways
4. Public Representations

10.0 APPRAISAL

Housing Mix and Balanced Communities

- 10.1 The existing property is occupied as a dwellinghouse under the C3 planning use class. The application site is not allocated for any specific purpose within the city council's development plan and is located within the established residential area of East End Park with ready access to public transport links (along East Park Parade) and shops and services along York Road, within walking distance. The conversion of the property to an HMO would retain its use for residential purposes and this would be compatible with the predominantly residential surroundings.
- 10.2 Core Strategy Policy H6 (HMOs, Student Accommodation and Flat Conversions) is the relevant local planning policy for this development proposal and Part A of that policy specifically relates to the creation of new HMOs. It is recognised that policy relates to HMOs occupied by all individuals and not solely those occupied by students. Part A of Policy H6 aims to ensure:
- (i) a sufficient supply of HMOs is maintained in Leeds;
 - (ii) HMOs are located in areas well connected to employment and educational institutions associated with HMO occupants;
 - (iii) the detrimental impacts through high concentrations of HMOs are avoided where this would undermine the balance and health of communities;
 - (iv) to ensure that the proposal address relevant amenity and parking issues; and
 - (v) this would not lead to the loss of housing suitable for family occupation in areas of existing high concentrations of HMOs.
- 10.3 Broadly, the policy approach seeks to tackle types of accommodation that have resulted in housing and population imbalances in certain parts of the city. The policy's wider objective, to address housing and population imbalances through the creation of mixed, sustainable communities.
- 10.4 Having regard to the detailed criteria for Part A, Policy H6, the following observations in relation to this application proposal are set out below:

- (i) The very nature of the use makes a positive contribution to the Council's aim in providing this type of housing.
- (ii) The area is well served by public transport linking the site in close proximity to both local centres providing education and employment opportunities together with Leeds City Centre itself. The rear yard has the ability to provide secure cycle parking facilities, as well as an appropriate bin storage area. As such, it is considered that the development would not prejudice the interests of highway safety for pedestrians and other road users alike.
- (iii) Officers are mindful of the objections which have resulted from the public notification process relating to setting a precedent for further HMOs in the area. An over proliferation of this type of use would lead to undermining the balance of the health of the local community, and each application would need to be considered on its merits. The issue as to whether a high concentration of HMOs exists is addressed at paragraph 10.4 (v) below.
- (iv) It is considered that the level / mix of communal and semi-private accommodation on offer within the site is cognisant with an appropriate standard of amenity for its tenants. In addition, the layout of rooms reflects that of a standard single dwelling so that transference of noise between the site and its immediate neighbours would be unlikely to reach levels that represented harm of any measurable significance to the living conditions / residential amenity of local residents. The bedrooms in the basement would abut another basement, and as such, it is considered noise transference issues would be minimal. The main entrance/exit is directly off East Park Parade, and the access into the basement only serves one bedroom, and its use is unlikely to adversely affect the adjoining property, which is separated by a close boarded fence.

In respect of amenities for future residents, the revised scheme places the kitchen, dining living rooms on the ground floor, where they have an open aspect and good light penetration, and are of a good size, as per the existing dwelling. These facilities are supported. The bedrooms in the basement will also have direct light penetration, through bringing about the reinstatement of the openings. The external door is to be in glazing, and the current brick wall adjacent to the stairs is to be replaced with railings. Subject to these alterations, the living accommodation within the basement is considered to be acceptable.

- (v) According to records, there is only 1 property on East Park Parade which is a HMO (owned by a Housing Association) and for which there is a current live licence. In the wider area, a property in East Park Parade was in use as a HMO but appears to have been converted back to a single household. Although Harehills Ward is identified as an area with one of the highest concentrations of HMOs, whilst exercising a degree of caution, these low proportions in the area around the application site indicate a significantly low concentration of HMOs within the local residential unit provision.

There is no specific definition of what constitutes a high concentration of HMOs. Therefore, despite the Council Tax records, it is difficult to determine what constitutes a high concentration in this regard and

therefore a judgement must be made. As a result, based on the available evidence it is concluded that at both the street level and local area level, the area around the application property does not have a high concentration of HMOs.

The proposed change of use would result in the loss of a single family home, which has the potential to erode the housing mix and exacerbate the community imbalance. Whilst the proposed development would lead to the loss of a property suitable for a single family dwelling, it is considered that this would not be of such significance as to result in any material harm to the housing balance of the locality. In fact, the introduction of a HMO use serves to provide some diversification and mix of occupiers to the area which is supported more generally. The application property would also be accessible to public transport and to local services and facilities. Having had regard to these matters, it is considered that the benefits of the proposal would outweigh the very limited effects on the housing and community balance of the area.

Design and Character

- 10.6 Finally, it is considered that the external alterations would not be harmful to the character of the building. The proposed alterations are relatively minor and consequentially have only a limited impact on the character of the building and the visual amenities of the area. In the main the new openings would reinstate previous openings and the basement door would be well screened from the street.

Highways

- 10.7 A change of a dwelling to a HMO is likely to potential intensify the use of the property. However, as an existing 4 bedroom house the number of residents it could accommodate would be broadly similar to that now applied for. It is arguable that a family occupying such a property may have children who are not old enough to drive and own their own vehicle whereas multiplicity of occupiers could potentially own a vehicle each. This, however, is not something which can be predicted with any certainty and in both scenarios the level of vehicle ownership will vary widely over time. The Highways Officer has evaluated the scheme, including parking demands, and has not raised any issues, subject to the conditions recommended being attached to the decision notice.

Public Representations

- 10.8 The comments made by the Ward Councillors with regards to the high concentration of HMO's, and associated effects, in the East End Park area and with regards its impact on the health of community, have been discussed in the report. As have matters concerning the loss of a family dwelling. All other substantive planning issues raised by objectors have been addressed in the preceding paragraphs.

