



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 11th April 2019

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

APPLICANT

The Diocese of York and
Park Lane Homes

DATE VALID

9 October 2018

TARGET DATE

TBC

Electoral Wards Affected:

Wetherby

Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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

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

Conditions on 18/06367/FU:

1. Time limits
2. Plans to be approved
3. Details of materials
4. Landscaping scheme and implementation
5. Trees to be retained and protected
6. Tree protection
7. Scheme for replacement of trees
8. Arboricultural Method Statement

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

Conditions on 18/06368/LI:

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

1.0 INTRODUCTION:

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

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

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

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

- 1.2 The site relates to a vicarage and its associated land. The site is unallocated within the Development Plan and Boston Spa Neighbourhood Plan. The proposals involve the formation of a replacement vicarage and the erection of six dwellings and is considered to represent a sustainable form of development within the settlement of Boston Spa and is thus recommended for approval.

2.0 SITE AND SURROUNDINGS:

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

3.0 PROPOSAL:

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

connecting plots 2 & 3 (for their respective garages and parking) or through an archway associated with plot 1 leading to the parking for this unit. The design of these garages would be to resemble a stable block. Parking for plots 4-6 would take place within their respective curtilages.

3.5 A new vehicular access would be formed onto High Street and the existing access will be blocked up.

3.6 The application has been submitted with:

- Design and Access statement
- Heritage Statement

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS

5.1 A pre-application submission was submitted in 2017 by the current developer and advice provided on that scheme based upon the merits of that particular scheme (development of 9 houses). In principle, officers were comfortable with the principle of some form of residential development on the site though some concern was raised with regard to the amount of development proposed, the design of the dwellings and the potential impact upon the Listed Building and wider Conservation Area.

5.2 Discussions have been on-going with the applicant over the submitted scheme which have resulted in submission of further information and amended plans. These discussions have centred around issues associated with the design, layout, and impact on trees, impact upon the Listed Building (including the boundary wall) and the Conservation Area.

6.0 PUBLIC/LOCAL RESPONSE:

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

Principle of development

- The area cannot accommodate any additional development
- Is it worth it for 7 new executive houses?
- Why isn't other land being used for additional building?
- Boston Spa has too much new build infrastructure
- The area doesn't need more expensive 4/5 bed homes. Smaller affordable/starter homes are required
- Loss of privacy to existing residents
- Already a significant amount of housing developments within the area

Highway safety

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

Ecology

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

Heritage

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

Other matters

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

- 6.2 10 letters of support have been received stating:
- Smaller infill developments within the existing village are better for the village
 - The scheme represents a well-designed infill site
 - A further 6 houses will not result in a substantial increase traffic in the village
 - A new vicarage will benefit and support the needs of the vicar and their family
 - The additional houses are of little consequence to the village in the context of wider developments
 - The site does not present a green visual aspect of open fields to the majority of residents
 - It is not accessible to pedestrians and would not be a thoroughfare to any other areas of the village after development
 - The infill will be unseen to the general population of the village and will not be interfering with any green visual aspect
 - Infill developments are not unusual for this area
 - Additional vehicle movements for 7 properties will go very much un-noticed
 - Land is largely invisible from the main road and bares very little community value

- 6.3 Ward Members:
- Cllr Lamb has objected to the proposal for the reasons given earlier within the report. Cllrs Lamb and Harington have also formally objected to the proposal. The concerns raised are:
- Impact the development will have upon the highway in the village
 - Share the concerns raised by Historic England regarding the harm caused to the Listed Building and wider Conservation Area

- The site is constrained and not large enough for the number of houses proposed
- Insufficient time for local residents & ward members to consider the proposed changes

6.4 Boston Spa Parish Council:

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

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

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

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

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

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

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

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

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

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

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

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

6.8 The Parish Council has now reviewed the amended submission and has concluded that the proposed changes to the development do nothing to address the previous objections and would, therefore, wish to submit these objections in relation to the current applications. The Parish Council fully supports the comments made by Historic England and Leeds City Council Conservation team in relation to the application.

7.0 CONSULTATION RESPONSES:

Statutory

LCC Highways

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

Historic England

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

Non-statutory

LCC Landscape team

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

LCC Conservation Team

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

"the proposed development will give rise to a degree of harm to the significance of the Grade II listed St. Mary's Vicarage, 86 High Street, Boston Spa and the significance of the Boston Spa Conservation Area. This harm will primarily relate to the loss of historic boundary walling and enclosure in facilitating a new access and through the loss of openness to the setting of the listed building to the south. The layout, density and architectural treatment to the new units provides opportunities to mitigate the extent of harm and, in some areas, provide enhancement. The

extent of removal of boundary walling is the minimum required in order to facilitate access to the site. Subject to detailed consideration of design, material treatment and landscaping it is considered that the extent of harm will be less than substantial."

