



**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

**Date: 2<sup>nd</sup> July 2009**

**Subject: Application 09/00500/FU – Erection of two 4 bedroom dwelling houses and three 3 bedroom houses and change of use of building, including extensions, to form 1 four bedroom house & Application 09/00501/CA – Conservation area application for demolition of workshops and storage buildings at Rear of 134-140 High Street, Boston Spa, Wetherby, LS23 6BW**

**APPLICANT**

A Wilson, G Smith, J Tate  
and A Spry

**DATE VALID**

17<sup>th</sup> February 2009

**TARGET DATE**

14<sup>th</sup> April 2009

**Electoral Wards Affected:**

**Wetherby**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**Application 09/00500/FU – GRANT PERMISSION subject to the following conditions:**

**Application 09/00501/CA – GRANT CONSENT subject to the following conditions:**

Application 09/00500/FU

1. Time limit for full permission.
2. Samples of walling and roofing materials to be submitted and approved.
3. Sample panel of stonework to be constructed and approved.
4. No building works shall take place until details and samples of all surfacing materials to the hard surfaced areas, including permeable surfacing where practicable, have been submitted to and approved in writing by the Local Planning Authority. Such

materials shall be made available on site prior to the commencement of their use, for the inspection of the Local Planning Authority who shall be notified in writing of their availability. The surfacing works shall be constructed from the materials thereby approved.

5. Development shall not commence until details of the glazing, materials and treatment/colour of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details.
6. Development shall not commence until full details of all rainwater goods and eaves have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the details thereby approved and retained thereafter as such.
7. Details of boundary treatments.
8. Details of hard and soft landscaping.
9. Implementation of landscaping scheme.
10. Areas used by vehicles to be laid out.
11. The development shall not be occupied until the parking spaces marked 'flat parking' and 'shop parking' on the approved site plan (drawing 07.1307.10 E) have been marked out for this purpose. These two spaces shall thereafter not be used for any purpose other than parking for the two properties to which they relate.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) the car port to plot 6 hereby approved shall not be fitted with garage doors.
13. The parking spaces within the site shall be allocated to the units as indicated on the approved site plan (Drawing number 07.1307.10 Revision E), and shall not thereafter be sold, let or otherwise disposed of to any other user.
14. Provision for contractors during construction period.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any windows other than those shown on the approved plans are inserted in the eastern elevation of Plot 1.
16. The first floor window in the eastern elevation of the dwelling hereby approved at Plot 1 shall be glazed with obscure glazing and shall thereafter be retained as such.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Orders revoking or re-enacting that Order with or without modification) planning permission shall be obtained before any extensions or outbuildings are erected.
18. Development shall not commence until details of works for dealing with surface water discharges from the proposed development and proposals for any off site watercourse

works have been submitted to and approved in writing by the local planning authority. No piped discharged of surface water shall take place from the application site until the works thereby approved have been completed.

19. Submission of contaminated land information.

20. Amended remediation statement.

21. Submission of verification statement.

#### Application 09/00501/CA

1. Time limit for commencement of development.
2. No demolition until contract signed for redevelopment

#### **Reasons for approval:**

##### 09/00500/FU

The application is considered to comply with policies GP5, H4, N12, N13, N19, BD5, BD6, BC7, T2, T24 and LD1 of the UDP Review, as well as guidance contained within SPG13: Neighbourhoods for Living, PPS1, PPS3 and PPG5 and having regard to all other material considerations, as such the application is recommended for approval.

##### 09/00501/CA

The application is considered to comply with policies GP5, N18A and N18B of the UDP Review, as well as guidance contained within PPG15 and having regard to all other material considerations, as such the application is recommended for approval.

## **1.0 INTRODUCTION:**

- 1.1 These applications are reported to Plans Panel at the request of Councillor John Procter, on the grounds of parking and highways issues. Councillor Procter has requested a site visit.