11.0 CONCLUSION

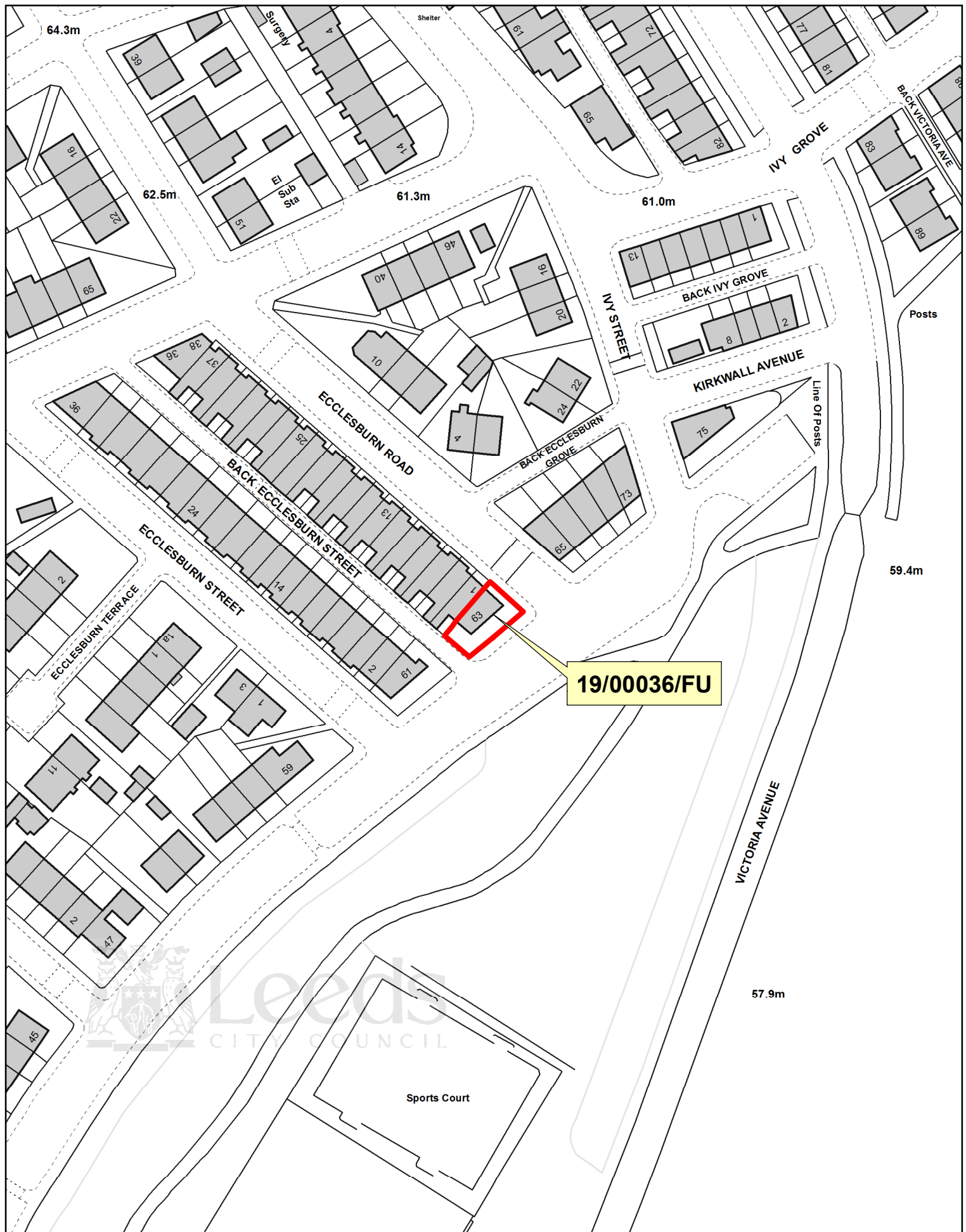
- 11.1 In light of the above it is considered that the proposed development is sound in principle and will provide living accommodation for its future occupants cognisant in many respects to that of a single family dwelling and would not therefore adversely impact on the amenity or living conditions of neighbouring

occupiers, or highway safety. Consequently the application is considered to comply with the policies of the development plan when read as a whole, including Policy H6, and the application is recommended for approval.

Background Papers:

Application file: 19/00036/FU

Certificate of ownership: Certificate B, Notice No.1 served on owner



NORTH AND EAST PLANS PANEL

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Leeds
CITY COUNCIL

Originator: David Newbury

Tel: 0113 3787990

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 16th May 2019

Subject: 18/06367/FU & 18/06368/LI – Alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping at 86 High Street, Boston Spa, Wetherby, LS23 6EA.

APPLICANT

The Diocese of York and
Park Lane Homes

DATE VALID

9 October 2018

TARGET DATE

TBC

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: The following suggested reasons for refusal (see para. 1.2 of the report) are set out for Members consideration:

1.0 INTRODUCTION:

1.1 This planning application and application for listed building consent were considered at the North and East Plans Panel of 11th April 2019. Both applications carried a recommendation for approval. Members resolved not to accept the officer recommendations for approval and that each application should be refused. The draft Panel minute records that:

“(i) That the recommendation of the Chief Planning Officer to grant planning permission and listed building consent be not supported

(ii) That determination of the application(s) be deferred to allow the Chief Planning Officer to prepare and bring back detailed reasons for refusal based on the following:

16/06367/FU:

1. Highway safety – cumulative impact on the local network arising from this and other developments
2. Harm to character and appearance of the conservation area
3. That the development does not provide an appropriate mix of housing and in particular smaller units

18/0638/LI:

In the absence of an acceptable development scheme for the site it would be premature to carry out works to create a new access point in the boundary wall.”

- 1.2 In light of the Panel resolutions the following suggested reasons for refusal have been drafted for Members to consider:

18/06367/FU:

1. The proposed development by reason of the traffic generated will add to congestion on Boston Spa High Street to the detriment of the free flow of traffic and highway safety and in the absence of proposals to mitigate this impact the proposal is contrary to Policy T2 of the Core Strategy and the advice set out at paragraphs 109 and 110 of the National Planning Policy Framework (2019).
2. The proposed development by reason of in-filling most of the rear garden of the Grade II listed Vicarage and the creation of an access route running adjacent to the Grade II listed building, would cause harm to the significance of the Grade II listed building and fail to preserve or enhance character and appearance of the Boston Space Conservation Area contrary to Policy P11 of the Core Strategy, saved Policy N19 of the Unitary Development Plan (Review), Policy Dev 2 of the Boston Spa Neighbourhood Plan and the advice set out at paragraphs 184, 192 – 194 and 196 of the National Planning Policy Framework (2019).
3. The proposed development fails to provide an appropriate mix of dwelling types and sizes to meet local needs resulting in an unsustainable form of development contrary to Policy H4 of the Core Strategy, Policy Dev 1 of the Boston Spa Neighbourhood Plan and the advice set out at paragraphs 122 and 123 of the National Planning Policy Framework (2019).

18/06368/LI:

In the absence of an appropriate scheme of development the creation of an opening through the listed garden wall would be premature and harmful to the character of the listed building contrary to Policy P11 of the Core Strategy, Policies N18A and N20 of the Unitary Development Plan (Review) and the advice set out at paragraphs 193 and 196 of the National Planning Policy Framework (2019).

2.0 COMMENTARY

An appeal and risk of costs award

- 2.1 As previously advised, Officers continue to have concerns that if planning permission is refused with the reasons set out above and appeal is lodged it will be difficult to substantiate a planning argument in support of all of the suggested reasons. In that event the council would be likely to lose the appeal and have an award of costs made against it.

- 2.2 For Members information, the advice on planning appeals and the award of costs is set out in central government's 'Planning Practice Guidance' (PPG).
- 2.3 The PPG sets out that parties in planning appeals are normally expected to meet their own expenses. That all parties are expected to behave reasonably to support an efficient and timely process. Where a party's behavior results in another party to incur unnecessary or wasted expense in the appeal process this is unreasonable and consequently that party may be subject to an award of costs.
- 2.4 Awards against a local planning authority (LPA) may be made where it is considered that it has behaved unreasonably in relation to:
- procedural matters at the appeal (e.g. lack of co-operation with other parties or causing unnecessary delay);
 - through its handling of a planning application (not determining an application within prescribed time periods without proper explanation); or,
 - a substantive award where the LPA is taken to unreasonably refuse or fail to determine an application.
- 2.5 With regard to the last bullet point above examples of such behaviour are set out at paragraph 049 and include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - failure to produce evidence to substantiate each reason for refusal on appeal.
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
- 2.6 In the context of that advice a short officer commentary on each of the reasons that Members are considering is set out below.

Highway – cumulative impact

- 2.7 To pursue a reason for refusal of this planning application on grounds of highway impact or safety is not supported by technical evidence and planning policy.
- 2.8 Since the April Plans Panel an appeal decision was received on 18th April 2019 and this concerned a proposal to change the Crown Public House, High Street, Boston Spa to a retail use (LPA ref: 17/07917/FU and appeal ref: APP/N4720/W/18/3202064). The Inspector addressed the issue of cumulative traffic impact and concluded at paragraph 31:
- "From the evidence available to me, I am satisfied that the amount and type of traffic likely to be generated by the proposal would not result in severe adverse impacts on the local highway network, even taking into account the potential cumulative impact of further development within the local area."*
- 2.9 In light of the matters set out above officer advice is that it would be very difficult to substantiate the suggested reason for refusal and that as a consequence the council could be at a risk of a costs award against it in the event of an appeal.

