



## Report of the Chief Planning Officer

### CITY PLANS PANEL – POSITION STATEMENT

Date: 24 October 2013

**Subject: 1. 13/03196/FU - Residential development comprising 104 dwellings with associated car parking and garages, formation of new access, public open space, landscaping and parking facilities; and**

**2. 13/03202/OT - Outline planning application for residential development and means of access at land off Grove Road, Boston Spa.**

#### Electoral Wards Affected:

**Wetherby**

Y

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

For Members to note the content of the report and presentation and to provide any comments on the proposals.

## 1.0 INTRODUCTION

- 1.1 This report relates to both an outline and full application which proposes the redevelopment of this Greenfield site which is a site designated as a 'Protected Area of Search' (PAS) in the UDP, for residential development. The full application proposes a total of 104 dwellings with associated access, parking, landscaping and public open space. The applicant, Miller Homes, has also submitted an outline application for the same site to establish the principle of residential development with all matters reserved, save for access.
- 1.2 These applications are reported to City Plans Panel due to the planning policy context and their strategic implications relating to the proposed development of PAS sites across the city. The report seeks to update Members on the content and progress of these planning applications and to seek comments on a number of issues, including whether the proposal is compliant with the Council's Interim PAS policy.

## 2.0 PROPOSALS

- 2.1 The full planning application relates to proposals involving the development of this site for 104 houses with an overall density of 27 dwellings per hectare. The main vehicular access into the site is taken from Grove Road, approximately 30m to the east of the junction with Chestnut End. The proposed road would be 5.5m wide and comprises 2m wide footways on each side. A secondary vehicular access point is proposed towards the north western corner, again off Grove Road, which serves 3 of the proposed dwellings (plots 1-3) which utilises an existing field gate. An emergency access point is also proposed from Green Lane towards the south eastern corner. A small section of the existing hedge will need to be removed to create this and a number of bollards will restrict entry/exit for non-emergency traffic and vehicles, although pedestrians will be able to utilise this route.
- 2.2 The layout can be described as taking the form of a standard residential estate, with a number of cul-de-sacs taken off the main route into and around the site. The layout takes the opportunity to retain a key view from the north eastern corner of the site looking towards Clifford Church Tower. A hard landscaped area of public open space is created in this corner and forms a diagonal route through the site in the form of a tree lined avenue, interspersed with shared surfaces to help keep the speed of traffic to a minimum. The layout also allows for the retention of the boundary hedges along the Grove Road and Green Lane frontages, save for some sections which facilitate the creation of vehicular and pedestrian access points. Some trees are also to be removed at the main access point. A number of trees have already been removed along the western boundary adjacent to the children's hospice. This has been done under separate approval with the Council's Tree Officer prior to the submission of this application. Such trees were considered to be in poor health and representing a danger to the hospice site. Nevertheless, the developer is not intending to position houses in the area of trees loss, and instead has a requirement to carry out replacement tree planting along this boundary.
- 2.3 The proposal does not include any substantial area of public open space for future residents. Instead, what is proposed is a small hard landscaped area forming an entrance feature to the site in the north eastern corner, and a small area of greenspace adjacent to the retained Sycamore tree. There is also a linear area of greenspace running parallel with Green Lane and inside the site behind the retained hedge. This allows pedestrian movement along this edge, as the western side of Green Lane does not feature and would not allow for the creation of a footway without removing the hedgerow. New stock fencing is also proposed in areas along and inside the western boundary in order to protect the new tree planting. Additional buffer planting is proposed partly along the southern boundary where it borders the open countryside and Green Belt.
- 2.4 Within the proposed development houses are generally two storeys with some properties comprising dormers within the roofspace and therefore have accommodation over three floors. Of the 104 dwellings, the mix is as follows:
- 22 x 2 bedroom
  - 32 x 3 bedroom
  - 35 x 4 bedroom
  - 15 x 5 bedroom
- 2.5 In terms of materials, only 4 out of the 104 houses are proposed to be constructed from natural coursed stone. 15 would be constructed from render and the remaining

85 will be constructed from artificial coursed stone. Proposed roofing materials include a mixture of flat grey tiles, flat red tiles and red bold roll tiles. In terms of boundary treatments, some are open and comprises turf and ornamental planting or areas of hardstanding for car parking, while some properties are bounded by ornamental hedging. Estate railings are located in prominent locations to demarcate private garden areas and protected landscaped areas.

- 2.6 The design of the houses takes reference to some of the architectural detailing on other properties in the locality. In general, all dwellings are either two storey or two storey with accommodation within the roofspace served by pitched dormer windows and rooflights. Dwellings all have gable ended roofs with the exception of one of the house types which has a hipped end due to its footprint which helps turn a corner. Some properties also have integral garages with visually attractive garage doors, while other properties have detached garages. Some of the houses also have strong gable features to one side while others are more simplistic and symmetrical. Architectural detailing includes the use of entrance canopies, barge boards, dentil courses, raised door surrounds, stone window detailing, and corbelled eaves. There is a small block of 'flats over garages' which do not provide any surveillance at ground floor level. In terms of scale, houses range in height from 7.0m to the ridge for the smaller 2 bedroom properties to 9.6m to the ridgeline for the larger dwellings which include dormers within roofslopes.
- 2.7 The proposals also involve the creation of 20 additional car parking spaces within the site to be used by the adjacent hospice. A new access will be created in the western boundary to link the car park of the hospice to the newly formed car parking spaces. These spaces will be constructed from grasscrete with a no dig zone around the root protection areas of adjacent trees.
- 2.8 The applicant has put forward a number of plans and supporting reports as part of the planning application which comprise the following:
- Application forms, Certificates and Fee
  - Location Plan
  - Drawings, including site layouts, floor plans and elevations
  - Design & Access Statement
  - Planning Statement
  - Transport Assessment
  - Travel Plan
  - Tree Survey & Landscape Scheme
  - Landscape Visual and Impact Assessment
  - Landscape Management Plan and Design Strategy
  - Flood Risk Assessment
  - Geophysical Survey and Phase Site Investigation
  - Desk Study & Geo-Environmental Report
  - Phase I Habitat Survey
  - Sustainability Statement
  - Site Access Option
  - Statement of Community Involvement
  - Affordable Housing Proforma
- 2.9 In addition to this information, the applicant has also provided a list of Heads of Terms with regard to a Section 106 Agreement. These are as follows:

- Affordable Housing, in accordance with planning policy (35% for this area);
- Education (reasonably justified contributions);
- Public Open Space (provided on site and maintained by a management company);
- Travel Plan.

2.10 The outline planning application just seeks the principle of residential development for up to 104 dwellings as well as the means of vehicular access. The proposed access is taken from Grove Road and is identical to the access proposed as part of the full application. All matters relating to scale, appearance and landscaping would be considered in any future Reserved Matters submission.

