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## Report of the Chief Planning Officer

### Plans Panel North and East

Date: 28<sup>th</sup> May 2015

Subject: 15/01177/FU - Two detached dwellings at 7 Westfield Lane, Kippax.

#### APPLICANT

Ratcliffe Building &  
Maintenance Ltd- Mr Ryan  
Ratcliffe

#### DATE VALID

11<sup>th</sup> March 2015

#### TARGET DATE

6<sup>th</sup> May 2015

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#### Electoral Wards Affected:

Kippax & Methley

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:**

1. Time limit on full permission
2. In accordance to approved plans
3. Construction method statement
4. External walling and roofing materials
5. Boundary treatments
6. Details of surface water drainage works
7. Area used by vehicles to be laid out
8. Reinstatement of footpath crossings
9. Maximum access and driveway gradients
10. Details of existing and proposed ground/ finished floor levels
11. No insertion of windows
12. Obscure glazing
13. Permitted development rights for extensions and dormers withdrawn
14. Submission of contaminated land information
15. Submission of an amended remediation statement

16. Submission of a verification report
17. Testing of imported soils for contamination

Full details of conditions including any required amendments to be delegated to the Chief Planning Officer.

## **1.0 INTRODUCTION:**

- 1.1 This planning application is brought to Plans Panel North and East at the request of ward Cllr James Lewis to consider the impact of the proposed development in terms of massing, proximity and construction methodology relative to the neighbouring properties (given that the levels fall sharply from the road) and due to concerns about the impact on highway safety on Westfield Lane.

## **2.0 PROPOSAL:**

- 2.1 This planning application proposes two detached dwellings that are to front onto Westfield Lane. The proposed dwellings when viewed from the road are two storey in height and of the same design (handed versions of each other) incorporating a gable feature to the front with an attached garage to the side. The dwellings are of conventional appearance and are to be constructed of brick with a pitched tile roof.
- 2.2 The sloping nature of the application site however creates scope to include a lower ground floor level with an aspect to the rear as the ground level falls away to the south. The house-type design incorporates a longer rear roof plane containing additional living accommodation and rooflights inserted within.
- 2.3 Each property is shown to be provided with off-street parking via a garage and driveway to the front.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is situated to the south side of Westfield Lane. The site comprises predominantly hard standing, remnants from the former industrial building than has been demolished (7 Westfield Lane).
- 3.2 There are mature landscaping features to the southern boundary of the site and one mature tree adjacent to a pedestrian access at the north-west corner where the site abuts Westfield Lane.
- 3.3 A dropped crossing is situated off Westfield Lane leading into the north-east corner of the site which subsequently leads to a driveway sloping downwards towards the rear of the site. The hard standing is set approximately 3m below the level of Westfield Lane. The land drops steeply beyond the southern boundary. Westfield Lane slopes downwards in a north-westerly direction. The area is residential characterised by a mix of detached and semi-detached housing.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 14/02785/FU 3 detached houses- Withdrawn (11/03/15).

13/03850/FU 3 detached houses with integral garage- Refused (05/11/13) on grounds of visual amenity and residential amenity.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 This planning application represents a resubmission. In 2013 an application proposing 3 detached dwellings was refused (Ref: 13/03850/FU) on a range of grounds relating to its detrimental impact on residential character and the amenity of adjacent neighbouring properties. Following that refusal, a revised application was submitted which also proposed 3 detached dwellings (Ref: 14/02785/FU) but this application was withdrawn to enable further discussion with planning officers and adjacent neighbours.
- 5.2 During the course of the application amendments have been carried out to reduce the overall height of the side projection to the house type in order to improve the relationship with adjacent neighbouring properties, refine the appearance of the dwelling and alter the driveway serving plot 2.