Housing Mix

- 2.10 It is clear that Members are right to have regard to the housing mix of residential developments. The key policies are H4 of the Core Strategy and Dev 1 of the Boston Spa Neighbourhood Plan. The proposal before Members is for 7 new houses which are of 4 bedrooms or more. With regard to Policy H4 the application proposal does not meet the preferred housing mix as set out at Table H4. But this is not part of the actual policy but part of the explanatory text to that policy. The table also sets out a preferred mix rather than an absolute mix. The explanatory text sets out that the policy should be applied flexibly (particularly in the context of smaller developments). Both the policy and supporting text set out that the form of development and the character of the area should be taken into account too. As Members are aware the proposal has been designed to have regard to its location within the conservation area and the setting of a listed building. Policy Dev 1 of the Neighbourhood Plan is a positively worded policy that does not count against the principle of residential development nor does it preclude the grant of planning permission for homes with more than 1 or 2 bedrooms. It simply supports the provision of smaller units. Accordingly, it is considered by Officers that it would be difficult to substantiate a refusal of permission for reasons of housing mix, again putting the council at a risk of a costs award against it.

Heritage

- 2.11 However, balanced against this it is considered that in light of the advice from Historic England a planning argument based on harm to designated heritage assets could be made and justified with reference to the appropriate statutory and planning policy tests. However, if Members came to the view that planning permission should be refused for this reason alone (to do so may be considered to have implications for the overall balancing of the material planning considerations and therefore lead to a conclusion to that reached in April) the Panel would have to be clear on the level of harm caused and that this is not outweighed by the public benefits associated with the proposed development.

Listed Building Consent

- 2.12 The chances of successfully defending the refusal of listed building consent at appeal is linked to the decision reached in respect of the planning application. If a planning argument can be substantiated, with reference to appropriate planning policies, to justify the refusal of planning permission then it is unlikely that the refusal of listed building consent could attract an award of costs.
- 2.13 Members are requested to have regard to this advice in coming to a final decision on these applications.

APPENDIX 1



Originator: Stuart Daniel

Tel: 0113 5350551

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 11th April 2019

Subject: 18/06367/FU & 18/06368/LI – Alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 6 dwellings with associated hard and soft landscaping at 86 High Street, Boston Spa, Wetherby, LS23 6EA.

APPLICANT

The Diocese of York and
Park Lane Homes

DATE VALID

9 October 2018

TARGET DATE

TBC

Electoral Wards Affected:

Wetherby

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: DEFER and DELEGATE approval to the Chief Planning Officer of both applications (18/06367/FU & 18/06368/LI).

Due to the objection from Historic England, who are a statutory consultee, the Secretary of State will be notified in respect of the proposals and the Plans Panel decisions on the two applications, in accordance with legislative requirements

Conditions on 18/06367/FU:

1. Time limits
2. Plans to be approved
3. Details of materials
4. Landscaping scheme and implementation

5. Trees to be retained and protected
6. Tree protection
7. Scheme for replacement of trees
8. Arboricultural Method Statement
9. Landscape Management Plan
10. Construction Environmental Management Plan
11. Bat & Bird boxes
12. Reuse materials to block up boundary wall
13. All hardstanding areas sealed and drained
14. Retention of garages for parking
15. Details of cycle storage
16. Implementation and retention of visibility splays
17. Study into the use of infiltration drainage
18. Surface water drainage details
19. Scheme to prevent surface water flooding
20. Details of boundary treatments including hard & soft landscaping
21. Existing and proposed ground and finished floor levels
22. Construction Method Statement
23. Scheme for charging facilities for battery powered vehicles
24. Removal of PD rights (classes A, B & E)
25. Submission of a Phase II report
26. Remediation statement
27. Submission of verification reports relating to Contaminated Land
28. Importing soil
29. Removal of asbestos as part of any demolition works
30. No dwellings to be occupied until works to Listed building have been completed
(confirmation of completed works to be submitted to the LPA)
31. Details of a scheme of sustainable design and construction to be submitted and agreed

Conditions on 18/06368/LI:

1. Time Limit
2. Plans to be approved
3. Replacement window details (sections)

3 INTRODUCTION:

- 1.1 The application is presented to North and East Plans Panel at the request of Councillor Lamb who states:

“I have significant concerns about the impact on the visual amenity of Boston Spa, impact on the unique character of the village, over development of the site and major concerns about the potential for additional traffic on the already busy High Street as a result of the planned access on to the High Street.

I also have significant concerns about the timescales associated with the deadline for objections. We do not think members of the public will have sufficient access or time to consider and express their views.

I also note the comments made by Historic England to this application and fully support their position.”

- 1.2 The site relates to a vicarage and its associated land. The site is unallocated within the Development Plan and Boston Spa Neighbourhood Plan. The proposals

involve the formation of a replacement vicarage and the erection of six dwellings and is considered to represent a sustainable form of development within the settlement of Boston Spa and is thus recommended for approval.

4 SITE AND SURROUNDINGS:

- 4.6 The proposed site has a frontage with High Street and is bounded by Oaks Lane to the southeast and south. The whole site falls within the designated Boston Spa Conservation Area. The vicarage and attached front garden wall are Grade II listed structures. The vicarage and its curtilage all appear on the 1836-51 Tithe Maps. Little historic development is evident on the site from these maps.
- 4.7 Oaks Lane appears on the circa 1890 Ordnance Survey map, having been constructed to serve The Oaks to the southwest. The 2009 Conservation Area Appraisal and Management Plan identifies buildings which make a positive contribution to the Conservation Area to the east of Oaks lane (Albert Villa and Four Gables), and also a building to the west of the vicarage. Travelling east along High Street, landmark views of St Mary's Church can be obtained past the frontage of the vicarage in views framed by trees, some of which are located within the application site.
- 4.8 The surrounding area is predominantly residential with a mix of house types. The recently constructed 'Church Fields' development is located directly opposite the application site. Springfield to the west is one of a number of relatively narrow roads/lanes which access onto High Street and contain a number of dwellings. This is characteristic of such lanes within this part of Boston Spa. Buildings on Oak Lane, Chestnut Avenue and Whitham Close consist of larger 'villa' type houses set within large plots. Again, this is a character trait within Boston Spa.

5 PROPOSAL:

- 5.6 The proposal relates to the erection of a replacement vicarage and the erection of 6 dwellings to the rear of 86 High Street, Boston Spa. A new access would be created onto High Street with the existing access on High Street to be blocked up. No works are proposed to the existing vicarage. The replacement vicarage would be located behind the existing building with plots 1-3 adjacent. Further south, three further dwellings would be located to the rear of the site. The existing Vicarage would remain.
- 5.7 Plots 1-3, as well as the replacement vicarage, would have a simple design and be subservient to the adjacent Listed Building and associated walled gardens. The proposed vicarage would be a detached property with plots 1 & 2 being semi-detached. Plot 3 would be linked by way of a walled arch. These properties would be set back from the road and have front garden areas. They have all been designed to reflect the character of this part of the site and to ensure that they remain subservient to the Listed Building.
- 5.8 Plots 4-6 are much larger 'villa' type properties set within significant grounds. They have been designed so as to provide a secondary frontage to Oaks Lane. Access to these plots would be via the newly formed access from High Street leading to a turning head. Beyond this would be a private drive serving these 3 plots. These

'Villas' form a distinct area behind plots 1-3 (and the replacement vicarage) to reflect the character and appearance of this part of the site.