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

LCC Flood Risk Management

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

LCC Environmental Studies Transport Strategy

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

LCC Contaminated Land Team

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

LCC Nature Team

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

8.0 RELEVANT PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds

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

Local Development Framework - Core Strategy

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

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

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

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

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

H3- Sets out the density of residential development.

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

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

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

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

EN1- Seeks developments to contribute to carbon dioxide reduction.

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

EN5- Seeks to manage and mitigate flood risk.

G1- Seeks to enhance and extend green infrastructure.

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

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

G9- Seeks to achieve biodiversity improvements.

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

Natural Resources and Waste Development Local Plan

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

Policy General 1 – Sustainable Development;

Policy Air 1 – Management of Air Quality Through Development;

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

Saved UDPR Policies:

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

Boston Spa Neighbourhood Plan:

- 8.6 The Boston Spa Neighbourhood Plan forms part of the development plan. The following policies are relevant.
- 8.7 The Plan also lists a number of objectives which include the encouragement of proportionate housing development, to maintain and improve the quality and character of the built environment, to maintain and improve biodiversity of the rural environment; and to identify and conserve assets including green spaces and open views.
- Dev1 – Homes for young people and the over 55's
Dev2 - New development should be within the village envelope and respect the local character
Des1 - Seeks to ensure that new development is well designed and respect its context.
Des2 - Seeks to ensure that new development in the Conservation Area is well designed and respect its context
H1 - Protection of key views

- H2 – Protection of listed buildings
- T1 – Seeks to retain existing trees
- T2 – Seeks the planting of native trees
- T3 – Seeks to retain and support new hedges
- T4 – Seeks to provide wildlife habitats

Supplementary Planning Guidance

8.8 Relevant supplementary guidance includes:

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

Boston Spa Conservation Area and Management Plan

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

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

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

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

Emerging Policy - Core Strategy Selective Review (CSSR)

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

- H9 – Minimum Space Standards
- H10 – Accessible Housing Standards
- EN8 – Electric Vehicle Charging Infrastructure

National Planning Policy Framework

8.13 The revised National Planning Policy Framework (NPPF) 2019 sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account

in preparing the development plan, and is a material consideration in planning decisions.

8.14 Section 12 of the revised NPPF, Achieving well-designed places, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, and that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

8.15 Paragraph 127 states that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Paragraph 128 states:

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

Paragraph 130 states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

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

DCLG - Technical Housing Standards 2015

- 8.20 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard.
- 8.21 With this in mind the city council is currently progressing to adopt the national standard into the existing Leeds Standard via the local plan process, but as this is only at an early stage moving towards adoption, only limited weight can be attached to it at this stage. Therefore, each dwelling should meet the minimum floorspace standards to provide a good standard of amenity for future occupants.

Planning (Listed Buildings and Conservation Areas) Act 1990

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

9.0 MAIN ISSUES:

- Principle of Development (including Housing Mix)
- Design & Heritage Matters (including Listed Building application)
- Highways and Transportation
- Trees & Ecology
- Residential amenity
- Other Matters

- CIL
- Consideration of Objections

10.0 APPRAISAL

Principle of Development

- 10.1 Sustainable development is a key aspect of the current planning policy framework at both national and a local level. Sustainable development has several facets, and includes siting new development in sustainable locations, using land efficiently and creating sustainable communities. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible, whilst Spatial Policies 6 and 7 seek to ensure that the authority has an appropriate supply and distribution of housing land.
- 10.2 Within the Core Strategy, the Settlement of Boston Spa is not part of the main urban area but is a smaller settlement. As noted at bullet point (i) of SP1 smaller settlements will contribute to development needs, with the scale of growth having regard to the settlements size, function and sustainability, and as noted at bullet point (ii) focusing development on suitable infill sites within the main urban area/relevant settlements will be a key priority. This is also reflected in policy H2 which relates to housing on non-allocated sites.
- 10.3 Policy H2 of the Core Strategy is applicable and this notes that housing on such sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. Objections have been raised regarding the impact of the development upon the infrastructure of Boston Spa, particularly in conjunction with other recent developments such as those at Church Fields and other sites identified within the SAP. Although these concerns are noted, it is unlikely that seven new will have an appreciable impact upon the services and infrastructure within Boston Spa.
- 10.4 Policy H2 also notes that Greenfield land should not be developed if it makes a valuable contribution to the visual, historic and/or spatial character of an area. Significant concern has been raised about the loss of a largely green, open site which is talked about within the Boston Spa Neighborhood Plan, the construction of seven dwellings, and the subsequent change that the development will make to the spatial character of the area. However, whilst the site is not specifically allocated for housing within the Neighborhood Plan, it is also not allocated as Greenspace meaning that there is a presumption in favour of sustainable development on such sites. Furthermore, as will be outlined below whilst the currently low density of development and subsequent open space on the site does help to create a sense of openness and verdure within the area, the varied spatial character within the immediate area is such that developing the site cannot be said to be harmful as a matter of principle.
- 10.5 As such the application is not considered contrary to the aims and intentions of policies SP1 & H2 of the Core Strategy and thus is acceptable in principle.