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

- 6.1 The application was advertised by site notices posted adjacent to the site dated 27<sup>th</sup> March 2015 and 19 neighbour notification letters sent out 13<sup>th</sup> March 2015. 7 letters of representation were received in response to the public notification process raising objection to the submitted proposals.
- 6.2 The grounds for the objections are summarised below:
- Proposed dwellings higher, larger footprints than adjacent dwellings (and of previous application proposals), narrow separation distance between, garages disproportionately tall- out of character.
  - Increase traffic; driveway proposed opposite existing driveway; insufficient parking; Westfield Lane busy route and narrow carriageway (existing problems of parked cars on-street)
  - Blocks out light to adjacent neighbours (incl. kitchen window of neighbour); loss of privacy (details of boundary fencing important/ overlooking to 5a); overbearing visual impact (previous buildings flat roofed and further from side boundaries) and ground level differences accentuate impact; noise from gardens areas or through open patio doors impact on adjacent neighbours
  - Statements within the Design and Access statement inaccurate; house-type plan not clear (mirror image of each other); details of levels not clear in relation to No.9/9a; misrepresentation of neighbour meeting in respect of dwelling positions.
  - Seek structural assessment to ensure land safe and stable.
  - Surface water drainage via soakaways could exacerbate any stability issues.
  - An assessment of contamination at the site should be made.
- 6.3 Kippax Parish Council comments reflect those from local residents who attended the parish council meeting:
- Tall houses, close to No.9 Westfield Lane and overshadows kitchen window.
  - Possible land slip issues adjacent to 5a Westfield Lane.

- Houses have larger footprint than adjacent properties- not in keeping with surroundings (contrary to policies in VDS & UDP/HH SPD).
- Increased traffic flow (cumulative effect also on Westfield Lane); poor visibility when existing driveways (1 in 10 gradient); insufficient parking.
- Inaccuracies in drawings
- Suggest locating garages to rear
- Overall, if land stabilisation issues adjacent to No.5a were resolved, the relationship is considered acceptable. Plot 2 is too close to No.9- overshadowing, loss of visual amenity and light.
- Request that the application be referred to plans panel.

6.4 A further batch of neighbour notification letters were sent out on 8<sup>th</sup> May 2015 publicising the additional amendments to the scheme. The revised consultation period expires on the 18<sup>th</sup> May and at the time of writing no further comments had been received. Any further representations received shall be reported verbally to the Panel.

## 7.0 CONSULTATIONS RESPONSES:

### Statutory:

7.1 None.

### Non-statutory:

7.2 Highways: No objection. Conditions recommended.

7.3 Flood Risk Management: No objection. Condition recommended.

7.4 Contaminated Land: No objection. Conditions recommended.

## 8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

### Local Planning Policy

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

- H2: New housing on non-allocated sites.
- P10: Seeks to ensure that new development is well designed and respect its context.
- EN5: Seeks to manage and mitigate flood risk.
- T2: Seeks to ensure that new development does not harm highway safety.
- EC3: Safeguarding existing employment land/uses

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- WATER 7 : All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

Supplementary Planning Guidance:

- 8.5 Neighbourhoods for Living (SPG13, adopted).  
Sustainable Urban Drainage (SPG22, adopted)  
Street Design Guide (SPD, adopted)  
Sustainable Design and Construction (SPD, adopted)  
Kippax Village Design Statement

National Planning Policy

8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character (para.58, NPPF).

## 9.0 MAIN ISSUES

1. Principle of development

2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Other matters

## 10.0 APPRAISAL

### Principle of development:

- 10.1 National and local planning guidance encourages the effective re-use of previously developed land before greenfield sites are released. In this instance, this proposal will deliver housing in a location offering a good range of community facilities and with good access to public transport infrastructure. The application site contained former commercial/ industrial premises and is considered to be 'brownfield' in status and its proposed residential re-use is considered compatible within this residential estate and of visual benefit to its immediate surroundings. The residential nature of the surrounding area and limitations of the site are also such that it's retention for a commercial use in accordance with policy EC3 is not considered desirable. As such, the general principle for the residential re-development of this site accords with national and local plan policy.
- 10.2 Overall, it is considered that planning support could be given, in principle, to the residential development of this urban site although its overall acceptability is subject to other material considerations being satisfactorily resolved.