- 5.9 Each plot would have a minimum of 2 off street parking spaces. Parking for plots 1-3 would be to the rear of the properties and would be accessed via the walled arch connecting plots 2 & 3 (for their respective garages and parking) or through an archway associated with plot 1 leading to the parking for this unit. The design of these garages would be to resemble a stable block. Parking for plots 4-6 would take place within their respective curtilages.
- 5.10 A new vehicular access would be formed onto High Street and the existing access will be blocked up.
- 5.11 The application has been submitted with:
- Design and Access statement
 - Heritage Statement

4.0 RELEVANT PLANNING HISTORY:

- 4.1 17/07309/FU & 17/07310/LI – Alterations to boundary wall, the creation of access and the construction of 1 replacement vicarage and 7 dwellings with associated hard and soft landscaping. Applications withdrawn.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 A pre-application submission was submitted in 2017 by the current developer and advice provided on that scheme based upon the merits of that particular scheme (development of 9 houses). In principle, officers were comfortable with the principle of some form of residential development on the site though some concern was raised with regard to the amount of development proposed, the design of the dwellings and the potential impact upon the Listed Building and wider Conservation Area.
- 5.2 Discussions have been on-going with the applicant over the submitted scheme which have resulted in submission of further information and amended plans. These discussions have centred around issues associated with the design, layout, and impact on trees, impact upon the Listed Building (including the boundary wall) and the Conservation Area.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site notices were posted around the site on 15th November 2018 and through publication in the Yorkshire Evening Post in a notice dated 24th October 2018. Following receipt of revised plans, a further round of publicity was undertaken on 4th March 2019. A total of 95 comments have been received. 85 objections have been received from a number of separate properties, with multiple objections coming from residents at those properties. The objections can be summarized as follows:

Principle of development

- The area cannot accommodate any additional development
- Is it worth it for 7 new executive houses?
- Why isn't other land being used for additional building?

- Boston Spa has too much new build infrastructure
- The area doesn't need more expensive 4/5 bed homes. Smaller affordable/starter homes are required
- Loss of privacy to existing residents
- Already a significant amount of housing developments within the area

Highway safety

- Adding another junction to the high street would be dangerous
- Poor exit and entry onto the high street with no traffic calming
- Noise pollution and disturbance from the additional traffic

Ecology

- Detrimental impact to wildlife and the historic nature of the area
- The felling of trees will exacerbate the impact upon the wildlife

Heritage

- It is not allowed to demolish Listed Buildings (i.e. the wall)
- The alteration or destruction of the wall would be a great loss
- Development would fail to enhance or preserve the character and appearance of the Conservation Area

Other matters

- The Neighborhood Plan identifies this plot as an important green corridor
- There are no significant differences between the previous scheme that was withdrawn
- Some residents have rights of access to the well in the paddocks as shown on the title deeds
- No consultation with the neighboring properties
- The vicarage would not be occupied by a vicar after the development is completed
- Local Doctors/Dentists/Schools already full

6.2

10 letters of support have been received stating:

- Smaller infill developments within the existing village are better for the village
- The scheme represents a well-designed infill site
- A further 6 houses will not result in a substantial increase traffic in the village
- A new vicarage will benefit and support the needs of the vicar and their family
- The additional houses are of little consequence to the village in the context of wider developments
- The site does not present a green visual aspect of open fields to the majority of residents
- It is not accessible to pedestrians and would not be a thoroughfare to any other areas of the village after development
- The infill will be unseen to the general population of the village and will not be interfering with any green visual aspect
- Infill developments are not unusual for this area
- Additional vehicle movements for 7 properties will go very much un-noticed
- Land is largely invisible from the main road and bares very little community value

6.3

Ward Members:

Cllr Lamb has objected to the proposal for the reasons given earlier within the report. Cllrs Lamb and Harington have also formally objected to the proposal. The concerns raised are:

- Impact the development will have upon the highway in the village
- Share the concerns raised by Historic England regarding the harm caused to the Listed Building and wider Conservation Area
- The site is constrained and not large enough for the number of houses proposed
- Insufficient time for local residents & ward members to consider the proposed changes

6.4 Boston Spa Parish Council:

In January 2018, the Parish Council submitted the following comments in relation to planning applications 17/07309/FU and 17/7310/LI for the above site.

“Having considered the above application Boston Spa Parish Council would like to object to the proposals for alterations to a boundary wall, the creation of access and construction of one replacement vicarage and seven dwellings. The Neighbourhood Plan for Boston Spa includes policies which affect this application as follows:

Policy Des 1 only supports applications that help to meet the needs of young people and the over 55's with a suitable percentage of 2/3 bedroomed homes. This application does not respect this policy;

Policy Des 2 requires development to respond sensitively to the historic environment and this application does not respond to the special characteristics set out in the Boston Spa CAAMP;

Policy H1 highlights the fact that the development is not in keeping with the magnesia limestone requirement for the conservation area;

Policy H2 highlights the application is not responding sensitively to the character and settings of listed buildings eg changes to the walled garden of a listed building;

Policy T1 specifically retains existing trees. The Landscape Team for LCC estimate that 20 trees will be lost plus four other groups of smaller trees

Policy T3 specifically retains and increases hedges which this application does not do;

Policy T4 makes provision for wildlife habitats which this application potentially destroys.

6.5 Further, the Parish Council notes that – although the plot in question is not listed as a protected Green Space in the Neighbourhood Plan – it is however described as a green corridor and a site of value for nature conservation.

6.6 The Parish Council have stated that it would also support access, speed restrictions and increased visibility at the entrance as they remain concerned about safety in an area with many access roads and increased traffic from the new development at Church Fields.

6.7 The Parish also submitted as follows: “Many residents have contacted the Parish Council with similar concerns and we hope our concerns will be reported to the Plans Panel in full. We believe it would be appropriate for further consultation to take place with the Parish Council and with residents impacted by the proposals regarding these matters before decisions are made.”

6.8 The Parish Council has now reviewed the amended submission and has concluded that the proposed changes to the development do nothing to address the previous

objections and would, therefore, wish to submit these objections in relation to the current applications. The Parish Council fully supports the comments made by Historic England and Leeds City Council Conservation team in relation to the application.

7.0 CONSULTATION RESPONSES:

Statutory

LCC Highways

- 7.1 Concern were raised over the initial submission in terms of measures for pedestrians, electric charging vehicle points, waste collection, the widening of driveways and repositioning of garages. However, all these matters have now been addressed. It was previously requested a footway should be provided on both sides of the road from High Street to the ramped section of the proposed street. It is understood the inclusion of a footway on both sides may not be possible due to tree roots. However, this could be addressed as part of further investigations at the s38 stage. The closing of the existing access point and formation of a new access point to serve the development is considered to be acceptable. In terms of traffic impact, the development is not expected to have a significant impact on the surrounding highway network.

Historic England

- 7.2 Boston Spa has a distinctive character expressed predominantly in its striking late C18/early C19 magnesium limestone buildings set in their associated plots which form the linear core of the village. The proposed housing development, in-filling most of the rear garden of the Grade II listed vicarage, the demolition of sections of the Grade II listed garden wall enclosure, and creation of an access route running adjacent to the Grade II listed building, would cause harm to the significance of the Grade II listed building and fail to preserve or enhance character and appearance of the Boston Spa Conservation Area.
- 7.3 Historic England object to proposed housing development and demolition of the sections of the listed wall on the grounds of unjustified harm to the significance of the Grade II listed building and the character and appearance of Boston Spa Conservation Area. The proposals would not constitute sustainable development as defined in the National Planning Policy Framework (NPPF) (July 2018). The proposal also fails to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 16(2), 66(1) and 72(1).