### **3.0 SITE AND SURROUNDINGS**

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

beyond the southern and western boundaries is designated as Green Belt. As such, the school, the hospice and Firs Lodge are all located within the Green Belt.

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

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

- 4.1 This particular site, along with many others within Leeds, is allocated as a 'Protected Area of Search' under Policy N34 of the UDP. The developer (Miller Homes) has engaged with officers at the pre-application stage and has put forward proposals for residential development on this particular PAS site. Discussions have been on-going with Officers since February 2013.
- 4.2 The developers have also organised a public exhibition on Tuesday 7 May 2013 at Boston Spa Village Hall. The event was attended by approximately 95 people and 54 provided their written comments. The applicant has also advised that they have undertaken discussions with Martin House Children's Hospice to explain the proposals and explore how the scheme could be designed in order to respect the sensitivities of the hospice.
- 4.3 10/04314/FU – Use of agricultural field as overflow car parking area to hospice for a temporary 12 month period: Approved in November 2010.

31/236/98 – Erection of 68 dwellings. This application was presented to Planning Committee where Members resolved to approve it in principle on 3 November 1998. The application was subsequently referred to the Secretary of State as a departure from the Development Plan. The approval in principle was also subject to further consideration of the Section 106 Agreement and planning conditions. The application therefore remained undetermined and was disposed of in 2002.

31/99/97/FU – Erection of 66 dwellings. An appeal for non-determination was made and this was subsequently withdrawn in January 1999.

H31/5/91 – Outline application to erect residential development to agricultural site. This application was refused in April 1991.

H31/306/88 – Outline application to layout access road and erect sheltered housing development with landscaping: Refused in October 1988.

4.4 Tree Preservation Order (works to remove some trees has recently been granted).

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

5.1 The full and outline planning applications have been advertised by site notices posted on 26 July 2013 and a newspaper advertisement published on 8 August 2013 as a Major Development, as a departure from the adopted development plan and a development affecting the character of a conservation area. To date, a total of 189 letters of objection have been received objecting to the development. A number of letters make reference to both the full and outline applications within the same letter, while a number of residents have split their objections by providing separate responses to the outline and full planning application. For ease of reference officers have considered all letters to be objecting to both applications and the main concerns for both applications can be summarised as follows (this approach has been discussed with the applicant's agent):

- Inappropriate use of Greenfield site;
- Loss of greenspace;
- Greenspace between Boston Spa and Clifford would be eroded;
- Loss of Green Belt land;
- Application is premature in advance of Boston Spa Neighbourhood Plan;
- Taking a decision would be in advance of a government sponsored local consultation and in advance of the Core Strategy;
- Land should be safeguarded as PAS land in accordance with previous Inspector's findings;
- Site is not identified for development in the Neighbourhood Plan;
- There is already new development at Church Fields and Newton Kyme;
- No need for additional houses as saturation point has been reached;
- Martin House Hospice would be badly affected;
- Increased noise and disturbance which particularly affect Martin House;
- Houses are far too close to Martin House;
- Development would impact on isolated tranquility for which a Green Belt setting was chosen for Martin House;
- Local facilities could not cope;
- Impact on local infrastructure;
- The schools, doctors and dentists are full;
- Primary schools are full to capacity;
- There is no support for this application;
- Impact on local character;
- Development will destroy village feel and has little regard for village atmosphere;
- Site is susceptible to becoming waterlogged in prolonged wet weather;
- Sewerage systems could not cope with additional housing;
- Roads cannot cope with additional traffic;

- Grove Road is particularly narrow and does not allow 2 way passing;
- Increased traffic congestion;
- Increased on-street parking problems;
- Impact on parking within the High Street;
- Access to the site from the High Street is already inadequate;
- Sightlines and road capacity are seriously sub-standard;
- Junctions of Grove Road with High Street, Grove Road with Clifford Road and Clifford Road with High Street are extremely dangerous;
- Submitted Transport Assessment is out of date;
- Lack of public transport will lead to higher than normal car usage and defeat the argument about sustainability of the site;
- Significant impact on pedestrian safety, particularly children walking to school;
- Harmful impact on the environment;
- Harmful impact on local wildlife;
- Increase in noise in the area from delivery lorries, refuse vehicles, traffic and lawn mowers;
- Development will impact upon quality of life of existing residents;
- This development, together with proposals at Thorp Arch will impact on the village and its amenities;
- The design of the costs is of a low cost development of the kind found in our cities;
- Poor design – house styles are not suitable for the local area
- Proposals are out of keeping with the style of Boston Spa with its Georgian heart and gracious houses;
- The number of houses is excessive for the site and totally out of keeping with the overall nature of Boston Spa;
- Development proposals would not comply with Localism;
- Some of the photos in the submission are over 3 years old;

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

5.3 **Clifford Parish Council:** The Neighbourhood Plan which is in preparation is for the retention of the green, open space between Clifford and Boston Spa, whilst plans are being established to consult and determine how local and wider community requirements can be best achieved. A development of this nature is not considered sustainable at the present time in this locality. The proposal will also impact upon local services and infrastructure; information in the applicant's Transport Assessment is out of date; impact of increased traffic; increased parking; lack of public transport and likely higher than usual level of car ownership; housetypes are very standard design and not wholly appropriate; no children's play facilities; and impact on peace and tranquility of adjacent hospice.

5.4 **Boston Spa Parish Council:** Strongly objects and states that the application is fundamentally flawed in a number of ways: - Transport Assessment and Travel Plan make reference to fact that Core Strategy is at an early stage when in fact it is at the public examination stage; errors relating to bus services; development relies upon private cars for access and does not accord with aims of NPPF; site is unsustainable; access to the site is substandard; streets already highly parked with cars; junctions onto High Street at Grove Road and Clifford Road are difficult and potentially dangerous; traffic will impact on Boston Spa; Design: - not appropriate for semi rural/rural location, design is of the worst suburban sort and takes little or no account of the site or its setting on edge of conservation area; road layouts inadequate and car parking is deficient; artificial stone inappropriate; important

views across the site should be retained; Noise: - development will impact on peace and tranquility of the hospice and new tree planting will take time to mature; application is premature as release of the site prior to a thorough and up-to-date assessment of the LCC 5 year housing land supply would be unreasonable, especially when there are similarly allocated sites in more sustainable locations that would be more appropriate for release; not all PAS sites should be released for housing development; development would be premature in light of Council's Site Allocations Plan; contrary to consultation carried out in preparation of Boston Spa Neighbourhood Plan; and impact on education and medical services.

