



## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 5<sup>th</sup> July 2018

**Subject: 18/00344/FU - Demolition of former care home and construction of new build extra care housing scheme comprising 44 apartments with associated communal facilities, parking and external amenity space at Westwood Way, Boston Spa, LS23 6DX**

**APPLICANT**

Housing and Care 21

**DATE VALID**

16/01/2018

**TARGET DATE**

19/04/2018

**Electoral Wards Affected:**

Wetherby

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: DEFER AND DELEGATE approval, subject to the following conditions, to the Chief Planning Officer subject to the expiry of the current round of neighbour notification and that there are no new significant material planning objections raised.**

- 1 Commencement of development within 3 years
- 2 To be implemented in accordance with submitted drawings
- 3 Materials
- 4 Landscaping scheme
- 5 Drainage conditions
- 6 Limit occupancy to over 55's
- 7 Land contamination conditions
- 8 Construction management plan
- 9 Tree protection
- 10 Survey of wall on boundary with Conservation Area
- 11 Erection of privacy screen on balcony facing south on east wing of development.
- 12 Arboricultural Method Statement
- 13 Access to site to remain un-gated
- 14 Provision of 2 EVCP

- 15 Provision of secure cycle storage
- 16 Vehicle spaces to be laid out
- 17 Construction/demolition hours restricted to 08:00-18:00 Monday to Friday, 08:00 – 13:00 Saturday no works on Sunday's or Bank Holidays
- 18 Submission of lighting scheme
- 19 Sound Insulation relating to plant and machinery

## **1.0 INTRODUCTION**

- 1.1 Ward Councillors Lamb, Harrington and Wilkinson have requested that the application be reported to Panel on the grounds that there could be a significant impact on resident's amenities at Church Road as a result of the introduction of bulk and massing close to their rear boundaries potentially affecting the amenity of the rear gardens. In light of the scale of development, in the context of Boston Spa, and that the site is owned by the city council it is considered appropriate to report the application to Panel for determination.

## **2.0 PROPOSAL**

- 2.1 The proposal is for a 44 apartment Extra Care housing scheme following the demolition of the exiting building on site. Car parking and access is provided off Westwood Way and communal open space around the building. The development also contains a number of shared elements such as communal rooms, kitchens and other services such as hair salons within the envelope of the building. Ancillary offices and staff accommodation is also provided.
- 2.2 The accommodation proposed consists of 18 one bedroom and 26 two bedroom apartments.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site relates to a former residential care home owned and run by the city council which is now closed and up for sale. The part single storey and part two storey building was constructed in the 1980s and is of its age, comprising a red/orange multi brick with a slate roof. It can be said that the building is of little architectural merit. There are also a number of car parking spaces in front of the building.
- 3.2 The site is set within a mainly residential area, with houses backing onto the site in Church Street to the east. The boundary of these properties forms the boundary to the Boston Spa Conservation and therefore the site falls outside this, but abutting its boundary. The boundary that divides the site and the dwellings on Church Street mainly consists of the large stone wall. Some of the properties on Church Street feature a varied mix of rear extensions, some of which are relatively large and unsympathetic.
- 3.3 To the north of the site are allotments, between which runs the public footpath which connects Church Street and Westwood Way. To the west are several two storey residential properties located within the cul-de-sac. At the junction with Westwood Way is St Edward's Catholic Primary School. To the south of this there is also West Oaks School. To the south of the site lies the school playing pitches associated with Primrose Lane Primary School. There are a number of trees within the site, some of which are mature and contribute to the character of the area.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 There is no relevant planning history pertaining to this development proposal, any history relates to the now vacated building on the site that is scheduled to be demolished. Revised plans have been received that increase the degree of separation from the building to properties on Church Street.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A pre-application submission was made whereupon the advice given to the applicants was broadly that the proposal for an Extra Care Scheme was acceptable in principle and subject to detailed considerations could be supported.

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

- 6.1 The application has been advertised by site notice and newspaper advert. At the time of writing a further round of public consultation had been undertaken in respect of amendments that had been submitted and officers will give an oral update on any responses received as a result of this process.
- 6.2 The following objections (eleven at the time of writing) were received in response of the first round of public consultation:

Close proximity of the eastern wing to the rear of properties on Church Street

Reduction in light levels

Loss of light including on residents of Church Street

Overbearing impact

Planting of tree will further reduce light and root system will cause problems for neighbouring residents

Loss of parking for allotments users

Concerns over demolition/construction workers parking

Concern over impact on footpaths

Concern over hours of construction

Proposal will over develop the site due to its density

Exacerbate parking on Westwood Way and other nearby roads.