## **2.0 PROPOSAL:**

- 2.1 The first application is for the erection of a terrace of 5 dwellings, including two 4 bedroom houses and three 3 bedroom houses, and for the change of use of an existing building on the site to a further 4 bedroom dwelling. All other existing buildings on the site are to be demolished as part of the proposals.
- 2.2 The proposed terrace of properties would be staggered in appearance, with one end property being set forward of the three central houses, and one being set back. It is proposed to construct the properties of limestone, with blue slate roofs. All but one of the properties has rooms in the roofspace, served by rooflights in the rear elevation. The properties are arranged as follows:
  - Plot 1: End terrace, 4 bedrooms, including one in the roofspace, 2 parking spaces (one to the front and one in a small parking area opposite).
  - Plots 2 and 3: Mid terrace, 3 bedrooms, including one in the roofspace, integral garage and parking space in front..
  - Plot 4: Mid terrace, 3 bedrooms, 2 parking spaces in small parking area opposite.
  - Plot 5: End terrace, 4 bedrooms, including one in the roofspace, 3 parking spaces within curtilage.

- 2.3 It is proposed to convert an existing building on the site to form a further 4 bedroom dwelling, with an attached car port, and parking space (plot 6). This building would have accommodation over 2 floors, served by rooflights and a small, flat-roofed dormer.
- 2.4 It is proposed to access 5 of the properties (plots 1-4 and plot 6) from the existing access from High Street. A shop and a flat on High Street have existing rights to use this access, and to park within the site, and parking spaces for these properties have been included. Plot 5 is to be accessed from Church Mews, a cul-de-sac to the rear of the site.
- 2.5 The terraced properties would have small, landscaped front gardens, with low stone walls and railings. Landscaped areas are proposed to break up the parking areas within the site. A bin store is proposed close to the site entrance.
- 2.6 The second application seeks conservation area consent for the demolition of a number of existing workshops and storage buildings on the site.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application relates to an area of land to the rear of shops on High Street in the centre of Boston Spa. The site is currently occupied by a number of light industrial units, including a joiners' workshop, a car storage building and a meat preparation plant. The existing buildings vary in their design, and include a number of single storey, flat roofed, render buildings in the eastern part of the site, and a part single, part two storey stone building with a metal roof in the south western corner of the site. It is proposed to demolish these buildings as part of the application. The site also contains an older stone building with a red pantile roof. It is proposed to retain and convert this building as part of the application.
- 3.2 The site is accessed from Main Street by a narrow drive. There is a second access in the south western corner of the site, which is currently obstructed by part of the existing building in this area, which is proposed to be demolished. The site is currently surfaced with hardstanding, and is used for storage of materials and the parking of a number of vehicles associated with the existing use of the site.
- 3.3 The site is in Boston Spa conservation area, and is surrounded by stone buildings of varying ages and designs. The site is in a mixed area, including shops and pubs on High Street to the north, a day nursery on St Mary's Street to the east, and residential properties to the east, south and west. The site itself is located within the core of the settlement, and is surrounded by properties which tend to be smaller, and built at a higher density than the early 20<sup>th</sup> century suburban housing further away to the north. These developments include rows of terraced cottages on Church Street to the west, terraced cottages and semi-detached houses with small back gardens on St Mary's Street to the east, and flats at Church Mews, immediately to the south of the site. A number of the shops on High Street, to the north of the site, have flats above.

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

- 4.1 08/00399/FU – Erection of 6 dwellings houses comprising 3 three bedroom semi-detached houses, 2 two bedroom semi-detached houses and 1 four bedroom semi-detached house and change of use of building including extensions to 2 two bedroom semi-detached houses. Withdrawn April 2008.