- 5.5 **Boston Spa Neighbourhood Plan Steering Group:** Objects to the proposal. Number of omissions in the applicant's supporting documents (eg. TA does not acknowledge St. John's School for the Deaf or West Oaks School, both of which generate significant levels of traffic; does not consider committed development at former Paper Mill at Papyrus Villas in Selby District; and Planning Statement incorrectly refers to just four schools); application is premature given impending examination in public of Core Strategy and recent consultation on Site Allocations Plan; not all PAS sites should be released for housing development; contrary to consultation carried out in preparation of Boston Spa Neighbourhood Plan; insufficient consideration given to hospice in terms of increased noise; does not meet Core Strategy Accessibility Standards due to proximity of bus stops; residents reliant on the private car; layout is more akin to urban form than semi-rural location; layout or orientation does not reflect local characteristics; design does not respect conservation area; insufficient use of natural materials; can technical solution to drainage issues be provided; queries over the submitted Transport Assessment, and that the Council reconsider whether an Environmental Impact Assessment is required.
- 5.6 **Martin House Children's Hospice:** The hospice would prefer that the site remained undeveloped but nevertheless recognise that the principle of development will be considered on its merits and in accordance with planning policies. The hospice has also had pre-application discussions with Miller Homes. The hospice comments that concerns are raised over traffic and car parking, highlighting that their car park is regularly full and therefore concerns are raised over the volume of traffic generated by the scheme; the provision of 20 additional car parking spaces to be carried out by Miller Homes would go some way to alleviate the hospice's concerns; need assurances over no-dig area around trees; welcome increased planting between the hospice and the development; concerns of overlooking from second storey bedrooms of plots 21 and 22; and suitable acoustic treatment of the common boundary would reduce noise.

## 6.0 **CONSULTATION RESPONSES** (all comments relate to both applications):

### **Statutory Consultees:**

- 6.1 Highways – The location of the site does not fully meet the Draft Core Strategy Accessibility standards and as such the principle of a significant level of residential development in this location will require further consideration in light of the ongoing Site Allocations Plan. In particular, whilst the site is located within the recommended distance to local services and schools, it is outside the recommended distance (400m to a bus stop with a 15 minute frequency to a major public transport interchange) to employment and town centres. At present only a minor percentage (5%) of people in employment within Boston Spa use public transport to undertake

their journey to work. Therefore residential development in this location is more likely to be reliant on private car use for commuting.

- 6.2 Furthermore, the submitted Transport Assessment does not fully assess the local highway network. There are disagreements over the mode split data, while some of the key junctions have not been assessed. The TA also fails to justify the need for additional parking at Martin House Children's Hospice. In terms of the access, no objections are raised to its location with visibility splays of 2.4m x 43m in both directions achievable. However, Grove Road should be widened to allow for two cars to pass together with a footway to prevent overrunning onto the verge.
- 6.3 The overall internal road layout is considered to be poor and requires significant revisions. In particular, the Grove Road frontage requires a continuous footway while the footway along Green Lane can be omitted given the footpath provision within the site. Footways on both sides of the carriageway should also be provided for streets serving in excess of 10 dwellings and designed to Street Type 3a. Refuse vehicle turning heads also do not meet standard template dimensions; sightlines should be indicated on the layout; verges requiring widening to support tree planting; driveways to some plots are either too short, too narrow or too long; some of the garages are not large enough to accommodate a parked car; cycle parking needs considering across the site; and some bin storage locations are in excess of maximum carry distances.
- 6.4 With regard to parking, the overall provision is substandard, poorly thought out and almost every plot requires revision. Given the size of the dwellings, car ownership in the area and the substandard parking arrangements (all garages and driveways are too small) significant revision is required to provide a layout that would result in acceptable levels of car parking. Visitor parking of approximately 20 spaces spread evenly throughout the site should be provided. No formal visitor parking is provided and informal visitor parking would obstruct driveways and turning heads.
- 6.5 The Environment Agency – No objections to the application as submitted provided conditions are imposed relating to flood risk. The use of SUDS should also be used while information from Yorkshire Water should be sought relating to foul drainage and connection.

#### **Non-Statutory Consultees:**

- 6.6 Flood Risk Management – No objections in principle, subject to planning conditions relating to a surface water scheme and its implementation and flood mitigation implementation.
- 6.7 Yorkshire Water – No objections subject to the imposition of a number of planning conditions.
- 6.8 Public Transport Infrastructure – The accessibility standards are not met as set out within the SPD. The SPD set out where a site does not meet accessibility criteria the formulaic approach should not be used and instead the developer is required to bring the site up to the appropriate standard. Notwithstanding this, a calculation using the SPD formula would result in a contribution of £127,526 for 104 dwellings.
- 6.9 TravelWise – The Travel Plan should form part of a s106 Agreement together with a review fee of £2,520 as well as the provision of residential MetroCards for future residents. Amendments are also sought on the submitted Travel Plan.

- 6.10 Metro – The site is not particularly well served by public transport and that if future residents from the development were to use the bus service number 770 which passes close to the site, this could result in capacity issues at peak times. Good pedestrian access to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired. In order to encourage the use of public transport services available, the developer should enter into Metro's Residential MetroCard scheme. This would equate to 104 x £462 = £48,048 and delivered through a s106 Agreement.
- 6.11 Affordable Housing Team – There is a requirement for 35% affordable housing on site with a split of 50%/50% social rent/submarket. The affordable housing should be sold to a housing association at the bench mark prices as set out within the SPG3 Annex. The applicant proposes that 22 x 2 bedroom and 14 x 3 bedroom as affordable units. As this represents all of the 2 bedroom properties which are being built on site as a whole, this does not provide an adequate pro-rata mix and it is recommended that the number of 3 bedroom houses is increased.
- 6.12 Contamination – The combined desk study and site investigation report submitted demonstrates that there is no contamination risk at the site. No objections subject to the imposition of planning conditions.
- 6.13 Nature Conservation – The layout retains most of the biodiversity features (along the boundaries of the site) and there are no significant biodiversity concerns. A condition should be imposed to offset the loss of bird nesting and bat roosting features and to protect wild birds during the nesting season.
- 6.14 Architectural Liaison Officer – Provides general advice and raises concerns over the use of windowless elevations on some housetypes; concerns over the footpath running along Green Lane and within the development.

## **7.0 PLANNING POLICIES**

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The development plan is the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy set for a forthcoming Inquiry.

### **7.3 National Planning Policy Framework (NPPF)**

The NPPF advocates a presumption in favour of sustainable development. In particular, paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

7.4 Paragraph 47 requires that local planning authorities should identify a supply of specific, deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%. Where there has been a record of persistent under delivery of housing the buffer should be increased to 20%. Paragraph 85 sets out those local authorities defining green belt boundaries should:

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

## 7.5 **Development Plan**

Leeds Unitary Development Plan Review 2006 (UDPR)

The site is allocated within the UDP as a 'Protected Area of Search' (PAS). Policy N34 is specifically relevant which restricts development to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. The site also abuts the Boston Spa Conservation Area to the north east and the Green Belt to the south and west. A Protected Playing Pitch also abuts part of the western boundary which forms part of the adjacent school site. Other policies which are relevant are as follows:

SA1: Secure the highest possible quality of environment.