Non-statutory

LCC Landscape team

- 7.4 The submitted plans are acceptable subject to any trees being removed to facilitate development replaced at a ratio of 3 to 1. Pre commencement conditions relating to a method statement and Arboricultural site supervision are required as this must entail a hand dug root trimming trench ahead of the excavation for the actual access.

LCC Conservation Team

- 7.5 The applicant's statement in the Built Heritage Statement is an accurate assessment of the impact of the proposed development on heritage assets, viz:

"the proposed development will give rise to a degree of harm to the significance of the Grade II listed St. Mary's Vicarage, 86 High Street, Boston Spa and the significance of the Boston Spa Conservation Area. This harm will primarily relate to the loss of historic boundary walling and enclosure in facilitating a new access and through the loss of openness to the setting of the listed building to the south. The layout, density and architectural treatment to the new units provides opportunities to mitigate the extent of harm and, in some areas, provide enhancement. The extent of removal of boundary walling is the minimum required in order to facilitate access to the site. Subject to detailed consideration of design, material treatment and landscaping it is considered that the extent of harm will be less than substantial."

- 7.6 It is considered that the layout, density and architectural treatment has been improved since the scheme was first submitted, reducing the harm to heritage assets to minor adverse. However, the scheme is still harmful for the reasons set out above. On this basis the development proposals should be considered having regard to the guidance contained within paragraph 196 of the Framework: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 7.7 Public benefits can include heritage benefits such as sustaining or enhancing the significance of, and reducing or removing risks to a heritage asset. In this regard weight may also be given to the benefits derived from the remediation work proposed to the existing grade listed vicarage. A non-destructive visual survey has been prepared on behalf of the applicant to form the basis of a detailed condition survey to inform a schedule of works to improve the fabric of the building and associated structures such as walls. The survey has found that the listed building is in a poor-fair condition (a more detailed intrusive condition survey is likely to find further defects) and their remediation would be a public benefit which would offset the harm caused by the housing development subject to a condition or legal agreement securing implementation. It is unlikely that these repairs could be delivered in their entirety by other means such as a grant, sale or by enforcement action.

LCC Flood Risk Management

- 7.8 Note that the site is within an area subject to risk of surface water flooding. The developer will need to set floor levels at an appropriate level to reduce the risk of flooding. Conditions are therefore recommended to address drainage and the mitigation of flood risk.

LCC Environmental Studies Transport Strategy

- 7.9 The team was consulted on this application due to its proximity to the road network. On examination of Defra's strategic road maps and the layout and orientation of the proposed dwellings, noise from road traffic is unlikely to be of a level that would require specific measures over and above standard building elements.

LCC Contaminated Land Team

- 7.10 It is recommended in the submitted Phase 1 Desk Study report that a site investigation should be carried out. No objections subject to conditions.

LCC Nature Team

- 7.11 Subject to conditions there should not be any significant adverse impact on biodiversity.

8.0 RELEVANT 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 (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013) and any made neighbourhood plan. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve the appearance and character of Conservation Areas.

Local Development Framework - Core Strategy

- 8.2 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. The Core Strategy and CIL were adopted by The Council on 12 November 2014 and form part of the Statutory Local Plan for Leeds. Relevant policies are:

SP1- Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

SP6- Sets out the housing requirement and allocation of housing land.

SP7- Sets out the distribution of housing land and allocations.

H2- Relates to new housing on non-allocated sites.

H3- Sets out the density of residential development.

H4- Seeks to ensure developments include an appropriate mix of dwelling types and sizes to address needs measured over the long term.

P10- Seeks to ensure that new development is well designed and respect its context.

T2- Seeks to ensure new development does not harm highway safety.

ID2- Section 106 planning obligations will be required as part of a planning permission where this is necessary, directly related to the development, and reasonably related in scale and kind in order to make a specific development acceptable and where a planning condition would not be effective.

EN1- Seeks developments to contribute to carbon dioxide reduction.

EN2- Seeks to ensure developments are sustainable through design and construction.

EN5- Seeks to manage and mitigate flood risk.

G1- Seeks to enhance and extend green infrastructure.

G4- Seeks to ensure adequate new green space is provided.

G8- Seeks to ensure important species and habitats are protected.

G9- Seeks to achieve biodiversity improvements.

- 8.3 The Council's emerging Site Allocation Plan (SAP) has reached a highly advanced stage, close to adoption and greater weight should therefore be accorded to it. The SAP does not identify the application site for housing purposes. As the application site is therefore not affected by the SAP, it has no particular relevance as emerging policy and this detail is provided for Member's information only.

Natural Resources and Waste Development Local Plan)

- 8.4 The Natural Resources and Waste Local Plan (NRWLP) was adopted by Leeds City Council on 16th January 2013 and is part of the Local Development Framework. The plan sets out where land is needed to enable the City to manage resources, e.g. minerals, energy, waste and water over the next 15 years, and

identifies specific actions which will help use natural resources in a more efficient way. Policies relating to drainage, land contamination and flooding are relevant as follows:

Policy General 1 – Sustainable Development;
Policy Air 1 – Management of Air Quality Through Development;
Policy Minerals 3 – Mineral Safeguarded Area – Surface Coal;
Policy Water 1 – Water Efficiency;
Policy Water 2 – Protection of Water Quality;
Policy Water 6 – Flood Risk Assessments;
Policy Water 7 – Surface Water Run Off;
Policy Land 1 – Contaminated Land;
Policy Land 2 – Development and Trees.

Saved UDPR Policies:

- 8.5 GP5- Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
BD5- All new buildings should be designed with consideration given to both their own amenity and that of their surroundings.
N19- All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area by ensuring that:
- i. The siting and scale of the building is in harmony with the adjoining buildings and the area as a whole;
 - ii. Detailed design of the buildings, including the roofscape is such that the proportions of the parts relate to each other and to adjoining buildings;
 - iii. The materials used are appropriate to the environment area and sympathetic to adjoining buildings. Where a local materials policy exists, this should be complied with;
 - iv. Careful attention is given to the design and quality of boundary and landscape treatment.
- BC7- Development within conservation areas will normally be required to be in traditional local materials.
LD1- Seeks to ensure that development is adequately landscaped.
N23- Refers to open space and the retention of existing features which make a positive visual contribution.
N24- Seeks to ensure that development assimilates into the landscape.
N25- Refers to boundaries around sites.

Boston Spa Neighbourhood Plan:

- 8.6 The Boston Spa Neighbourhood Plan forms part of the development plan. The following policies are relevant.
- 8.7 The Plan also lists a number of objectives which include the encouragement of proportionate housing development, to maintain and improve the quality and character of the built environment, to maintain and improve biodiversity of the rural environment; and to identify and conserve assets including green spaces and open views.

Dev1 – Homes for young people and the over 55's

Dev2 - New development should be within the village envelope and respect the local character

Des1 - Seeks to ensure that new development is well designed and respect its context.

Des2 - Seeks to ensure that new development in the Conservation Area is well designed and respect its context

H1 - Protection of key views

H2 – Protection of listed buildings

T1 – Seeks to retain existing trees

T2 – Seeks the planting of native trees

T3 – Seeks to retain and support new hedges

T4 – Seeks to provide wildlife habitats

Supplementary Planning Guidance

8.8 Relevant supplementary guidance includes:

SPG10 Sustainable Development Design Guide (adopted).

SPG13 Neighbourhoods for Living and Addendum (adopted).

SPG22 Sustainable Urban Drainage (adopted).