- 4.2 08/00401/CA – Conservation Area application for demolition of workshops and storage buildings. Withdrawn April 2008.
- 4.3 There have been various approvals in the early 1980s, and the mid 1990s for extensions to and replacements of existing workshop buildings on the site, together with a permission, in December 1984 (reference H31/256/84/) for the use of part of the site as a vehicle storage area.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 An application for a total of 8 dwellings on the site (including 6 new-build and 2 in the existing building which is proposed for retention) was submitted in February 2008 (reference 08/00399/FU). The development proposed was in the form of 4 pairs of semi-detached houses, 6 of which would be accessed from High Street and 2 from Church Mews, to the rear. Following concerns regarding highway safety, inadequate provision of amenity space, inadequate separation between dwellings, and the intensity of the development, the application was withdrawn.
- 5.2 Following the withdrawal of the application, a series of meetings were held with the applicants and their agent, and it was suggested that the number of dwellings be reduced, to allow appropriate levels of parking and turning to be accommodated within the site, and to improve the levels of amenity space provided and ensure that appropriate separation distances from neighbouring properties could be achieved. Advice was also provided on the design of the proposed dwellings.
- 5.3 The current application, as submitted, was for six 4 bedroom houses (5 new build and one in the converted building), with parking in a courtyard area at the entrance to the site. Concerns were raised that the size of the proposed parking spaces and aisle widths within the parking area were substandard, and that, although improved, the levels of amenity space for some of the proposed dwellings were still substandard. Concerns were also raised that the level of hardstanding and outdoor parking proposed, in such close proximity to the site entrance, would detract from the visual amenity and character of the area. Revised plans were submitted, with integral garages being incorporated within two of the properties, and the roofspace accommodation removed from one, thereby reducing the level of habitable floorspace and the size of the parking areas. An indicative landscaping scheme for the site, showing planting to the front of the proposed dwellings, and in between the parking areas, has now also been submitted. Furthermore, the proposed double garage at plot 5 has been deleted from the proposals, to improve the outlook from the windows of this property, provide more amenity space and reduce the number of buildings proposed on the site.
- 5.4 Highways officers had raised concerns regarding the parking space originally proposed to the front of the garage to plot 6, since this space would have a substandard aisle width for reversing/turning, and was likely to cause an obstruction to vehicles trying to access the spaces adjacent to plot 6. In response to these concerns, the design of the garage has been revised to a car port, keeping it open for parking, and a further space provided to the other side of the building, thereby removing the parking space to the front of the car port.

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

- 6.1 The application was publicised by site notice and press notice as affecting the character of a conservation area. Owing to an error in the description of the development upon receipt, the application was readvertised with the correct description.

- 6.2 Councillor John Procter has requested that the application be reported to Plans Panel on the grounds of parking and highways issues, and has advised that his own views on the parking and highways echo those of the Parish Council in their second letter of representation, which are set out below.
- 6.3 Boston Spa Parish Council have advised that they have no objection in principle to the redevelopment of the site, they have concerns about a number of issues. Their concerns regarding the plans originally submitted with the application were:
- Overdevelopment – these are family homes with very little garden or play space, with levels of provision which seem to be below the City’s own standards.
  - Limited scope for landscaping and little greenspace within the site.
  - Highway safety – the access from High Street is narrow (less than 3m wide in places), meaning 2 vehicles cannot pass. The access has a 90 degree bend and poor sightlines at the junction, which has parked cars either side, resulting in poor visibility for vehicles entering and leaving the site. On another development further along High Street, with a better access, an application was refused and appeal dismissed, ruling that the access was too dangerous for even 2 new houses to be built. It would be more appropriate to serve the site from Church Mews to the rear, with the High Street entrance being for pedestrian access only.
  - Parking provision is inadequate.
  - The design and access statement is wrong, as it states only 5 properties would be served from the High Street access. There are 2 existing properties (a shop and a flat on High Street), which also have rights to use this access, making 7 in total.
  - Figures in the design and access statement regarding existing vehicle movements appear to significantly overstate actual daily movements and the type of vehicles used, and understate the number of vehicle movements which would result from the new dwellings. Vehicles that do use the site still create difficulties and hold ups on High Street if 2 vehicles try to pass each other at the access. Furthermore, the figures quoted appear to be out of date.
  - Although no objections to the design, it is a pity that some work/live studio unit could not be incorporated to maintain some employment opportunities in the centre of the community.
  - Suggestion that some hard surfacing could be replaced with permeable materials.
- 6.4 Upon receipt of revised plans, the Parish Council were re-notified, and reiterated their concerns regarding the density of development, lack of garden space, highway safety and design, and raised the following additional matters:
- Construction traffic from high Street is a serious issue, as 2 lorries will not be able to pass. This is very close to a children’s nursery entrance.
  - Parking provision is still inadequate. Although spaces are now shown for the 2 properties on High Street, there is no visitor parking and spaces do not appear to be of an adequate size. Unless a condition is imposed on the lengths of cars which can park on the site and the use of the garages for no purpose other than parking, and that no visitors can arrive by car, the parking provisions are totally inadequate for an area with a higher than average level of car ownership.
- 6.5 The Parish Council were renotified following revisions to amend the garage to plot 6 to a car port to overcome the concerns of the highways officer, and have made the following comments:

- Suggested condition to prevent the car port to plot 6 being changed to a garage is welcomed, but doesn't overcome concerns regarding lack of adequate parking for other houses. [The Parish Council's references to specific dimensions of parking spaces which they consider substandard do not correspond with the scaled measurements taken from the plans. All such dimensions have been checked by the highways officer, who has advised that the proposed garages and parking spaces, as scaled from the submitted plans, are all appropriate in their dimensions].
- No visitor parking.
- Garages to plots 2 and 3 are likely to be used for household storage given size of houses.
- Not appropriate to simply apply UDP parking standards as this is an area of higher than average car ownership due to lack of adequate public transport. High Street only has limited and time restricted parking and will not make up for shortfall on site.
- Increased width of access drive within the site may help slightly, but inability of 2 vehicles to pass at site entrance will lead to traffic backing up on High Street. Traffic on High Street has increased since A1 upgrade. Poor sightlines at entrance will make manoeuvres more difficult.
- Panel site visit is needed to allow Members to appreciate constrained access.

6.5 4 letters of objection have been received from local residents. As the application was readvertised, multiple letters have been received from some properties. The following concerns are raised:

- Overdevelopment of the site.
- Overlooking and overshadowing of neighbouring properties on St Mary's Street.
- Submitted plans do not show extension at neighbouring property.
- Inadequate parking provision – likelihood that parking will overspill onto High Street, exacerbating existing problems.
- Plans make no mention of the impact on the area in terms of an increase in traffic.
- Disruption for residents and on local roads during construction.
- Concerns that if wind flow is altered by a new building in close proximity to neighbouring property, this may affect performance of chimney for wood burning stove, causing smoke to swirl into neighbouring gardens.
- Errors in description. *These were corrected and the application readvertised with the correct description.*

6.6 All matters raised in the representations received are addressed in the appraisal below.

## 7.0 CONSULTATION RESPONSES:

### **Statutory**

7.1 None.

### **Non-statutory**

#### 7.2 Highways

Objected to plans as originally submitted on the grounds that the proposed parking spaces had a substandard aisle width, no bin store details were provided, and the level of parking would be inadequate. Following receipt of the revised plans, the highways officer advised that they had no objections, but that the parking space to the front of the garage of plot 6 would not have the required aisle width of 6m. Following receipt of revised plans showing a car port instead of a garage to plot 6,

and a separate parking space to the other side of the building, removing the parking space to the front of the garage/car port, highways have advised that they have no objections to the proposals.

7.3 Mains Drainage

No objection subject to conditions.

7.4 Contaminated Land

No objection subject to conditions.

7.5 West Yorkshire Police

Suggestions are made with regard to providing appropriate security for the proposed dwellings.