SA3: Seeks to make adequate provision of housing needs for the community.

SP3: New development will be concentrated largely within or adjoining the main urban areas and settlements.

GP5: All relevant planning considerations

GP7: Planning obligations

GP11: Sustainability

GP12: Sustainability

H4: Residential development.

H11-H13: Affordable Housing.

H21: Adequate levels of greenspace for new dwellings.

N2: Greenspace

N4: Greenspace

N12: Relates to urban design and layout.

N13: New buildings should be of a high quality design and have regard to the character and appearance of their surroundings.

N19: Development within or adjacent to a conservation area.

N23: Relates to incidental open space around new developments.

N24: Seeks the provision of landscape schemes where proposed development abuts the Green Belt or other open land.

N25: Seeks to ensure boundary treatment around sites is designed in a positive manner.

N26: Relates to landscaping around new development.

N34: Protected Areas of Search.

N37A: Development within the countryside should have regard to the existing landscape character.

N38B: Relates to requirements for Flood Risk Assessments.

N39A: Relates to sustainable drainage systems.

N51: New development should wherever possible enhance existing wildlife habitats.

T2: Development should not create new, or exacerbate existing, highway problems.

T2C: Requires major schemes to be accompanied by a Travel Plan.

T2D: Relates to developer contributions towards public transport accessibility.

T5: Relates to pedestrian and cycle provision.

T24: Parking guidelines.

BD2: The design of new buildings should enhance views, vistas and skylines.

BD5: The design of new buildings should give regard to both their own amenity and that of their surroundings.

LD1: Relates to detailed guidance on landscape schemes.

## 7.6 **Draft Core Strategy**

The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 and the consultation period closed on 12th April 2012. 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. On 14th November 2012 Full Council resolved to approve the Publication Draft Core Strategy and the sustainability report for the purpose of submission to the Secretary of State for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. Full Council also resolved on 14th November 2012 that a further period for representation be provided on pre-submission changes and any further representations received be submitted to the Secretary of State at the time the Publication Draft Core Strategy is submitted for independent examination.

7.7 As the Council have resolved to move the Publication Draft Core Strategy to the next stage of independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination.

7.8 The draft Core Strategy has been published and significant progress has been made on the site allocation issues and options document. Spatial Policy 6 sets out a housing delivery target of 70,000 new dwellings net to be delivered between 2012 and 2028. Guided by the settlement hierarchy the Council will identify 66,000 dwellings gross (62,000 net) to achieve the distribution across identified areas of the city using considerations including: sustainable locations, supported by existing or access to new local facilities, preference for the use of brownfield sites, use of design to enhance local distinctiveness, the least negative and most positive impacts on green infrastructure, corridors and nature conservation.

7.9 Spatial Policy 7 sets out that the distribution of housing land will be based the inclusion of 5,000 new dwellings in the outer north east Housing Market Characteristic Area. All relevant policies include the following:

Spatial Policy 1: Location of Development

Spatial Policy 6: The Housing Requirement and Allocation of Housing Land

Spatial Policy 7:	Distribution of Housing Land Allocations
Policy H1:	Managed Release of Sites
Policy H2:	New Housing Development on Non Allocated Sites
Policy H3:	Density of Residential Development
Policy H4:	Housing Mix
Policy H5:	Affordable Housing
Policy P10:	Design
Policy P11:	Conservation
Policy T2:	Accessibility Requirements and New Development
Policy G4:	New Greenspace Provision
Policy G7:	Protection of Important Species and Habitats
Policy G8:	Biodiversity Improvements
Policy EN1:	Climate Change – Carbon Dioxide Provision
Policy EN2:	Sustainable Design and Construction
Policy EN5:	Managing Flood Risk
Policy ID2:	Planning Obligations and Developer Contributions

## **7.10 Draft Site Allocations Development Plan Document**

Public consultation on the Site Allocations Plan Issues and Options took place from 3 June and ended on 29 July 2013. Since this is at an early stage, no weight should be attached to this document. The Site Allocation Plan Document will provide site allocations and details that will help to deliver the Core Strategy long term spatial vision, objectives and policies, ensuring that sufficient land is available in appropriate locations to meet the targets set out in the Core Strategy.

## **7.11 Supplementary Planning Documents & Guidance**

Supplementary Planning Document: “Street Design Guide”.

Supplementary Planning Document: Public Transport Improvements and Developer Contributions.

Supplementary Planning Document: Travel Plans.

Supplementary Planning Document: Designing for Community Safety – A Residential Guide

Supplementary Planning Guidance “Neighbourhoods for Living”.

Supplementary Planning Guidance (Interim) “Affordable Housing” – Target of 35% affordable housing requirement.

Supplementary Planning Document – Sustainable Design and Construction “Building for Tomorrow, Today”

Supplementary Planning Guidance 4 – Greenspace Relating to New Housing Development

Supplementary Planning Guidance 11 – Section 106 Contributions for School Provision

Supplementary Planning Guidance 25 – Greening the Built Edge

## **7.12 Boston Spa Conservation Area Appraisal and Management Plan**

The Boston Spa Conservation Area Appraisal state that the impact of development on the character and appearance of the conservation area should be considered. This applies equally to development outside the conservation area if it is likely to affect the setting of the conservation area.

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

#### 7.14 **Other Planning Policy – Leeds Executive Board**

To support regeneration, economic growth and to help meet housing needs, the Council has been proactive in facilitating a range of actions to help stimulate the housing market. This has included the release of Phase 2 & 3 housing sites; the introduction of an interim affordable housing policy; initiatives to bring forward City Council brownfield sites; an ambitious Core Strategy target; positive action to support Neighbourhood Planning and on-going dialogue with major housebuilders. A recent Executive Board report on 13<sup>th</sup> March set out additional recommendations to add to the range of these initiatives to support growth in suitable and sustainable locations. As such, an interim policy has been introduced to assist in strengthening the supply of achievable housing land, pending the adoption of the Site Allocations DPD. As such, the new interim policy is as follows:

*In advance of the Site Allocations DPD, development for housing on Protected Area of Search (PAS) land will only be supported if the following criteria are met:*

- i) locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.*
- ii) sites must not exceed 10ha in size ('sites' in this context meaning the areas of land identified in the Unitary Development Plan), and there should be no sub-division of larger sites to bring them below the 10ha threshold; and*
- iii) the land is not needed, or potentially needed, for alternative uses.*

*In cases that meet criteria (i) and (iii) above, development for housing on further PAS land may be supported if:*

- iv) it is in an area where housing land development opportunity is demonstrably lacking; and*
- v) the development proposed includes or facilitates significant planning benefits such as, but not limited to:*
  - a) a clear and binding linkage to the redevelopment of a significant brownfield site in a regeneration area;*
  - b) proposals to address a significant infrastructure deficit in the locality of the site.*

*In all cases development proposals should satisfactorily address all other planning policies, including those in the Core Strategy and it should be noted that there may be other material planning considerations which justify a refusal of planning. Permissions should also be conditioned to be commenced within 2 years of the date of permission.*

## **7.15 Draft Boston Spa Neighbourhood Plan**

Boston Spa is one of the Council's four Neighbourhood Plan pilot areas, and has been designated as a neighbourhood area (for the purposes of Neighbourhood Planning). Work is progressing locally on the preparation of a Neighbourhood Plan and this has been undertaken in tandem with work on the Site Allocations Plan. Again to bring this PAS site forward in advance of the formulation of the Neighbourhood Plan is premature.