SPG Greening the Built Edge (adopted)

SPD Street Design Guide (adopted)

SPD Designing for Community Safety (adopted)

Boston Spa Conservation Area and Management Plan

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

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

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

8.11 Any development proposing the infill of a site, or the subdivision of a plot, should respond to the scale, massing, layout and distribution of positive structures within the conservation area. Mature trees are also a significant feature of Boston Spa. It is important to ensure the continued survival of mature trees in the conservation area.

Emerging Policy - Core Strategy Selective Review (CSSR)

8.12 Hearing sessions relating to this limited review of the Core Strategy were completed at the end of February/beginning of March 2019 and the Inspector's main modifications are expected later this month. The advanced nature of this review is such that some weight can be attached to the revised policies where relevant:

H9 – Minimum Space Standards

H10 – Accessible Housing Standards

EN8 – Electric Vehicle Charging Infrastructure

National Planning Policy Framework

- 8.13 The revised National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
- 8.14 Section 12 of the revised NPPF, Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
- 8.15 Paragraph 127 states that:
"Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Paragraph 128 states:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. "

Paragraph 130 states:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be

used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

- 8.16 In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings (Paragraph 131).
- 8.17 Part 15 relates to conserving and enhancing the natural environment and notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 8.18 Part 16 relates to the conservation and enhancement of the historic environment. In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.19 Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

DCLG - Technical Housing Standards 2015

- 8.20 This document sets internal space standards within new dwellings and is suitable for application across all tenures. 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.
- 8.21 With this in mind the city council is currently progressing to adopt the national standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.22 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant listed building consent for any works, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, with respect to any buildings or other land in a conservation area, special attention has to be given by the Council to the desirability of preserving or enhancing the character or appearance of that area

9.0 MAIN ISSUES:

- Principle of Development (including Housing Mix)

- Design & Heritage Matters (including Listed Building application)
- Highways and Transportation
- Trees & Ecology
- Residential amenity
- Other Matters
- CIL
- Consideration of Objections

10.0 APPRAISAL

Principle of Development

- 10.1 Sustainable development is a key aspect of the current planning policy framework at both national and a local level. Sustainable development has several facets, and includes siting new development in sustainable locations, using land efficiently and creating sustainable communities. 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, whilst Spatial Policies 6 and 7 seek to ensure that the authority has an appropriate supply and distribution of housing land.
- 10.2 Within the Core Strategy, the Settlement of Boston Spa is not part of the main urban area but is a smaller settlement. As noted at bullet point (i) of SP1 smaller settlements will contribute to development needs, with the scale of growth having regard to the settlements size, function and sustainability, and as noted at bullet point (ii) focusing development on suitable infill sites within the main urban area/relevant settlements will be a key priority. This is also reflected in policy H2 which relates to housing on non-allocated sites.
- 10.3 Policy H2 of the Core Strategy is applicable and this notes that housing on such sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. Objections have been raised regarding the impact of the development upon the infrastructure of Boston Spa, particularly in conjunction with other recent developments such as those at Church Fields and other sites identified within the SAP. Although these concerns are noted, it is unlikely that seven new will have an appreciable impact upon the services and infrastructure within Boston Spa.
- 10.4 Policy H2 also notes that Greenfield land should not be developed if it makes a valuable contribution to the visual, historic and/or spatial character of an area. Significant concern has been raised about the loss of a largely green, open site which is talked about within the Boston Spa Neighborhood Plan, the construction of seven dwellings, and the subsequent change that the development will make to the spatial character of the area. However, whilst the site is not specifically allocated for housing within the Neighborhood Plan, it is also not allocated as Greenspace meaning that there is a presumption in favour of sustainable development on such sites. Furthermore, as will be outlined below whilst the currently low density of development and subsequent open space on the site does help to create a sense of openness and verdure within the area, the varied spatial character within the immediate area is such that developing the site cannot be said to be harmful as a matter of principle.

- 10.5 As such the application is not considered contrary to the aims and intentions of policies SP1 & H2 of the Core Strategy and thus is acceptable in principle.

Design & Heritage Matters

- 10.6 The vicarage and its garden wall are Grade II Listed Buildings and the site is entirely located within Boston Spa Conservation Area. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the planning balancing exercise. When making a decision on any planning application for development that affects a listed building or its setting, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, special attention has to be given by the Council to the desirability of preserving or enhancing the character or appearance of that area.
- 10.7 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 130 states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,

- 10.8 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.
- 10.9 The Boston Spa Conservation Area Appraisal and Management Plan provides guidance on new development. The plan states that to be successful, any future development within the Conservation Area needs to be mindful of the local character of the village while at the same time being distinctly of the 21st Century and addressing contemporary issues such as sustainability. It also notes that new development should relate well to the geography of the area: sit happily in the pattern of existing development: respect important views: respect scale: respect historic boundary walls and garden plots: use natural materials and create views.
- 10.10 The site can be split into two distinct areas. Area one relates to the land to the north, including the existing Grade II Listed vicarage, the proposed replacement vicarage and plots 1-3, with area two, the southern, rear portion of the site where plots 4-6 would be situated. The development has been designed so as to reflect the character and appearance of these areas and to ensure that the proposal

would preserve and enhance the Conservation Area.

- 10.11 Area one (to the front of the site) is close to the main High Street, where the buildings tend to be tight knit. This has been reflected in the submitted plans which show plots 1-3 as linked properties. These dwellings would be smaller and subservient to the Listed Building so as to ensure that the development would not dominate its surroundings. These dwellings would be set in a linear layout which would mirror the adjacent pattern of development found on “Springfield” to the west. The design of these properties closely relates to the existing buildings situated on the High Street with classically inspired Georgian architecture with regular fenestration details.

The new vicarage and its rear garden sit to the west of retained large trees which terminate the views from the existing vicarage. This ensures that the new vicarage is seen within the historical context of the existing vicarage by giving it a physical connection. The footpath to the front of the existing vicarage on High Street is taken into the site, thereby reinforcing this connection. The design of the vicarage would be modest and seen to complement the existing Listed Building.

- 10.12 The second area of land located to the rear of the site would contain 3 large detached properties which would be characteristic of dwellings within the area which are set back from the main roads. The design of these plots would be for a large main ‘body’ providing a focus for these units, with more subservient additions to the sides. This ensures that the overall design and appearance of these units harmonizes well with the development as a whole and to the wider area.

Impact upon the heritage assets:

- 10.13 As the development would be within close proximity of the Listed Building it is important to ensure that the proposals would preserve the setting of the vicarage and its walled gardens. Officers recognize that Historic England have objected to the scheme stating that there is unjustified harm caused by the development to the significance of the Listed Building. It is acknowledged that the proposed development would cause harm to the setting of the Listed Building however, this harm is considered to be less than substantial.

Paragraph 194 of the NPPF states:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

- 10.14 When looking at the site as a whole, the walling is in a generally poor condition with areas of significant lean, failure of mortar joints and deterioration/weathering of stonework. The western section of wall is absent and is no longer in use and overgrown. Walling continues to the south as a rough limestone bounding and retaining wall to the larger rear garden to the Vicarage. The garden itself is raised from the southern section of the site with a low retaining wall defining its historic extent. The land to the rear was historically in partial use as a quarry, pastoral field and paddock area. The land is now only in partial use as small holding and paddock with a number of store buildings, in poor condition and does detract from the overall character and appearance of the wider area

- 10.15 The proposed new access will remove the historic pinfold enclosure at the High Street frontage and take down and realign the stone boundary wall defining the

western boundary of the Vicarage garden. This will result in the loss of elements of historic significance although the principal formal boundaries to the frontage of the Vicarage, including the western screen wall, will be retained in place. Some loss of the current garden area to the rear of the building will occur in order to accommodate the access and development to the south will remove the current openness to the setting of the listing building. Given this, it is considered that a degree of harm, which is less than substantial in terms of NPPF guidance, will occur to the significance of the Listed Building. Principal elements of significance to the listed Vicarage, including the main house itself, will not be directly impacted. This less than substantial harm needs to be weighed against the public benefits of the scheme.