## 8.0 PLANNING POLICIES

### Development Plan

8.1 The development plan for Leeds consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted May 2008 and the Leeds Unitary Development Plan (Review) (UDP), adopted 19<sup>th</sup> July 2006. The RSS is a strategic planning document, used to inform more detailed policies at a local level. Accordingly, it is not considered that there are any particular policies which are relevant to the assessment of this application.

8.2 The application site is within Boston Spa conservation area. The north western part of the site, which includes the retained building, is also within the boundaries of Boston Spa town centre, as designated in the UDP. The following UDP policies are relevant to the consideration of the applications:

GP5 – General planning considerations.

H4 – Housing proposals.

N12 – Urban design.

N13 – Design and new buildings.

N18A and N18B – Demolition of buildings in conservation areas.

N19 – New development in conservation areas.

BD5 – New buildings and amenity.

BD6 – Extensions and alterations to existing buildings.

BC7 – Use of traditional local materials in conservation areas.

T2 – Highway safety.

T24 – Parking provision.

LD1 – Landscaping.

### Supplementary Planning Guidance

8.3 SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds.

### National Policy and Guidance

8.4 Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

Planning Policy Statement 3: Housing (PPS3)

Planning Policy Guidance 15: Planning and the Historic Environment (PPG15)

## 9.0 MAIN ISSUES

1. Principle of development.

2. Impact on the character and appearance of the conservation area

3. Residential amenity.

4. Highway safety.



## 5. Other issues.

### 10.0 APPRAISAL

#### Principle of development

- 10.1 The application site is an area of previously developed land within Boston Spa town centre, close to local amenities and public transport links. As such, the principle of redeveloping the site for housing is considered acceptable, provided that the redevelopment would not detract from the character and appearance of the area, the amenities of nearby residents, or from highway safety in this locality.

#### Impact on the character and appearance of the conservation area

- 10.2 Concerns raised by local residents and the parish council about the density of the development and that the proposals would lead to an overdevelopment of the site are noted. At a level of approximately 35 dwellings per hectare, the proposed development is within the density levels for new housing recommended in PPS3. The site is within the historic centre of Boston Spa, an area characterised by relatively high density housing, including terraced cottages on Church Street to the west and flats to the south of the site, the densities of which are higher than those proposed on the application site. As such, it is not considered that a housing development of the scale and density proposed would be out of character with the surrounding conservation area.
- 10.3 The proposed development would replace a series of workshops and light industrial units and a vehicle storage area which are considered to contribute little to the character of the conservation area. The proposed dwellings would be constructed of stone, with slate roofs, and are of a design which is considered to reflect the features and scale of surrounding developments. The alterations to the existing building, which include a small extension and the addition of a small, flat roofed dormer window in the roof slope, are considered to be sensitive to the building's character. As such, it is considered that the proposed development would enhance the appearance of this site within the conservation area.
- 10.4 Revised plans have been received, with the level of hardstanding reduced, and areas of landscaping proposed to break up the parking areas and to provide small front gardens to the new properties. It is also proposed to include some permeable surfacing within the site. While the Parish Council's concerns regarding the lack of landscaping are noted, this is a relatively small site, which is already quite intensively used, and which is currently almost exclusively surfaced with hardstanding, with no soft landscaping. In light of this, it is considered that, in providing soft landscaped areas, and permeable surfacing, the proposals would enhance the character of the site and the wider area in this respect.
- 10.5 The conservation officer has advised that he has no objection to the demolition of the existing buildings on the site, or to the proposed development. As such, and subject to conditions requiring details of materials, doors and windows, surfacing materials and landscaping, the proposed development is considered acceptable in terms of its impact on the character and appearance of Boston Spa conservation area.