## **7.16 Clifford Neighbourhood Plan**

Clifford Parish Council have produced a draft Neighbourhood Plan and have undertaken a consultation exercise with all Clifford Parish residents and relevant organisations. Work is currently ongoing within specific focus groups and the target date for adoption is May 2015.

## **8.0 MAIN ISSUES**

Principle of Residential Development on this PAS Site  
Highways Issues  
Design, Layout and Character  
Trees and Landscaping  
Impact upon Living Conditions  
Section 106 Agreement  
Conclusion

## **9.0 APPRAISAL**

**Principle of Residential Development on this PAS Site** (Full and Outline Applications)

- 9.1 The site has been the subject of previous proposals for residential development in the 1980s and 1990s, which proved to be unsuccessful. The designation of the site as a PAS site and proposals for residential development clearly represents an opportunity to provide additional housing in Boston Spa. However, the timing of such proposals are in advance of the Council's Site Allocations DPD and could therefore be regarded as premature. That said, the introduction of the new interim policy (at paragraph 7.14 of this report) is aimed at the consideration of such proposals. In addition, it is also necessary to assess the proposal against the NPPF and in particular, having regard to the identification of a five year housing land supply.
- 9.2 The NPPF provides that Local Planning Authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing supply against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. 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 that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development, as articulated in the NPPF.

- 9.3 In the past, the Council has been unable to identify a 5 year supply of housing land when assessed against post-2008 top down targets in the Yorkshire and Humber Plan (RSS to 2026) which stepped up requirements significantly at a time of recession. During this time the Council lost ten appeals on greenfield allocated housing sites largely because of an inability to provide a sufficient 5 year supply and demonstrate a sufficiently broad portfolio of land. This was against the context of emerging new national planning policy which required a significant boosting of housing supply.
- 9.4 Nationally the 5 year supply remains a key element of housing appeals and where authorities are unable to demonstrate a 5 year supply of deliverable sites, policies in the NPPF are considered to be key material considerations and the weight to be given to Council's development plan, policies can be substantially reduced.
- 9.5 The context has now changed. The RSS was revoked on 22<sup>nd</sup> February 2013 and it is clear that when assessed against the Council's Unitary Development Plan (2006) there has been no under delivery of housing up to 2012. The Council has submitted its Core Strategy to the Secretary of State and a housing requirement that is in line with the NPPF and meets the full needs for objectively assessed housing up to 2028.
- 9.6 Executive Board has approved the Authority Monitoring Report 2012, which states that the Council currently has a 5 year supply. The Council has identified a housing land supply sufficient to provide for 21, 472<sup>1</sup> units against a target of 20,307 units. This is measured against Submission Core Strategy targets and applies a 5% buffer as required by the NPPF in the absence of persistent under delivery.
- 9.7 The Council currently has an identified supply of land for 29,605 units which have planning permission or are on allocated sites but due to deliverability assessments of the SHLAA partnership some of these sites fall outside the current 5 year supply picture. In improving economic conditions these sites could come forward earlier and contribute to the 5 year supply. In addition, some sites in the SHLAA without planning permission or which are unallocated fall into the current 5 year supply picture.
- 9.8 Therefore, in order to demonstrate a deliverable 5 year supply there is a need to include brownfield and greenfield sites that are not allocated and do not have planning permission. The SHLAA lists these as "LDF to determine" simply because they are not allocations or sites with planning permission. This includes some Protected Areas of Search. In reality, many of these sites, including unallocated brownfield and non-green belt or PAS greenfield sites have the potential to come forward for development now judged against the NPPF, the UDP and Draft Submission Core Strategy policies. In the case of PAS sites this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations has advanced sufficiently.
- 9.9 The SHLAA is not a policy document but determines the likely broad phasing of future identified land for housing. Simply because the SHLAA identifies that an element of PAS land has fallen into the current 5 year supply picture does not automatically provide for its suitability when measured against the Development Plan. Executive Board therefore agreed an Interim Policy approach to dealing with the release of PAS sites.

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<sup>1</sup> The AMR approved by Executive Board stated a 5 year supply of 21,512 units. This contains a duplicated site in error and the actual position is 21,472 (40 units less). This does not affect the ability to demonstrate a 5 year supply.

- 9.10 The Housing Delivery Report included an Interim Policy setting the criterion for the release of a selection of Protected Areas of Search (PAS) sites for development designated under Policy N34 of the UDP.
- 9.11 This particular site at Grove Road in Boston Spa is therefore one of those sites designated as a "Protected Area of Search" (PAS) under Policy N34 which specifies that PAS sites are to be retained for long term development and any intermediate development should be resisted that would prejudice development for long term needs. The supporting text to Policy N34 states that, "The suitability of the protected sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework..." By not waiting for the comprehensive review (currently underway in preparation of Leeds' Site Allocations Plan), a decision to approve this application must be regarded as a departure from the Development Plan. However, the introduction of the Interim policy authorised by the Executive Board provides a policy basis for the approval, to recap, whilst the city council considers it has demonstrated that it has an appropriate housing supply to meet the requirements of planning policy this will ultimately be subject to forensic examination (in all probability at public inquiry). Consequently a further buffer of supply is required to provide additional security and this is the reason for introducing the Interim Policy that facilitates the release of some PAS sites subject to the terms of the policy being met. The criteria of the interim policy are intended to ensure that PAS sites of relative significance in terms of size and locational impact will only be identified as housing sites, through the development plan process, namely the Site Allocations Plan. However the interim policy envisages that other PAS sites, notably smaller sites (below 10ha) that are well related to either the Main Urban Area or the Major Settlements defined in the Core Strategy are capable of being developed for housing can, ahead of the Site Allocations Plan process providing that there are no other material considerations indicating otherwise.
- 9.12 The NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. 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 that it will be delivered. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 9.13 Paragraph 49 of the NPPF requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.14 It is acknowledged that Leeds has a five year land supply and that an element of that supply is expected to come from land which has been identified as to be determined through the Site Allocations DPD.
- 9.15 Paragraph 85 of the NPPF provides that "Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan Review which proposes development.
- 9.16 In advance of the Site Allocations DPD Executive Board have approved an interim policy which releases some Protected Area of Search (PAS) land for housing development. The interim policy only supports housing development on PAS sites subject to the following criteria being met.