Any Sec. 106 or CIL monies should be used to provide off street car parking at the local schools or a common car park for all three local schools at one of those schools.

Height (3 Storey), and bulk and massing in relation to Church Street properties.

A shame that Leeds CC allowed the existing building to fall into disrepair rather than maintaining and improving this facility.

Car parking inadequate

Impact on Trees

Gardens at rear of Church Street properties will be overlooked

Proposal will breach Human Rights Protocol 1 Article 1 "a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land".

Reduction of the amount of green space within the village

- 6.3 3 letters made in support or observations are as follows:

Development supports policies found in the Neighbourhood Plan

Neighbourhood Plan identifies the need for accommodation for this demographic

Will provide much needed accommodation of this type

Concerns over parking provision

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Environmental Studies – Transportation 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.
- 7.2 West Yorkshire Police – No comments, all security measures have been addressed and the proposal appears safe and secure.
- 7.3 Conservation Team – Only concern relates to the historic stone wall to the rear of Church Street that this is made good to preserve and maintain a positive and distinct conservation area boundary.
- 7.4 Yorkshire Water – No objections subject to the development been carried out in accordance with the submitted Flood Risk Assessment and associated drawings.
- 7.5 Highways – No objections subject to conditions
- 7.6 Flood Risk Management – No objections subject to conditions
- 7.7 Landscape – Recommend the conditioning of an Arboricultural Method Statement in order to ensure the protection of trees and other vegetation on the site.
- 7.8 Contaminated Land – Recommend that conditions be imposed relating to the submission of information relating to site investigations post demolition.
- 7.9 Neighbourhoods and Housing – Recommend conditions be imposed relating to; Sound insulation of plant and machinery, any lighting scheme to be approved, Construction management plan, Restrict hours of demolition/construction 08:00-18:00 Mon-Fri, 08:00-13:00 Saturdays and no works on Sun/Bank Holidays.

## **8.0 PLANNING POLICIES:**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (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.

### Local Planning Policy

- 8.2 The most relevant Core Strategy policies are outlined below:

Spatial Policy 1	Location of Development
Spatial Policy 7	Distribution of housing land and allocations
Policy H2	New housing on non-allocated sites
Policy P9	Community facilities and other services
Policy P10	Design
Policy P11	Heritage Matters
Policy T1	Transportation management
Policy T2	Accessibility Requirements and New Development

8.3 The Boston Spa Neighbourhood Plan (part of the development plan) policies:

**Dev 1;** New housing within the village should reflect the need for additional homes for young people and the over 55's.

**Dev 2;** Any new development should be located within the existing village envelope and should only be considered outside this area in exceptional circumstances.

**Des 2;** (a) Development should be designed to reflect the predominant characteristics of existing developments within the immediate vicinity in terms of scale, density, massing and materials. (b) innovative design and use of materials will be encouraged where it is not in conflict with existing design and can be assimilated within existing development. (c) New boundary treatments will match the materials of those already in existence.

**T1;** Developments that retain existing trees will be welcomed:

**CW1;** proposals for the improvement of existing and the provision of new services and facilities for community use will be supported, subject to detailed considerations.

Relevant supplementary guidance:

8.4 Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are most relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes:

- Neighbourhoods for Living SPG
- Street Design Guide
- Parking Standards

National Planning Policy Framework

8.5 The National Planning Policy Framework (NPPF), published on 27<sup>th</sup> March 2012, sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design and sustainable developments. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.6 The NPPF constitutes guidance for Local Planning Authorities and its introduction 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.

8.7 The NPPF attaches great importance to the design of the built environment and view this as being indivisible from good planning (para.56, NPPF). The advice also seeks for development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF).

8.8 In addition, advice is contained within chapter 4 (Promoting sustainable transport) that deals with sustainable transport modes and avoiding severe highway impacts; and, chapter 6 (Delivering a wide choice of high quality homes) which includes housing supply/ delivery and affordable housing provision; chapter 8 (Promoting healthy communities) in relation to access to existing open/ green space; and,

chapter 10 (Meeting the challenge of climate change and flooding) which includes matters of flood risk and promote renewable energy sources. Chapter 12 (conserving and enhancing the historic environment) provides that LPA's should identify and assess the particular significance of any heritage asset that may be affected by a development.

## **9.0 MAIN ISSUES**

9.1 The main issues relating to this development are:

- Principle of Development
- Design
- Impact on Neighbours Amenity
- Highways Matters
- Impact on Heritage Assets
- Other matters raised in comments

## **10.0 APPRAISAL**

### Principle of Development

10.1 In its simplest terms the development is a residential development in a location that is predominantly residential in character and well located in relation to a range of local facilities and as such is acceptable in principle.