- 10.16 In seeking to minimise harm and maximise potential enhancement opportunities the design and layout of the development adopts two distinct character areas. The first (the Vicarage and plots 1, 2 and 3) aligns properties to front onto the new access road in a similar fashion to those on Springfield to the west. Through use of differentiation in material treatment the visual massing of the new units is reduced. The scale of the units, which will sit on lower ground to that of the existing Vicarage, will ensure that the listed building remains the dominant feature within the street scene. Alignment along the access, with houses located within a linear formation and garages located to the rear of plots, will also maintain a degree of openness to the south of the Vicarage garden area. It is however notable the extent to which existing mature trees to the southern boundary of the garden (and to be retained) screen off views to the south. The second character area to the south proposes 3 larger detached dwellings to reflect the character of early 20th century properties on Oaks Lane, Whitham Close and Chestnut Avenue.
- 10.17 The architectural approach, whilst modern, does respond to the character of the conservation area and neighbouring properties. The units within the northern area of the site harmonise with the design and detailing similar to properties along High Street although massing is broken through set back and the use of single storey ancillary elements such as garaging and single storey 'extensions' to the properties. The units to the south incorporate projecting gables and low/overhanging eaves in keeping with a number of properties within the immediate, including Four Gables, on Oaks Lane. Subject to detailing and confirmation of material treatment it is considered that the development will be in keeping with the character and appearance of the conservation area.
- 10.18 The realignment of boundary walling should seek to re-use existing stonework. The existing wall height should be retained in order to maintain enclosure to the existing Vicarage Gardens. The reconstruction of walling, which is currently in a poor condition to the western boundary of the garden, will provide some degree of visual enhancement. The loss of a small amount of boundary elements and the historic enclosure will remove positive structures within the Boston Spa Conservation Area however, in the context of the conservation area, considered as a whole, this impact will be minimal.
- 10.19 The tree to the west of the existing access, which holds high amenity value will be retained which ensures that the overall impact of the development would be, in officer's opinion, minimal. The loss of the areas of paddock land to the rear of the vicarage will have a limited impact upon the significance of the conservation area. The land itself makes a very limited visual contribution to the appearance of the area particularly in views from High Street. Furthermore, this land now has a largely urban context given surrounding development. Therefore, this loss would not be detrimental to the character and appearance of the wider Conservation Area

- 10.20 The proposed development has been amended in order to address concerns raised by the Conservation Officer with regard to the potential impact upon the Listed Building and wider Conservation Area. These amendments include alterations to the design and appearance of the dwellings and their layout within the site in relation to the Listed Building. Therefore, following negotiations, it is considered that the proposed dwellings including their siting, scale, materials and architectural detailing would be sympathetic to the character and appearance of the Boston Spa Conservation Area as well as to the Listed Building.
- 10.21 The proposed development will also include remedial work to the Grade II Listed vicarage. The works would include the removal of cement patch repairs and pointing to the principle facades, replacement of defective stone pieces and re-pointing using traditional lime based mortar. Works will also include replacement of existing windows with new double glazed windows within new timber frames. Officers consider that these works will not impact upon the historic fabric of the Listed Building and will help to preserve the building.
- 10.22 Overall the impact of the development (as amended) on the significance of the conservation area as well as to the Listed Building, considered as a whole, will be minimal and, subject to conditions relating to materials and the re-use of stone on the boundary wall, the proposal would comply with current planning policies with regard to any impact upon the Listed Building and Conservation Area.

Highways and Transportation

- 10.23 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximize highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
- 10.24 The development would be in a highly sustainable location, within walking distance to the local amenities of Boston Spa with bus services to other settlements. The development would therefore comply with the accessibility criteria outlined within Policy T2.
- 10.25 The development would be accessed via a newly formed road onto High Street. Visibility splays onto High Street are considered acceptable at 2.4m x 40.6m, having been calculated from a speed survey, indicating a weather speed of 37.6mph in each direction adjusted for a car bonnet length to 40.6m in each direction with the splay forming part of the adopted highway.
- 10.26 The junction with High Street would be provided with 6m radii to allow larger vehicles to turn into and out of the site and pedestrians to cross and is demonstrated by the submitted swept path analysis.
- 10.27 The proposed street connects each dwelling and terminates in a turning head. There would be a 2m wide footway on the western side with a 0.6m margin on the east for the first 30m and thereafter 0.6m margins to both sides. This is considered acceptable as it would provide sufficient width and space for both vehicles and pedestrians.

- 10.28 There would be sufficient off street parking for each of the proposed dwellings. Plots 1-3 would have parking to the rear including garage blocks with the proposed replacement vicarage having a driveway leading to a garage. Plots 4-6 would have associated garages with driveways which would provide sufficient parking for the size of the dwellings. Each dwelling would have cycle storage and an Electric Vehicle Charging point which will be secured by way of condition.

Trees and Ecology

- 10.29 The application site is characterised by large mature trees around the boundaries and along the site frontage with High Street. For the most part these trees are to be retained as part of the development proposals and conditions are recommended as part of any approval which seeks to protect these trees during construction.
- 10.30 It is noted however, that in order to facilitate the new access point on High Street, the new road internally and the close proximity of trees to the dwellings a total of 14 individual trees will need to be removed. Of these 6 are classed as Category B with the rest identified as 'C' (low quality or 'U' (poor quality).
- 10.31 Three of the 14 trees shown to be removed are located on the road frontage. A further three trees are set slightly back from the highway and the remaining eight trees are internal within the site. Officers recognise that the loss of trees on the site frontage will have a visual impact upon the local environment when viewed from public areas outside the site. However, this impact is somewhat mitigated by the remaining strong presence of trees which would still exist along High Street. A large group of trees would be retained to the west of the access road which would provide a strong amenity presence. A number of trees would also be retained to the east, within the grounds of the existing vicarage. Internally, the emphasis would be on retaining trees along the boundaries to ensure that the visual amenities that currently exist is retained.
- 10.32 Given the proposed removal of some trees, there are opportunities for an enhancement to the existing tree coverage which would complement the existing landscaping. Conditions are therefore recommended with regard to a landscaping scheme for the development together with proposals for replacement tree planting in accordance with current policy (at a ratio of 3:1). Furthermore, in order to mitigate against any ecological impacts, conditions relating to bat roosting and bird nesting features within the development and an Ecological Construction Management Plan are recommended.
- 10.33 Subject to these conditions, the proposal is considered to be acceptable with regard to trees and ecology within and around the site.

Residential Amenity

- 10.34 As outlined within Policy P10 of the Core Strategy and saved Policies GP5 and BD5 of the UDP, new development must protect amenity, including residential amenity. For new housing developments this means that an adequate standard of amenity must be provided for future residents, and that the amenity of those around the development site must also be protected.
- 10.35 Turning first to the residential amenity of those living within the proposed development. Neighbourhoods for Living provided guidance regarding housing development and (among other things) requires that rooms are of an adequate size, achieve appropriate outlook and have good penetration of natural light, and

also that dwellings provide an adequate standard of outdoor amenity space (usually two thirds the gross floor area of the house). The floor plans indicate that all dwellings will provide an appropriate standard of internal accommodation and all main living areas and bedrooms have a good standard of outlook. A condition requiring construction in accordance with approved plans is proposed to be sought in order to ensure that this is adhered to as part of the development.