Criteria (i) *Locations must be well related to the Main Urban Area or Major Settlements in the Settlement Hierarchy as defined in the Core Strategy Publication Draft.*

Criteria (ii) *Sites must not exceed 10ha in size and there should be no sub division of larger sites to bring them below the 10ha threshold.*

Criteria (iii) *Land is not needed, or potentially needed for alternative uses.*

- 9.17 Therefore, in terms of the assessing the proposals in light of this policy, the proposed scheme is not considered to meet criteria i, as the site is not within a Major Settlement or not well related to the main urban area. The site's accessibility standards are poor given the lack of proximity to good public transport links and heavy reliance upon the private car as a mode of transport. As such the site can be regarded as being within an unsustainable location. In terms of criteria ii, the site does however, fall below the limit of 10ha in size, and in terms of criteria iii, officers are not aware that the land is needed or potentially needed for alternative uses. As such, the proposal does not meet criteria i, and consequently cannot then be judged against points iv and v in the same policy.
- 9.18 Notwithstanding this, it is the view of Officers that Boston Spa is in an area where housing land development opportunity is not demonstrably lacking and clearly the applicant has not put forward any evidence to demonstrate this point. Furthermore, housing is available within Boston Spa and is evident in the current development of the Church Fields Site which is an allocated housing site. This is currently being built out by Taylor Wimpey and includes a total of 153 dwellings, many of which have yet to be built. There are also smaller housing development sites that have the benefit of planning permission, some of which are being implemented. These include an approval at the former St Vincent's School site on Church Street for 13 houses and 10 flats within a new block at for the former Lister's showroom (201 High Street).
- 9.19 In summary, the Council does have a 5 year supply of housing land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for releasing small sustainably located pieces of PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development Document, which will identify a comprehensive range of new housing sites. However, this is not one of those sites as it would be clearly contrary to the Interim PAS policy. As such, the site does not meet the criteria for release for housing development and consequently the principle of housing development on the site is not considered to be acceptable.
- 9.20 **Members are asked to note the comments above and to provide comments on the acceptability of residential development on this site in principle in light of the Council's five year housing land supply and non-compliance with the Interim PAS Policy.**

## Highways Issues

- 9.21 The proposal in terms of the full planning application includes the provision of two vehicular access points into the site from Grove Road, although one of which only serves 3 of the 104 dwellings proposed. The outline planning application involves one access point from Grove Road. The primary road into the site includes footways on both sides and then continues into the site with various cul-de-sacs located off this to serve the houses. There are a number of highway concerns relating to the proposal which relate to matters of accessibility, the layout and design of the site, deficiencies with the submitted Transport Assessment and alterations which are required to the Travel Plan.
- 9.22 One of the fundamental issues which relate to the full and outline applications is the matter of accessibility standards. The site is located within the recommended distance to local services, primary education and secondary education. However, the site is located outside the recommended distance (400m to a bus stop with a 15 minute service frequency to a major public transport interchange defined as Leeds, Wakefield or Bradford city centres) to Employment and Town/City Centres. The nearest bus stops, located on Grove Road, provide a service every two hours to Wakefield City Centre between 07:00 and 17:30 only. The next closest bus stops are located on High Street to the west of the Grove Road junction and offer an hourly service to Wetherby in the morning and one service in the evening. Further east on High Street, approximately 990m, from the centre of site additional bus stops are served by half hourly services (770) to Leeds City Centre.
- 9.23 Census data for Boston Spa from 2011 indicates that of the people in employment only 5 % use public transport to undertake their journey to work. Clearly, this is influenced by the lack of services to major public transport interchanges, long journey times to Leeds City Centre and the poor frequency of these services. In addition to this, this site would also be located further from these services than the draft Core Strategy recommended distances. Residential development in this location is more likely to be reliant on private car use for commuting than developments in locations with a higher frequency of service and shorter journey times and as a result mode shift is likely to be difficult to influence.
- 9.24 The acceptability of the principle of a significant level of residential development in this location, which does not meet draft Core Strategy Accessibility Standards, requires further consideration in light of the current Site Allocations process and other planning merits.
- 9.25 With regard to the submitted Transport Assessment, this does not fully assess the local highway network. There are disagreements over the mode split data, while some of the key junctions have not been assessed. The TA also fails to justify the need for additional parking at Martin House Children's Hospice.
- 9.26 In terms of the location and design of the proposed main vehicular access this is considered to be acceptable in principle. The access affords visibility splays of 2.4m x 43m in both directions and is 5.5m wide with 6m radii which is acceptable in this location. However, the planning layout Dwg Ref: BS/Plan/001 Revision H does not adequately show the footway provision or carriageway widening shown on the Site Access Option included in the Transport Assessment. The footway to the east should wrap around the radii into Green Lane and the footway to the west should be extended along the full frontage. The carriageway widening on Grove Lane does not

extend to the east of the site however, given that the proposals will introduce a physical barrier (i.e. a footway) which will prevent overrunning of the verge to the east then the carriageway in this location should also be widened to a minimum of 5.5m. As shown, on the Site Access Options drawing in the Transport Assessment, the proposals introduce a footway where the carriageway is only 4.0m in width – this is not sufficient for two cars to comfortably pass and this is reinforced by evidence of continual overrunning of the verges on site. As a consequence of the required widening of the width of the Grove Road carriageway and the provision of a footway on the south side running parallel with the site boundary will be the removal of a significant stretch of mature hedgerow. Whilst this would be desirable from a highway engineering perspective, it would be unacceptable from a visual and landscape perspective as this is a defining characteristic of the site and this semi-rural location and should therefore be retained.

- 9.27 With regard to the design of the proposed scheme which relates to the full planning application only, overall it is considered that the layout is poor and requires significant revision before it could be considered to be acceptable. In particular, the Grove Road frontage requires a continuous footway while the footway along Green Lane can be omitted given the footpath provision within the site. Footways on both sides of the carriageway should also be provided for streets serving in excess of 10 dwellings and designed to Street Type 3a. Refuse vehicle turning heads also do not meet standard template dimensions; sightlines should be indicated on the layout; verges requiring widening to support tree planting; driveways to some plots are either too short, too narrow or too long; some of the garages are not large enough to accommodate a parked car; cycle parking needs considering across the site; and some bin storage locations are in excess of maximum carry distances.
- 9.28 Car ownership in Boston Spa is higher than regional and national averages with 44.8% of households having 2 or more cars compared to 32% across England. With this in mind, the overall car parking provision is substandard, poorly thought out and almost every plot requires revision. Given the size of the dwellings, car ownership in the area and the substandard parking arrangements (all garages and driveways are too small) significant revision is required to provide a layout that would result in acceptable levels of car parking. Visitor parking of approximately 20 spaces spread evenly throughout the site should be provided. No formal visitor parking is provided and informal visitor parking would obstruct driveways and turning heads. As a minimum, car parking should be provided in line with guidance set out in the Street Design Guide including an allowance for visitor parking at a ratio of 1 space per 5 dwellings. However, given the high car ownership levels in the area, size and type of dwelling and intended future occupier it would be prudent to provide more appropriate parking levels.
- 9.29 None of the integral garages shown on the different house type floor plans would meet current dimensions in the Street Design Guide. For the avoidance of doubt garages should be 3.0m x 6.0m with a minimum entrance width of 2.4m. This can be reduced to 2.8m x 5.0m with a 2.4m entrance width but separate cycle parking would need to be provided for each dwelling and indicated on the site layout prior to approval. As shown the dimensions vary but are typically 2.4m x 4.8m with an entrance width of 2.2m – these are not practical for use as garages and are unlikely to be used for the storage of vehicles.
- 9.30 In conclusion, significant revision is required to the layout before the scheme could be supported. Furthermore, as discussed above, the acceptability of the principle of a significant level of residential development in this location which does meet draft