#### Residential amenity

- 10.6 Concerns regarding the overlooking and overshadowing of neighbouring properties on St Mary's Street, to the east, are noted. According to the submitted plans, the end property, plot 1, would be 6.2 metres from the rear of the nearest neighbouring dwelling on St Mary's Street. The only window in the elevation directly facing this

neighbouring property is a landing, and the siting of the proposed dwelling is such that the windows in the rear of the neighbouring property would not look directly onto the end gable of the proposed property, nor would it be directly adjacent to the rear garden of the neighbouring dwelling. As such, it is not considered that the proposed development would result in a significant increase in direct overlooking of neighbouring properties or their gardens, or appear overbearing or overdominant when viewed from neighbouring properties. The proposed dwelling would be sited to the north west of this neighbouring property, and it is therefore considered that any increase in overshadowing which may result would be marginal and insufficient to warrant refusal on these grounds. In light of this, it is considered that the proposed development would not detract significantly from the amenities of neighbouring residents. Conditions requiring the side landing window to be obscure glazed and removing permitted development rights for new windows in this elevation are recommended, in order to prevent overlooking of neighbouring properties.

- 10.7 It is acknowledged that, in view of the proximity of neighbouring properties on St Mary's Street to the east, and the flats to the south, there is likely to be some overlooking of the gardens of plots 1 and 2 from these neighbouring windows. However, the separation distances between windows in the proposed dwellings themselves and those in existing neighbouring properties are considered acceptable, and these neighbouring properties would still be some 6 metres from the proposed gardens. As such, it is considered that, any overlooking would be marginal, and would be evident to any potential purchasers. As such, it is not considered that refusal on these grounds could be justified.
- 10.7 Concerns regarding the levels of amenity space for the proposed dwellings are noted. Neighbourhoods for Living recommends that as a general guide, private gardens for family homes should have a minimum area of 2/3 of total gross floor area of the dwelling. While the amenity space proposed for plots 1, 2, 5 and 6 exceeds this recommended level, the gardens of plots 3 and 4 are smaller and fall below this level (both are around 50% according to the submitted plans). However, Neighbourhoods for Living also advises that the primary consideration when assessing private space provision is the overall quality and relationship to context. The surrounding area contains a variety of residential properties, and includes numerous terraces of traditional housing with small back gardens, and it is considered, in light of this, that the proposed development would not be out of character with its surroundings. The majority of the properties have adequately-sized private amenity areas, and it is considered that, in view of the character of other developments in the area, that refusal on these grounds could not be justified.
- 10.8 The depths of the rear gardens of plots 2 to 4, at 9.5 metres, fall below the recommended depth of 10.5 metres in Neighbourhoods for Living. However, these recommended distances relate primarily to providing appropriate levels of privacy for future occupiers and neighbouring residents. While there are flats to the rear of the site, all habitable windows in these flats are over 15 metres away. As discussed above, it is considered that these slightly smaller gardens would not appear out of character within an area characterised by relatively densely developed semi detached and terraced housing, and it is considered, in light of this, and the separation from the flats to the rear, that refusal of the application on these grounds could not be justified.
- Highway safety
- 10.9 The concerns of neighbours and the Parish Council regarding highway safety are noted. While it is acknowledged that the access to the site from High Street is substandard in terms of its width, the site currently contains a number of existing

workshop and light industrial uses, and a vehicle storage facility. Details of the number of vehicle movements associated with the existing uses of the site have been provided. These indicate that up to 25 cars and 21 vans use the site per day, together with weekly use by larger delivery vehicles, including a low loader car transporter. The level of traffic associated with the proposed residential use (access for 5 properties, together with a flat and shop on High Street who already have rights to park on the site) is likely to be lower, and the vehicles smaller than those which currently use the site, and on this basis, while the access from High Street is substandard in some respects, it is considered, on balance, that the proposed residential redevelopment would actually result in a less intensive use of this access. The site plan has been revised to provide a wider road area at the top of the site access, in front of plot 1, allowing improved visibility and more space for vehicles leaving the site to wait for other vehicles entering the site from High Street, thereby reducing the likelihood that vehicles would have to reverse onto High Street. It is therefore is not considered that refusal of the application on these grounds could be justified.