### Impact on design, visual amenity and character:

- 10.3 The Westfield Lane has an eclectic mix of house types and house designs, some collectively forming robust nominal building lines within the street scene, particularly to the north side of Westfield Lane, whilst other properties occupy a more haphazard arrangement not only in terms of their siting but also in terms of the changes in levels, as in evidence to the south side of Westfield Lane. These proposed dwellings will face onto Westfield Lane, set back from the pavement edge and behind low walling, standing at a lower level than the carriageway to the front. The dwellings will be seen as two storey height dwellings from the front which allied to the siting are considered to be compatible with the streetview.
- 10.4 Mindful that an earlier scheme for three detached houses was refused on grounds of a cramped layout, scale, form, massing and overall height this current proposal involves a reduction in the number of dwellings. The two detached dwellings afford an increase in the separation between each proposed dwelling and enable the main height and bulk of the dwellings to be sited more centrally within the plot and further away from the neighbouring properties to either side. It is acknowledged the proposed dwellings provide a generous amount of floorspace although the overall dwelling mass is broken down into composite parts with accommodation contained within side projections, a lower ground floor level and within the roofspace. The proposed dwellings will be constructed of brick and have a tiled roof above which is considered respectful to the type of external materials visible in this location.
- 10.5 Overall the development is considered to represent a visual improvement to the site which was previously occupied by industrial style buildings that were out of keeping with the wholly residential surroundings of this part of Westfield Lane.

Impact on residential amenity:

- 10.6 The aim of any residential development is to provide a satisfactory standard of amenity (living conditions) for the future occupants of the new dwellings without adversely impacting on the standard of amenity for existing residents living adjacent to the site. Impacts such as loss of privacy through overlooking, over shadowing and avoiding development that would be overbearing or unduly dominant.
- 10.7 Officers consider the development creates a satisfactory standard of amenity including living accommodation, privacy, outdoor amenity space and off-street parking for the future occupants of the site.
- 10.8 In terms of the impact on neighbouring resident's amenity, objections have been received from local residents on both sides of Westfield Lane. With respect to the houses on the north side, due to the degree of separation, change in levels and orientation of the site the development would not adversely impact on the living conditions of these occupants, either from overlooking, overshadowing or appearing as overbearing or an over dominant form of development.
- 10.9 It is from the east, south and west that the ground level changes within the site are most apparent as the wall heights of the proposed dwelling respond to the land level changes. No 5a Westfield Lane abuts the south east boundary of the site. There is a single detached garage in the front garden set below the highway with the dwelling itself set lower down and its north-west corner set in close proximity and below the level of the application site. There are conifers in front of the dwelling in this area, with the dwelling benefitting from a side garden abutting the south east corner of the site. By virtue of the reduced number of dwellings proposed under this revised application greater separation distance is achieved between Plot 1 and 5a Westfield Lane and this has enabled the rear aspect windows of the plot 1 to be positioned further away and face directly down its own rear garden. The design of the dwelling also includes projections to the side with roof forms that pitch away from this neighbour which when coupled with the relative position and the available separation distance is not considered to be unduly dominant or overlook the neighbour. The proposed dwellings will be sited to the north-west of this neighbour and are not considered to interfere with the levels of sunlight received.
- 10.10 In terms of impact on No.9 Westfield Lane which stands to the west of the site and occupies a lower ground level. This property has its main aspect windows to its west elevation (facing on to highway) and to the south elevation which includes a conservatory and the main private garden area. The elevation facing out to the application site does however contain a kitchen window at ground floor and a bedroom and toilet window at first floor. The side projection of proposed Plot 2 will stand adjacent to the front portion of this dwelling, some 2.6m from the common boundary and 7.8m from the side wall of the neighbour. Due to its position and the ground level differences revisions were sought to reduce its total height and it would now elevate to a similar eaves height to No.9. Taking account of the level changes and the intervening boundary treatment views of this part of the dwelling from ground floor level will be limited to the upper portion of the wall and the roof form which pitches away from the site. This element of the dwelling also has a shortened wall length adjacent to this boundary. The main height of the proposed dwelling stands beyond this element and although it is elevated above No.9 it will be positioned in excess of 13m away. Having regard to all of these factors and that

there are no primary aspect windows facing onto the application site the proposed relationship is, on balance considered acceptable and would not unreasonably impact on the living conditions of No.9 in terms of dominance. The proposed Plot 2 includes a side window that faces out towards this neighbour but this serves a bathroom and is to be obscure glazed, preventing views across.