- 10.36 The rear gardens of the dwellings meet the required two thirds amount set out within Neighbourhoods for Living and are set a sufficient distance from neighbouring windows to prevent harmful overlooking.
- 10.37 Neighbourhoods for Living also outlines the minimum distances that are required from new windows to neighbouring boundaries in order to prevent harmful overlooking, with ground floor windows needing to retain 10.5m and secondary windows such as bedrooms to retain 7.5m. The new houses do meet (and exceed) these minimum distances both within the development and in respect of surrounding houses located on Springfield to the west and Oaks Lane & Whitham Close to the east and south.
- 10.38 Taking the above into account, it is considered that the development will both retain an adequate standard of amenity to existing and future occupants.

Other Matters

- 10.39 Comments received from the Contaminated Land officer raises no objection to the proposal but recommends conditions relating to a Phase 2 Site Investigation Report and remediation statements due to previous historic uses of the land. The proposal is considered acceptable with regard to land contamination subject to these conditions.
- 10.40 Whilst the site is not within a flood zone, the planned houses are within an area subject to risk of surface water flooding with a risk of 1 in 100 year. Therefore conditions relating to surface water drainage and measures in order to prevent surface water flooding are recommended. Officers therefore consider that the proposal is acceptable with regard to flooding and flood risk subject to the implementation of these recommended conditions.

CIL

- 10.41 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 for Class C3 residential institutions (plus the yearly BCIS index). This information is not material to the decision and is provided for Member's information only.

Consideration of Objections

- 10.42 The issues raised by the objections received have been considered within the relevant sections of the report insofar as they relate to material planning considerations.
- 10.43 Concerns relating to the need for housing in the area and that executive homes are not needed are noted. However, the application has to be assessed on its planning

merits and the scheme is considered acceptable when having regard to the planning balance.

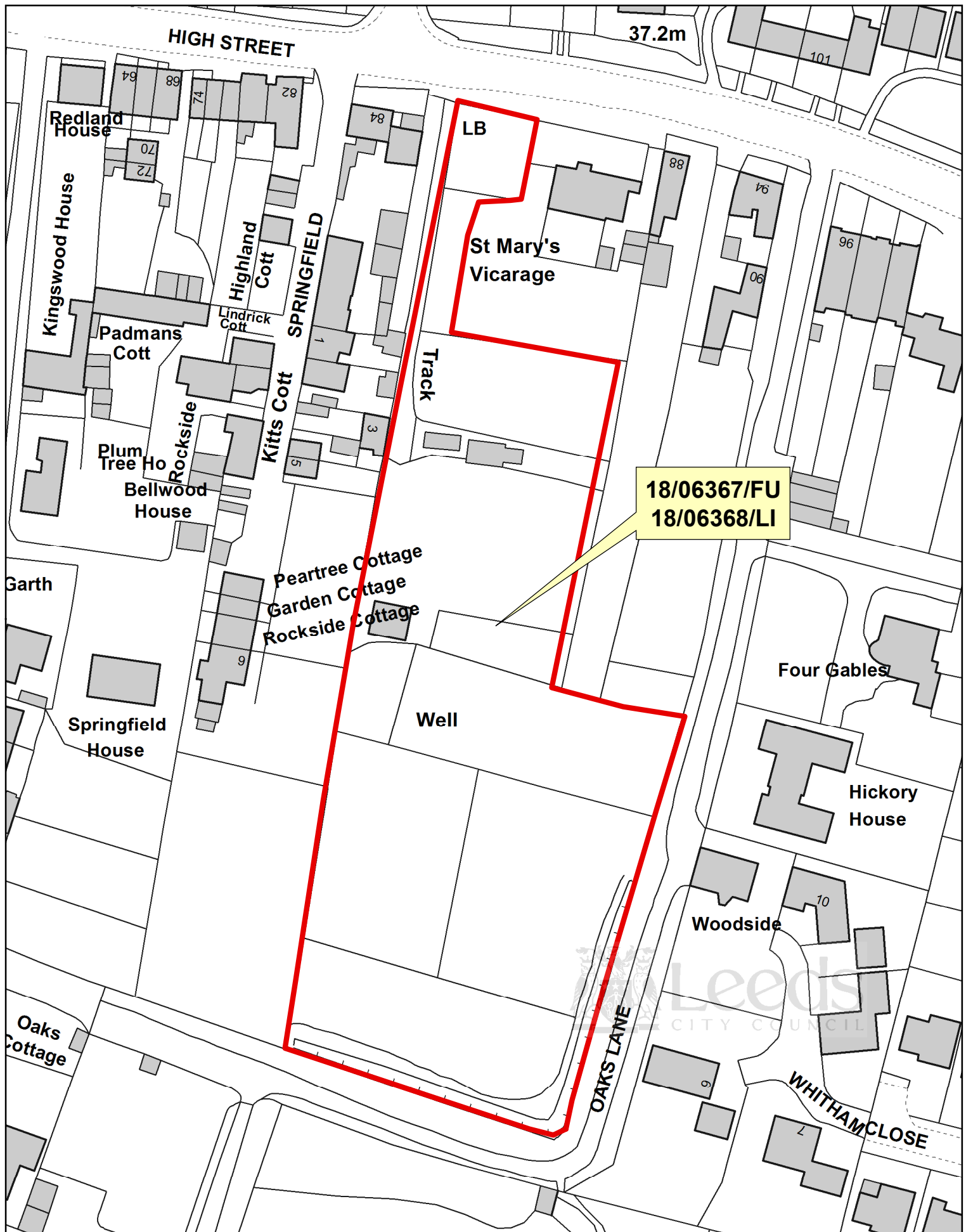
- 10.44 Comments that the scheme is no different to the previous withdrawn schemes is not correct. There are significant differences between the proposals with regard to the amount of develop, the layout and design of the development and the overall impact of the proposal has, in officer's opinion, being reduced with regard to the setting of the Conservation Area and Listed Building.
- 10.45 A comment relating to some residents having rights of access to the well within the land is noted however, no further details have been provided with regard to this and furthermore, this is not a material planning consideration and is a private legal matter. Equally, the comment relating to the existing vicarage not being occupied by a vicar once the development is completed is not material to the determination of this planning application.
- 10.46 Comments relating to the length of time given for the publicity of revised plans are noted however, 47 individual neighbour have been received during this period meaning that the local community have had sufficient opportunity to comment on the revised plans. Furthermore, the application has been advertised in accordance with the statutory requirements.

11.0 CONCLUSION:

- 11.1 The application is considered acceptable in principle and would not lead to an unacceptable level of harm upon the Listed Building or the Boston Spa Conservation Area. The layout, design and appearance of proposed dwellings would respect the character and appearance of the surrounding area with the plots directly behind the Listed Building being subservient to it. Furthermore, there would be no detrimental impact upon the residential amenities of both the proposed dwellings and existing properties.
- 11.2 There would be no undue impacts associated with the development upon highway or pedestrian safety as it is considered that 7 additional dwellings (including the replacement vicarage) would not lead to an appreciable impact upon the surrounding highway network.
- 11.3 The application is considered to have a 'less than substantial harm' upon the Listed Building and that this harm is, in officers' opinion, outweighed by the benefits the scheme provides with regard to the restoration of the Listed Building which would be secured by condition.
- 11.4 The development is compliant with relevant policies of the development plan, as well as with national policy and the Boston Spa neighbourhood plan. It is considered to represent a sustainable form of development. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. The application is recommended for approval.

Background Papers:

Application file 18/06367/FU & 18/06368/LI
Certificate of Ownership: Certificate A signed



NORTH AND EAST PLANS PANEL