- 10.10 The access to Plot 5 from Church Mews to the rear of the site is considered acceptable.
- 10.11 Following revisions to the plans, the levels of parking proposed within the site are now considered appropriate. Each property would have 2 spaces, with provision for the shop and flat on High Street which have rights to park on the site. Although visitor parking provision is minimal, it is considered, on balance, in view of the site's town centre location and proximity to public parking facilities, that refusal on these grounds could not be justified. A condition is recommended requiring the parking spaces for the shop and flat on High Street to be clearly indicated and not to be used for any other purpose, to ensure that these spaces remain in place, and to prevent the displacement of this parking onto the High Street. A further condition requiring the parking spaces on site to be allocated to the individual properties as indicated on the submitted site plan and not thereafter to be sold on or used by other users is also recommended, to ensure that the spaces remain available for use by the properties on the site for the lifetime of the development.
- 10.12 The highways officer had raised concerns that the aisle width for the second parking space at plot 6 was substandard. Revised plans have been received, showing a car port instead of a garage to plot 6, and a parking space to the opposite side of the building, thereby replacing the parking space to the front of the car port. It is considered that, by keeping the car port open fronted, future residents would be discouraged from using this area for storage, as they may with a garage, and would instead use this area for parking. It is also considered that people visiting the site would be discouraged from parking in front of the car port, since to do so would restrict access to and from the car port for residents. The highways officer has now advised that they consider these revisions sufficient to overcome their concerns in this respect, and that they do not now feel that refusal of the application on these grounds could be justified. A condition preventing the car port from being fitted with garage doors is recommended as part of any approval, in order to keep this area open for parking.
- 10.13 Neighbours and the Parish Council have raised concerns regarding access to the site for construction traffic. In view of the nature of the access to the site, it is recommended that a condition be attached to any approval requiring details of access and parking for construction traffic to be approved before works commence, to ensure that these works do not impact on highway safety on High Street during the construction period.

10.14 The Parish Council refer to an appeal decision on Oaks Lane, further along High Street, relating to 2 new dwellings, which was dismissed on the grounds that the two additional properties it would intensify the use of an existing substandard access. Whilst the current proposals also relate to an existing substandard access, highways advice is that the proposal is likely to lead to a less intensive use of the access. It is not therefore considered that the Oaks Lane decision is directly comparable to the current proposals. Since the proposed development would, it is considered, result in a less intensive use of a substandard access, it is considered acceptable in highway safety terms.

#### Other issues

10.15 Concerns regarding inaccuracies in the design and access statement and in the figures quoted in relation to existing vehicle movements on the site are noted, however, in the absence of any evidence to the contrary, there is no reason to question the figures provided. The highways officer has been consulted, and has taken into account the existing vehicle movements and those which would be associated with the proposed dwellings, and is of the view that the proposed development would result in a less intensive use of the access than the existing, and is therefore acceptable in terms of highway safety.

10.16 The Parish Council has suggested that some work/live units could be included in the proposals. While this is noted, the application has not been made on this basis, and as it is considered that the proposed development is acceptable as submitted (and revised), this has not been pursued further.

10.17 A neighbour has raised concerns that the proposed development could affect wind flow and thus result in smoke from their wood burning stove chimney swirling into neighbouring gardens. In view of the relatively small scale of the development, and the distance from neighbouring properties, no significant impacts in this respect are anticipated.