10.2 That the scheme is an Extra Care scheme means that whilst it likely falls within the Class C3 of the Use Classes Order it is sufficiently different from a standard C3 use so as not to attract any of the normal planning 'benefits' associated with C3 dwellinghouse developments. That the occupancy will be restricted to the over 55's (through a recommended condition), means that the proposals impact on issues such as green space does not apply in this instance. Likewise, due to the nature of the scheme, Leeds CC maintains nomination rights for the lifetime of the development (subject to certain conditions), as such the scheme is considered in those circumstances to provide a 100% affordable housing scheme.

10.3 That the scheme is considered to adhere to these policy requirements and is in broad compliance with the Boston Spa Neighbourhood Plan the scheme is considered to be acceptable in principle.

### Design

10.4 The design of the proposal is considered acceptable. Policy P10 requires a high quality of design which is in accordance with NPPF policies on such issues and are also reflected in the Boston Spa Neighbourhood Plan. However the issue of scale it one that needs to be addressed. Concern has been raised through the consultation process that the scheme is not in keeping with the local area and there is a sense in which this is correct. However the nature of the development means that it is inevitable that a different design philosophy is required in order to the scheme to be function appropriately.

10.5 The predominant nature of the surrounding vernacular is that of 2 storey dwellings of various ages. There are pockets of single storey development, particularly in relation to the nearby schools. The buildings that it is seeking to replace are also two storey. This, however, does not preclude the development of three storey

developments if the context is acceptable. The site sits 'behind' as it were, the two storey almost in isolation in that it does not address the road network that serves the local area. As such the development can be 'freed' from many of the constraints that might otherwise be applicable if it were to form part of the frontage to a road in the immediate location.

- 10.6 The design is such that whilst unashamedly three storey, it seeks to pay due regard to the surrounding developments through the lowering of the eaves and the projection of the living accommodation into the roof space. A common technique to achieve a lower overall height and/or illusion of lower height and massing. This married with the breaks in roof height, and "S" shaped foot print all helps to reduce the bulk and massing to what is considered an acceptable degree.
- 10.7 It is agreed with the objectors that the density of the development is greater than that of surrounding residential developments, however, this in itself, is not a reason to reject the proposal. In terms of site coverage of building, the 'sprawl' of the building is not unlike the nearby school without, admittedly, the benefit of the playing fields adjacent or surrounding them. That the density is higher means that the development is more sustainable in that it can offer more accommodation in an identified area of need for this type of accommodation.
- 10.8 Overall the window to stone ratio is considered acceptable, the use of gables reflects much of the local vernacular and the integration of modern materials add an interest that renders the scheme in its entirety acceptable from a design perspective.

#### Impact on Neighbours Amenity

- 10.9 Through discussions with officers the whole unit has been moved to the north by 1.5 metres. This was largely in response to concerns that have been raised in respect of the material change in circumstance that will occur, should the development proceed for the occupiers of particular properties facing Church Street but backing onto the application site. There are a few properties on Church Street that benefit from rear gardens that have a common boundary with the application site and the layout of the proposed development will introduce a two storey gable wall directly facing those properties. The original distance of this gable to the common boundary measured approx. 6.64 metres. The revised drawings show that distance now at 8.14 metres. The SPG Neighbourhoods for Living suggests that the starting point for distances of 'side elevation' to common boundaries where the windows in those elevations are secondary, as in the case of the application proposal, the distance should be a minimum of 7.5 metres. The scheme now exceeds this distance but possibly more importantly where there are elevational relationships between development proposals the secondary window to rear elevation distance should be a minimum of 18 metres. The revised scheme provides for a distance between the gable elevation facing the rear of the properties facing Church Street to the main rear elevations of those properties of 22.43 metres.
- 10.10 Therefore it is concluded that whilst there will be a material alteration in the views from the rear gardens of those properties, it is not considered that there will be an overbearing impact or loss of outlook sufficient to warrant a recommendation to refuse planning permission.
- 10.11 In terms of potential loss of light, the site lies east of these properties any overshadowing of the rear of the properties fronting Church Street will occur during

the evening and will only be noticeable during the periods of the year when the sun is lower in the sky during the late autumnal and winter months, and then in the period before sun set. It is concluded that there will be no material harm caused to the amenities of occupiers of those properties.