- 10.11 Due to the orientation of the site there is potential for overshadowing of the domestic plot of No.9 during the early part of the day but officers are mindful that this would be mainly to the side of the plot rather than towards the rear where the main private amenity area is located and would not therefore result in overshadowing of significance or result in an unreasonable loss of amenity to those occupants to the extent that warrants refusal.
- 10.12 Mindful of the differing site levels and the relative heights of the proposed building and those residential properties to the east and west of the site care is to be taken to ensure the development is constructed in accordance with the indicated levels and a condition is recommended to ensure this is the case. Furthermore, given the site's closeness to residential properties restrictions are to be imposed on the hours for demolition (breaking up of hardstanding/ removal of retaining walls etc) and construction works.
- 10.13 It is accepted that the proposed dwellings will, due to the site level differences and dwelling heights be visible to those adjacent residential properties however in view of the proposed positions and their design allied to the available separation distances from the neighbouring properties and common site boundaries it is considered that the proposal warrants officer support. Therefore, it is concluded that the development would not unreasonably impact on the living conditions of the residents living in close proximity to the site and thereby accords with the interests of residential amenity.

#### Highways implications:

- 10.14 The application site is located within an established residential estate and future occupiers would have good access to the neighbourhood shopping and community facilities situated nearby as well as good access to existing bus services.
- 10.15 The proposal provides a suitable means of vehicular access into/out of the site and provides adequate off-street parking (through an integral garage and driveway). Westfield Lane serves a reasonable number of dwellings but it is not a classified or strategic highway and there is no record of personal injury accidents along Westfield Lane in the past five years. In addition, the level of visibility demonstrated is superior to other properties on Westfield Lane and with the removal of the former commercial use of the site represents an improvement on the previous access and use.
- 10.16 Officers are mindful the original application proposal (in 2013) was acceptable in Highway terms, and that since then the current proposed parking facilities have been improved for each plot to include an integral garage and up to two off-street parking spaces. Whilst residents' concerns are noted regarding the potential congestion on Westfield Lane, it is considered that it would be difficult to justify and sustain an objection on this basis.
- 10.17 Overall, the proposals are considered acceptable from a highways and accessibility perspective.



### Other matters:

- 10.18 The application site does not lie within an identified flood risk zone and in view that the site has large areas of hardstanding (a legacy of its former commercial use) it is not anticipated the proposal would generate a greater level of surface water run-off,. A planning condition is nevertheless recommended to secure details of the detailed surface water drainage scheme.
- 10.19 In respect of land contamination matters, the submitted phase 1 desk study report has been reviewed and further information is required via a phase 2 site investigation. This additional work is recommended to be secured through appropriately worded standard planning condition.
- 10.20 The issue regarding stability of the land in question, in this instance, is considered to be a civil matter between respective land owners rather than a serious issue for the consideration of this planning application. The reference highlighted by a local resident in relation to Policy GP5 is applicable to concerns relating to the stability of land on a wider scale and in this instance the proposals seek to work with the site levels which are largely already in place. Notwithstanding this, an informative will be attached to any permission granted reminding the applicant of the requirements under the party wall act and ultimately the issue of building stability will be fully considered as part of any submission under building regulations.

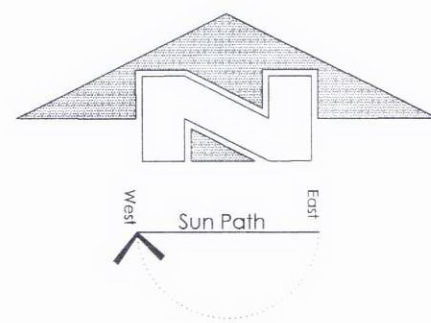
## **11.0 CONCLUSION**

- 11.1 It is considered the proposed development is sound in principle and has addressed the reason for the refusal of the earlier planning application by reducing the number of units proposed from 3 to 2 houses. As such, the proposed scheme is not considered to result in harm to the visual amenity of the site or the character of the area. Furthermore, it is not considered to significantly affect the living conditions of residents adjacent to the site or prejudice the interests of highway safety for pedestrians and other road users. As a consequence, the application is recommended for approval subject to the stated conditions.