## **11.0 CONCLUSION**

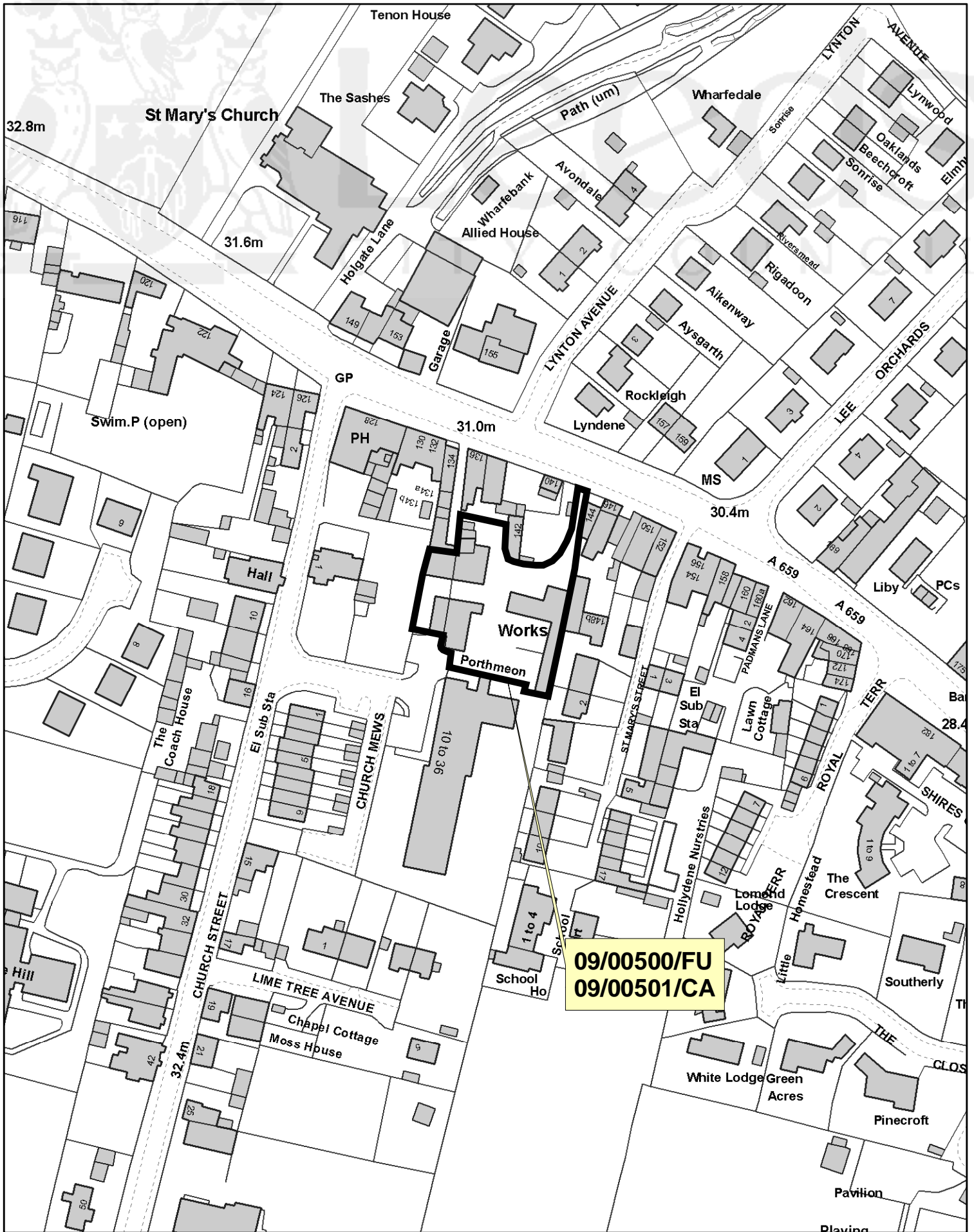
11.1 It is considered, in the light of the above, that the proposed demolition of existing buildings on the site and the proposed redevelopment would not detract from the character and appearance of Boston Spa conservation area, from residential amenity, or from highway safety in this locality. As such it is recommended, subject to the conditions set out above, that the applications be approved.

### **Background Papers:**

Application files 09/00500/FU and 09/00501/CA, history files 08/00399/FU and 08/00401/CA. Certificate of ownership – signed on behalf of applicants.







# EAST PLANS PANEL I

Scale 1/1500

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