- 10.12 In respect of the relationship of the development to other properties surrounding the site, to the north are the allotment gardens that provides adequate separation between the development and properties on the far side of the application site to those allotment gardens, to the south are the nearby schools playing fields and to the west are the properties that front the spur of Westwood Way that serves the application site. The development will cast a shadow over the side elevation and side garden space of the immediately adjoining neighbour, however these are 'less sensitive' parts of that property and consequently will not adversely impact on the amenities of the occupiers of that property.

#### Highways Matters

- 10.13 As an Extra Care scheme, (data gathered demonstrates that such accommodation has less of a demand for parking), the off street car parking requirements are significantly lower than would otherwise be the case. The concerns raised in regards to car parking and servicing are noted, however the car parking shown on the submitted drawings has been assessed and is considered to be provided to an acceptable level for this type of accommodation. It is not expected that the development will contribute to the problems highlighted by the various objectors and that appears to be primarily related to the existence of three school premises in close proximity to each other.
- 10.14 Suggestion as to the use of any financial receipts that are necessary as a result of this development, of which there are none identified, are noted but would be outside the scope of the planning process to dictate where they are spent.
- 10.15 Comments regarding the use of the site presently for either the opportunist car parking for staff at nearby schools and or the more long term parking for users of the allotment gardens are also noted. However once again it is outside the scope of this application to control these issues or secure alternative parking provision for these uses. In particular what appears to have been a longer term permissive use of the car park for users of the allotment gardens is not controllable under the planning system through the grant or otherwise of a planning permission. It is not for this development to provide parking for uses that are unrelated to the development site or the development proposed.

#### Impact on Heritage Assets

- 10.16 The site sits adjacent to the Boston Spa Conservation Area and the design and massing of the development has been assessed in respect of this and it is concluded that the proposed development does not pose any threat to the Character of the Conservation Area or will cause any harm. Arguably, the design is such that it will enhance views from the Conservation Area.
- 10.17 The boundary treatment that runs along the length of the boundary of the site with the Conservation Area boundary has been identified as an asset that helps demark and set the character of the Conservation Area. It is therefore recommended that a condition be imposed that requires a photographic survey of that wall noting any significant details prior to demolition of the building on site at present and that



should any damage be suffered to the wall that this be made good in accordance with the submitted photographic survey.

#### Other matters raised in comments

- 10.18 Those comments that have been raised and are material planning considerations have all been covered in the main body of the report above or are addressed by the recommended conditions to be imposed. Other matters raised that are not dealt with above are not material planning considerations and thus cannot be given any weight in the decision making process.