Core Strategy Accessibility Standards requires further consideration in light of the current Site Allocations process and other planning merits.

- 9.31 In response to some of the concerns raised in respect of highway issues, the applicant has provided amended plans to show additional crossing points at the Grove Road access; the Grove Road carriageway has been widened to 5.5m; an alternative surface treatment is proposed at the points of vehicular/pedestrian access; the hedgerow along Grove Road has been retained where practicable; and a footpath has not been provided to the west along Grove Road as there is no footpath to connect into along the frontage of Martin Hose Hospice. At the time of writing, Officers had not been able to comment on these plans.
- 9.32 **Members are asked to note the comments of the Highways Officers and Metro and provide any further feedback on the highways issues.**

### **Design, Layout and Character**

- 9.33 It is considered that the design and layout of the proposed scheme is too dense and cramped, with houses far too close together, resulting in a scheme which does not respond to the local context. The spaces between houses are very tight, while some are located in very prominent positions close to the footway edge, leaving little space around buildings to provide a suitable setting. Furthermore, given that there is only one main vehicular route into the site, this effectively means that the scheme would effectively be one large cul-de-sac with little opportunity for permeability. The proposed use of artificial stone is also of particular concern and is considered to be completely unacceptable.
- 9.34 Whilst the proposed scheme seeks to retain the view towards Clifford Church Tower, the road which is proposed would be particularly narrow and would not leave adequate space for the proposed trees to grow and mature. The proposed location of the required on-site Greenspace is considered to be unacceptable. This is located towards the south western part of the site, with a large majority beneath the canopies existing retained trees and newly planted trees. Some of this Greenspace is not overlooked, being located adjacent to garages and the gable ends of properties. The scheme fails to take the opportunity of providing a larger and more consolidated area of greenspace which would be more meaningful and useable to future occupants.
- 9.35 **The key issues where Members views are sought relate to the following considerations:**
- **the layout of the scheme and relationship to the setting of the Boston Spa Conservation Area;**
  - **the design and scale of the dwellings and choice of external materials;**
  - **the extent and location of the Public Open Space;**

### **Trees and Landscaping**

- 9.36 The scheme seeks to retain as much of the existing landscaping as possible, including the mature hedgerows along the Grove Road and Green Lane boundaries and trees around the periphery of the site as well as the mature Sycamore inset from the western boundary. It is considered that some hedgerow and tree loss to facilitate the vehicular and pedestrian access points into the site can be accepted, subject to appropriate mitigation. However, major concerns are raised over the impact of the development on some of the trees proposed for retention. For example, the root protection area of the large retained Sycamore tree would be

adversely affected by the proposed new road and associated footway. Likewise, the trees adjacent to the Green Belt and along the western boundary would also be affected. Of particular concern is the proposed grasscrete area associated with the additional parking proposed for the children's hospice. Due to its engineered design and depth of construction would mean that this would have a damaging effect on the root systems of a number of trees, to their detriment.

9.37 It is also considered that the proposed pedestrian route inside the eastern boundary is far too narrow to provide for an attractive and safe route. As proposed, pedestrians would have to cross vehicular turning areas, rather than having their own segregated route. The route also offers little privacy for occupants whose front elevations face onto this path. It is considered that this route should be widened and more planting proposed. In terms of mitigation landscaping, the proposed layout offers little scope for any meaningful landscaping and trees that would be able to grow and mature. The proposed avenue which offers views towards Clifford Church Tower is particularly narrow and would not enable the trees shown on the layout to grow to any significant size. Likewise, there is little scope for any communal landscaping within the layout, while some areas would be dominated by hardsurfacing and cars, such as in front of plots 68-79 and plots 6 and 7. Concerns are also raised over the lack of substantial planting to provide a buffer between the rear of plots 32-35 and the adjacent Green Belt in line with Policy N24 of the UDP.

**9.38 Members are asked to note the concerns relating the impact upon trees and new landscaping and to provide feedback.**

#### **Impact upon Living Conditions**

9.39 The Council's Supplementary Planning Guidance document entitled Neighbourhoods for Living sets out the Council's guidance in order to ensure that the living conditions of adjacent neighbours are not harmed and that an appropriate standard of amenity is afforded to future residents of the proposed development. In terms of the impact upon living conditions of existing nearby residential properties, those being opposite the site within Grove Road and Green Lane, the proposal is considered to be within acceptable limits. The houses are separated by at least 25m along the eastern boundary and by approximately 30m along the northern boundary. It is considered that there would be no impact in terms of loss of sunlight and daylight, overlooking and dominance. There is also the privacy and tranquility of Martin House Children's Hospice that will require careful and sensitive consideration, as pointed out in a significant number of objections. The hospice is located immediately to the west, with the building located towards the Grove Road frontage and its gardens located to the south and adjacent to the western boundary of the site.

9.40 The applicant has recently undertaken some tree removal and replanting works and these form an important buffer between the site and the hospice. Concerns have been raised by the hospice over the proposed dormers within the roof of the houses within plots 21 and 22 in terms of overlooking and loss of privacy. These are located some 23m and 25m from the common boundary with the hospice and separated by new tree planting that will take time to mature. There is also mature planting within the grounds of the hospice along part of this boundary. Given these factors it is not considered that there would be an unacceptable loss of privacy. The layout also takes the opportunity not to locate any of the dwellings adjacent to this boundary and provides compensatory planting along this edge to mitigate any impact. This would be fenced off with stock fencing to prevent the public from gaining access.

9.41 In terms of the standard of amenity afforded to future residents of the proposed development, the scheme is considered to have several shortcomings. Firstly, a number of properties have inadequate garden sizes, which is considered to be unacceptable. Secondly, the relationships between some properties results in over dominance (such as plots 28, 82, 91 and 101). Finally, the scheme lacks a meaningful and well located area of public open space for new residents.