Design & Heritage Matters

- 10.6 The vicarage and its garden wall are Grade II Listed Buildings and the site is entirely located within Boston Spa Conservation Area. Under section 66(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 the Council must give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the planning balancing exercise. When making a decision on any planning application for development that affects a listed building or its setting, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, special attention has to be given by the Council to the desirability of preserving or enhancing the character or appearance of that area.

- 10.7 Paragraph 127 of the NPPF advises planning policies and decisions should ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 130 states:

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

- 10.8 Policy P10 of the Leeds Core Strategy (LCS) deals with design and states that new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.
- 10.9 The Boston Spa Conservation Area Appraisal and Management Plan provides guidance on new development. The plan states that to be successful, any future development within the Conservation Area needs to be mindful of the local character of the village while at the same time being distinctly of the 21st Century and addressing contemporary issues such as sustainability. It also notes that new development should relate well to the geography of the area: sit happily in the pattern of existing development: respect important views: respect scale: respect historic boundary walls and garden plots: use natural materials and create views.
- 10.10 The site can be split into two distinct areas. Area one relates to the land to the north, including the existing Grade II Listed vicarage, the proposed replacement vicarage and plots 1-3, with area two, the southern, rear portion of the site where plots 4-6 would be situated. The development has been designed so as to reflect the character and appearance of these areas and to ensure that the proposal would preserve and enhance the Conservation Area.
- 10.11 Area one (to the front of the site) is close to the main High Street, where the buildings tend to be tight knit. This has been reflected in the submitted plans which show plots 1-3 as linked properties. These dwellings would be smaller and subservient to the Listed Building so as to ensure that the development would not dominate its surroundings. These dwellings would be set in a linear layout which

would mirror the adjacent pattern of development found on “Springfield” to the west. The design of these properties closely relates to the existing buildings situated on the High Street with classically inspired Georgian architecture with regular fenestration details.

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

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

Impact upon the heritage assets:

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

Paragraph 194 of the NPPF states:

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

- 10.14 When looking at the site as a whole, the walling is in a generally poor condition with areas of significant lean, failure of mortar joints and deterioration/weathering of stonework. The western section of wall is absent and is no longer in use and overgrown. Walling continues to the south as a rough limestone bounding and retaining wall to the larger rear garden to the Vicarage. The garden itself is raised from the southern section of the site with a low retaining wall defining its historic extent. The land to the rear was historically in partial use as a quarry, pastoral field and paddock area. The land is now only in partial use as small holding and paddock with a number of store buildings, in poor condition and does detract from the overall character and appearance of the wider area
- 10.15 The proposed new access will remove the historic pinfold enclosure at the High Street frontage and take down and realign the stone boundary wall defining the western boundary of the Vicarage garden. This will result in the loss of elements of historic significance although the principal formal boundaries to the frontage of the Vicarage, including the western screen wall, will be retained in place. Some loss of the current garden area to the rear of the building will occur in order to accommodate the access and development to the south will remove the current openness to the setting of the listing building. Given this, it is considered that a degree of harm, which is less than substantial in terms of NPPF guidance, will

occur to the significance of the Listed Building. Principal elements of significance to the listed Vicarage, including the main house itself, will not be directly impacted. This less than substantial harm needs to be weighed against the public benefits of the scheme.

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

architectural detailing would be sympathetic to the character and appearance of the Boston Spa Conservation Area as well as to the Listed Building.