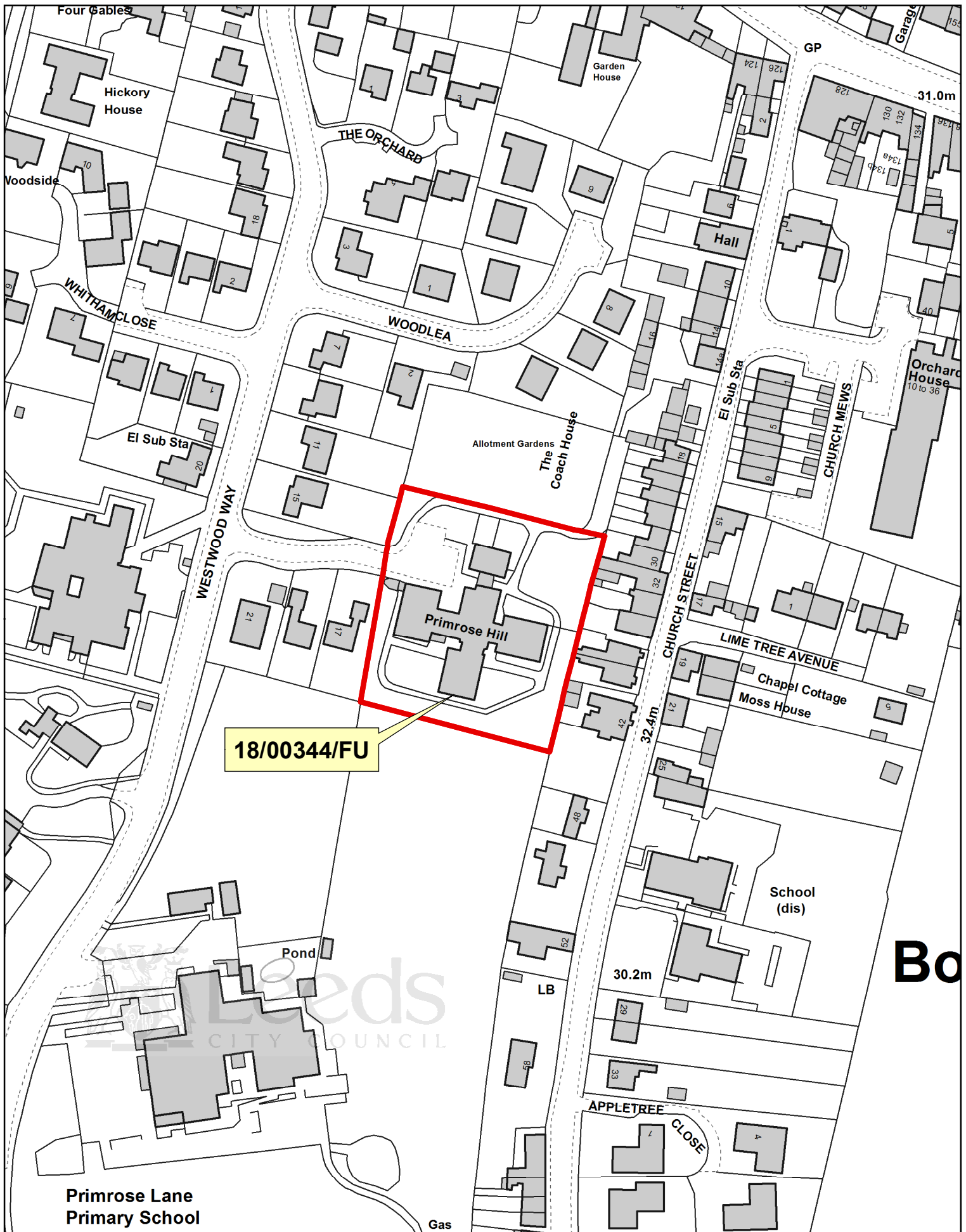
### **11.0 CONCLUSION**

- 11.1 It is considered that the principle of this residential use in an established residential area, and on a previously developed site, is in accordance with adopted local and national planning policies. The scale of the building, although bigger than the building it replaces, is acceptable as the size of the site allows for a larger building to be placed within it without it appearing overly dominating or out of place. The scheme has been well designed with a good quality landscaping scheme that will mitigate and enhance the site, and the proposal is considered not to harm the character of the adjacent conservation area.
- 11.2 Good separation distances, in accordance with the council's design guidance, are provided to neighbouring dwellings.
- 11.3 No technical highway objections are raised to the proposal as the level of parking provision is considered adequate in light of its sustainable location. It is not considered that the traffic generated by the proposal will cause harm to highway safety and the access arrangements to and from the site are considered to be acceptable.
- 11.4 The proposal will provide extra care accommodation which is in high demand across the district. The location is good in that it is sited within walking distance of the High Street and consequently has relatively good transport links.
- 11.5 It is considered that the proposal provides a valuable need, utilising brownfield land. Consequently it is recommended that approval be granted subject to the conditions outlined above.

#### **Background Papers:**

Application files: 18/00344/FU

Certificate of ownership: Notice served on the city council



# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500



All work to be carried out in accordance with the requirements of the Building Regulations and the Water Authority Regulations currently in force.  
 An approval from this drawing Architect to be made of any alterations.  
 Verify relevant dimensions on site before commencing work or preparing shop drawings.  
 This drawing is copyright.

REV	DATE	AMENDMENT
1	01/18	Issued for planning
2	02/18	Issued for building control
3	03/18	Issued for building control
4	04/18	Issued for building control
5	05/18	Issued for building control
6	06/18	Issued for building control

NOTE: PROPOSED LEVELS ARE SHOWN WITHIN BOXES. ALL OTHER LEVELS SHOWN ARE EXISTING

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PROJECT  
**EXTRA CARE DEVELOPMENT WESTWOOD WAY BOSTON SPA**

DRAWING TITLE  
**SITE PLAN**

PROJECT NO. **15086** • DRAWING NO. **02** • REVISION **G**  
 STATUS **PLANNING**  
 SCALE @ A1 1:200 DATE 01/18 DRAWN



SEE ELEVATION DRAWING FOR TYPICAL FENCING DETAILS

BRIMROSE HILL PRIMARY SCHOOL PLAYING FIELD

NOTE: SEE LANDSCAPING DRAWINGS FOR LAYOUT OF EXTERNAL PATIOY, GRASS AND PLANTINGS

See landscape plan with floorplan for details of external furniture, seating, lighting, etc. SEE ELEVATION DRAWING FOR TYPICAL FENCING DETAILS