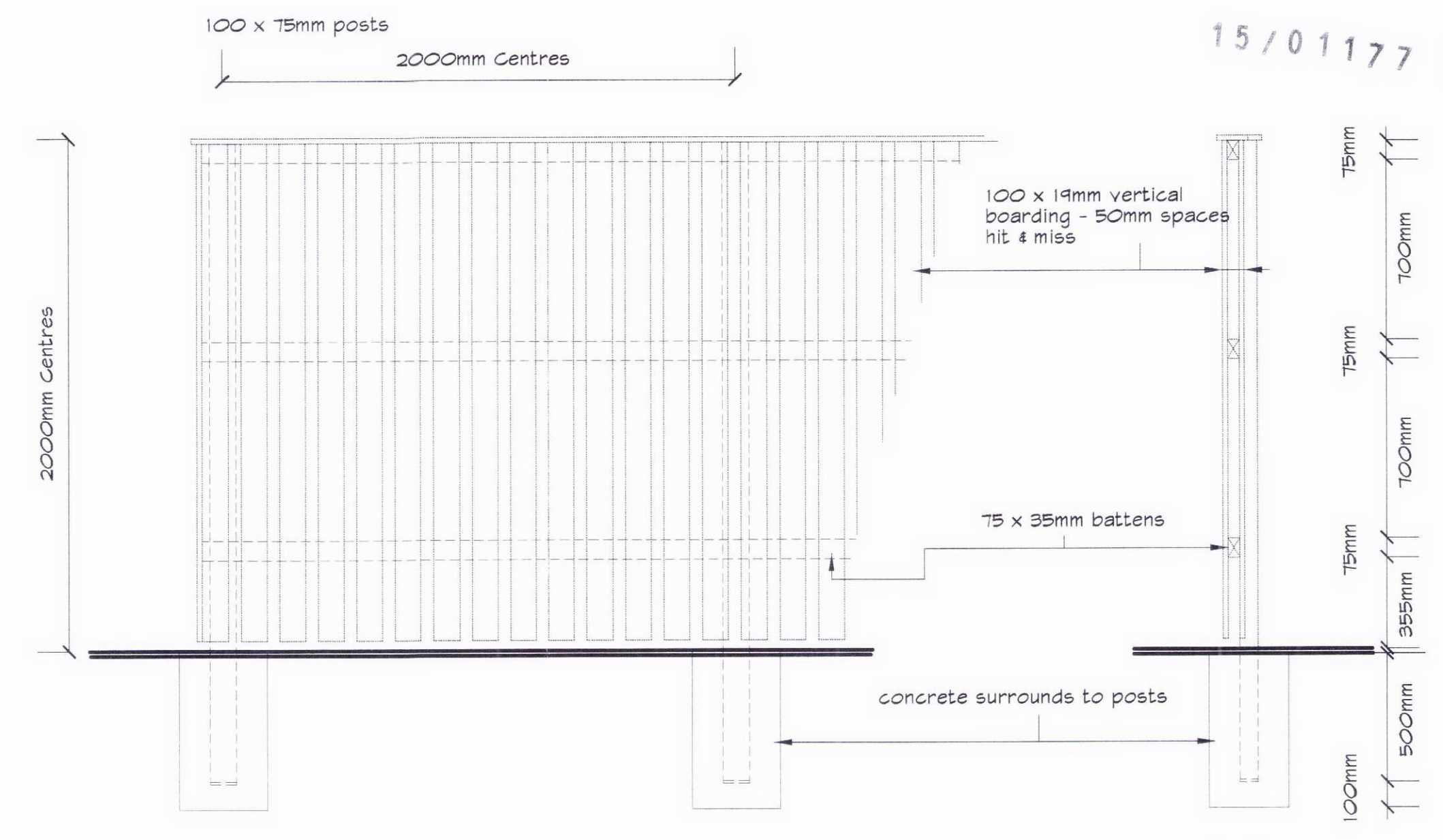
### **Background Papers:**

Application and history files.