- 10.21 The proposed development will also include remedial work to the Grade II Listed vicarage. The works would include the removal of cement patch repairs and pointing to the principle facades, replacement of defective stone pieces and re-pointing using traditional lime based mortar. Works will also include replacement of existing windows with new double glazed windows within new timber frames. Officers consider that these works will not impact upon the historic fabric of the Listed Building and will help to preserve the building.
- 10.22 Overall the impact of the development (as amended) on the significance of the conservation area as well as to the Listed Building, considered as a whole, will be minimal and, subject to conditions relating to materials and the re-use of stone on the boundary wall, the proposal would comply with current planning policies with regard to any impact upon the Listed Building and Conservation Area.

Highways and Transportation

- 10.23 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximize highway safety. This means that the appellants must demonstrate that the development can achieve safe access and will not overburden the capacity of existing infrastructure. As outlined within the spatial policies of the Core Strategy it is also expected that development is sited within sustainable locations and meets the accessibility criteria of the Core Strategy.
- 10.24 The development would be in a highly sustainable location, within walking distance to the local amenities of Boston Spa with bus services to other settlements. The development would therefore comply with the accessibility criteria outlined within Policy T2.
- 10.25 The development would be accessed via a newly formed road onto High Street. Visibility splays onto High Street are considered acceptable at 2.4m x 40.6m, having been calculated from a speed survey, indicating a weather speed of 37.6mph in each direction adjusted for a car bonnet length to 40.6m in each direction with the splay forming part of the adopted highway.
- 10.26 The junction with High Street would be provided with 6m radii to allow larger vehicles to turn into and out of the site and pedestrians to cross and is demonstrated by the submitted swept path analysis.
- 10.27 The proposed street connects each dwelling and terminates in a turning head. There would be a 2m wide footway on the western side with a 0.6m margin on the east for the first 30m and thereafter 0.6m margins to both sides. This is considered acceptable as it would provide sufficient width and space for both vehicles and pedestrians.
- 10.28 There would be sufficient off street parking for each of the proposed dwellings. Plots 1-3 would have parking to the rear including garage blocks with the proposed replacement vicarage having a driveway leading to a garage. Plots 4-6 would have associated garages with driveways which would provide sufficient parking for the size of the dwellings. Each dwelling would have cycle storage and an Electric Vehicle Charging point which will be secured by way of condition.

Trees and Ecology

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

Residential Amenity

- 10.34 As outlined within Policy P10 of the Core Strategy and saved Policies GP5 and BD5 of the UDP, new development must protect amenity, including residential amenity. For new housing developments this means that an adequate standard of amenity must be provided for future residents, and that the amenity of those around the development site must also be protected.
- 10.35 Turning first to the residential amenity of those living within the proposed development. Neighbourhoods for Living provided guidance regarding housing development and (among other things) requires that rooms are of an adequate size, achieve appropriate outlook and have good penetration of natural light, and also that dwellings provide an adequate standard of outdoor amenity space (usually two thirds the gross floor area of the house). The floor plans indicate that all dwellings will provide an appropriate standard of internal accommodation and all main living areas and bedrooms have a good standard of outlook. A condition requiring construction in accordance with approved plans is proposed to be sought in order to ensure that this is adhered to as part of the development.

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

Other Matters

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

CIL

- 10.41 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre for Class C3 residential institutions (plus the yearly BCIS index). This information is not material to the decision and is provided for Member's information only.

Consideration of Objections

- 10.42 The issues raised by the objections received have been considered within the relevant sections of the report insofar as they relate to material planning considerations.
- 10.43 Concerns relating to the need for housing in the area and that executive homes are not needed are noted. However, the application has to be assessed on its planning merits and the scheme is considered acceptable when having regard to the planning balance.
- 10.44 Comments that the scheme is no different to the previous withdrawn schemes is not correct. There are significant differences between the proposals with regard to the amount of develop, the layout and design of the development and the overall impact of the proposal has, in officer's opinion, being reduced with regard to the setting of the Conservation Area and Listed Building.

- 10.45 A comment relating to some residents having rights of access to the well within the land is noted however, no further details have been provided with regard to this and furthermore, this is not a material planning consideration and is a private legal matter. Equally, the comment relating to the existing vicarage not being occupied by a vicar once the development is completed is not material to the determination of this planning application.
- 10.46 Comments relating to the length of time given for the publicity of revised plans are noted however, 47 individual neighbour have been received during this period meaning that the local community have had sufficient opportunity to comment on the revised plans. Furthermore, the application has been advertised in accordance with the statutory requirements.