**9.42 Do Members have any concerns over the impact on adjacent residents, including the children's hospice, as well as the quality of environment for future residents ?**

### **Section 106 Agreement**

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

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

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

- Affordable housing at 35%, detailed provision to be agreed;
- Public transport contribution of £127,526 based on 104 houses;
- Education contribution of £495,437;
- Greenspace contribution;
- Travel plan plus monitoring fee of £2,520
- Necessary off-site highways works;
- Metro contribution of £48,048 towards MetroCards (104 x £462); and
- Provision of a local employment agreement.

9.45 However, as there are fundamental concerns over the principle of residential development, no detailed discussions have taken place on the content of a section 106 agreement at this point in time.

## **10.0 CONCLUSION**

10.1 Considering the advice given in paragraphs 85 and 49 of the NPPF it is important that the Council demonstrates it has a five year supply of deliverable housing sites. In summary, the Council does have a 5 year supply of housing land. Some of this comprises land to be determined through the Site Allocations process but which would otherwise be acceptable when measured against the NPPF and the current Development Plan and in the case of PAS sites that this is on the basis that they meet the criteria of the Interim Policy or in the later part of the 5 year period because the Site Allocations work has advanced sufficiently. Whilst the proposal runs contrary to Policy N34 of the UDP, the statutory plan for Leeds, the recently approved Interim Policy provides criteria for releasing small sustainably located pieces of PAS land for housing development to help stimulate the housing market and in recognition of the contribution that PAS land plays to establishing a 5 year supply. This policy will assist Leeds in strengthening its supply of achievable housing land ahead of the adoption of Leeds' Site Allocations Development

Document, which will identify a comprehensive range of new housing sites. However, this is not one of those sites as it would be clearly contrary to the Interim PAS policy. As such, the site does not meet the criteria for release for housing development and consequently the principle of housing development on the site is not considered to be acceptable. There are also concerns over the design and layout of the proposal, the impact on trees, the standard of amenity for future residents as well as highway issues.

10.2 Members are requested to consider all the matters raised within this report in order to provide officers with appropriate comments and/or advice on the proposal. Specifically, feedback is requested from Members on the following matters:

- i. **Members are asked to provide comments on the acceptability of residential development on this site in principle in light of the Council's five year housing land supply and non-compliance with the Interim PAS Policy.**
- ii. **Members are asked to note the comments of the Highways Officers and Metro and provide any further feedback on the highways issues.**
- iii. **The layout of the scheme and relationship to the setting of the Boston Spa Conservation Area;**
- iv. **The design of the dwellings and choice of external materials;**
- v. **The extent and location of the Public Open Space;**
- vi. **The impact upon trees and extent of new landscaping;**
- vii. **Do Members have any concerns over the impact on adjacent residents, including the children's hospice, as well as the quality of environment for future residents ?**

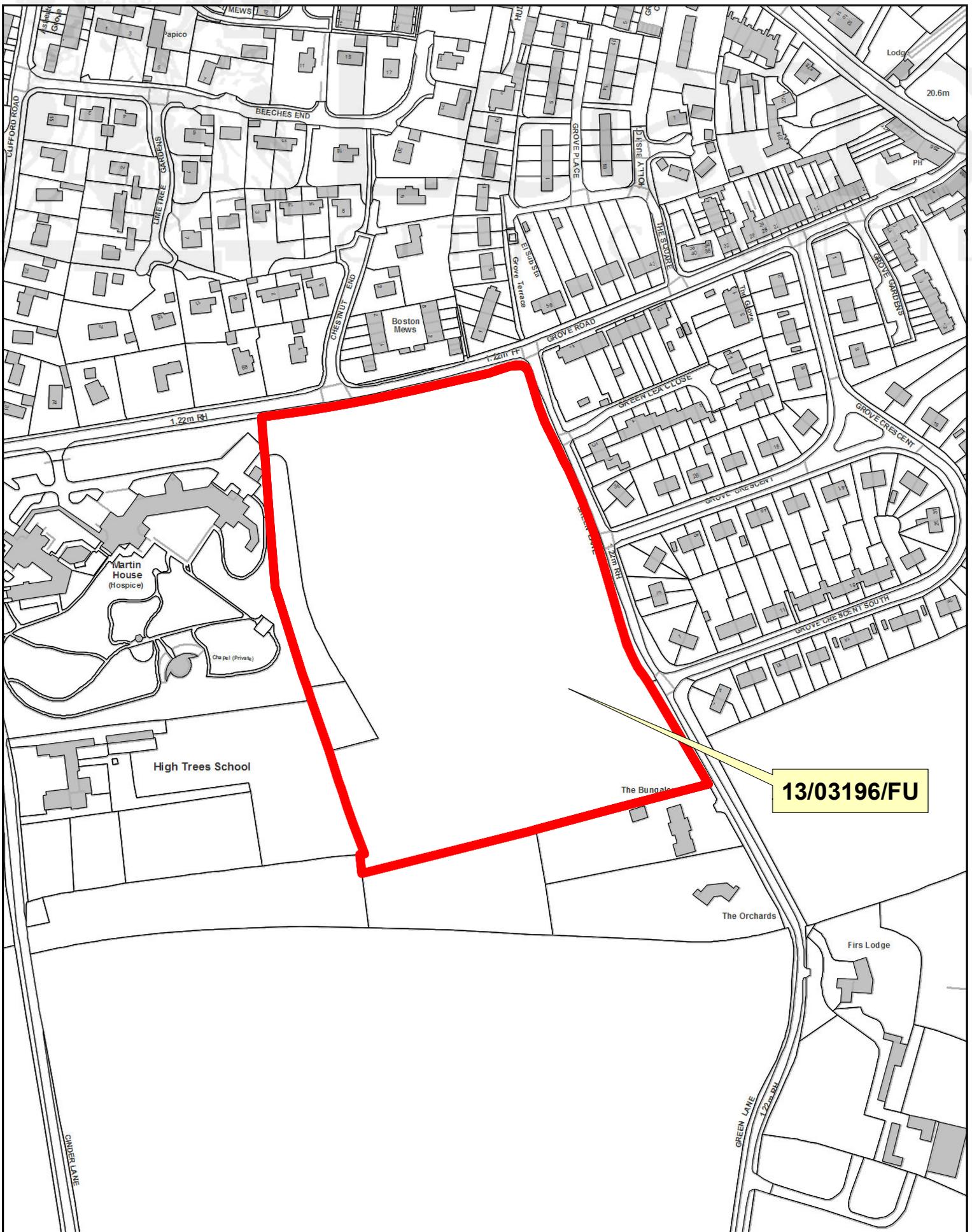
**Background Papers:**

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

Planning application file

Annual Monitoring Report (2012)

Executive Board Report (13 March 2013)



# CITY PLANS PANEL

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SCALE : 1/2500