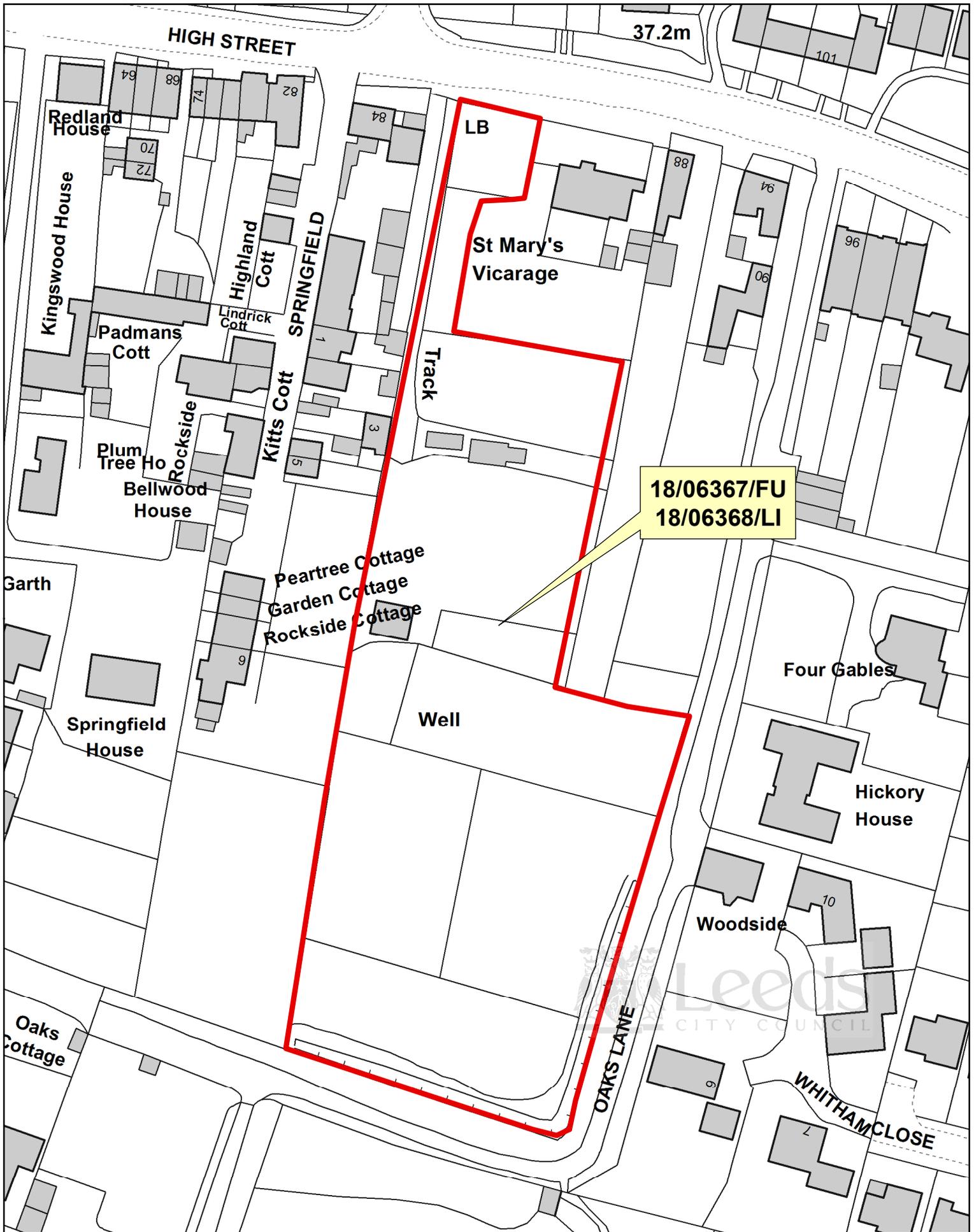
11.0 CONCLUSION:

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

Background Papers:

Application file 18/06367/FU & 18/06368/LI

Certificate of Ownership: Certificate A signed



NORTH AND EAST PLANS PANEL

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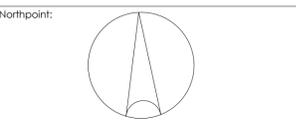
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Rev	Date	Amendment	By	Chk

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Project: St. Marys Vicarage Boston Spa				
Client: Park Lane Homes				
Title: Proposed Site Plan				
Date: August 18	Scale: 1:500	Size: A1	Drawn: ADP	Checked: SA
Project No: 3037	Dwg No: 100	Rev: A	Status: Planning	