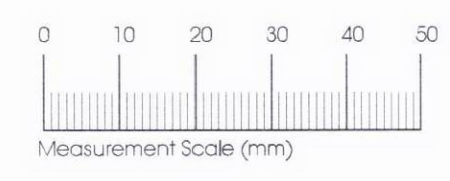
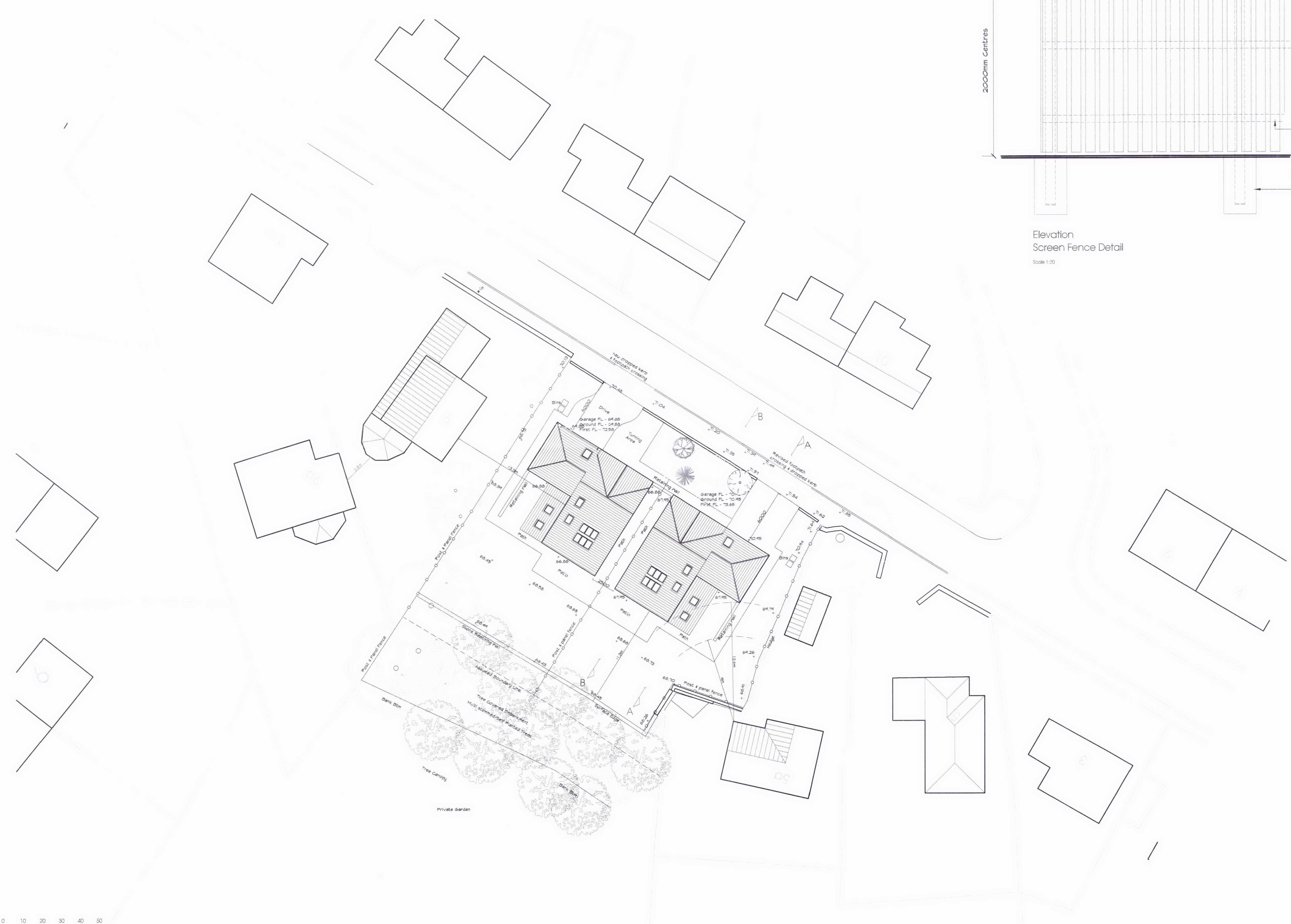
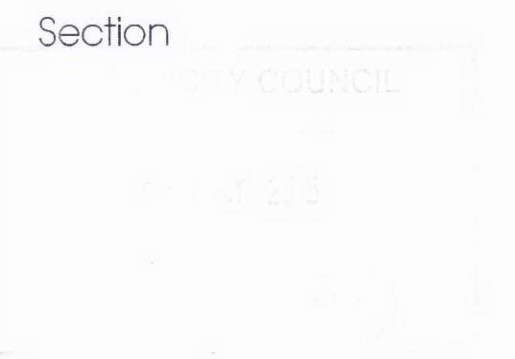
Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 25<sup>th</sup> February 2015.



15/01177



Elevation  
Screen Fence Detail  
Scale 1:20



Rev C - Tree reinstated, plot 2 drive amended to allow for tree - 01.05.15 - TB  
 Rev B - Plots moved further from No.9 following neighbour consultation - 06.03.15 - TB  
 Rev A - Previous Buildings removed, planting added - 04.03.15 - TB  
 REVISIONS

Residential Development

at 7 Westfield Lane  
Kippax  
Leeds

for Ratcliffe Building & Maintenance Ltd

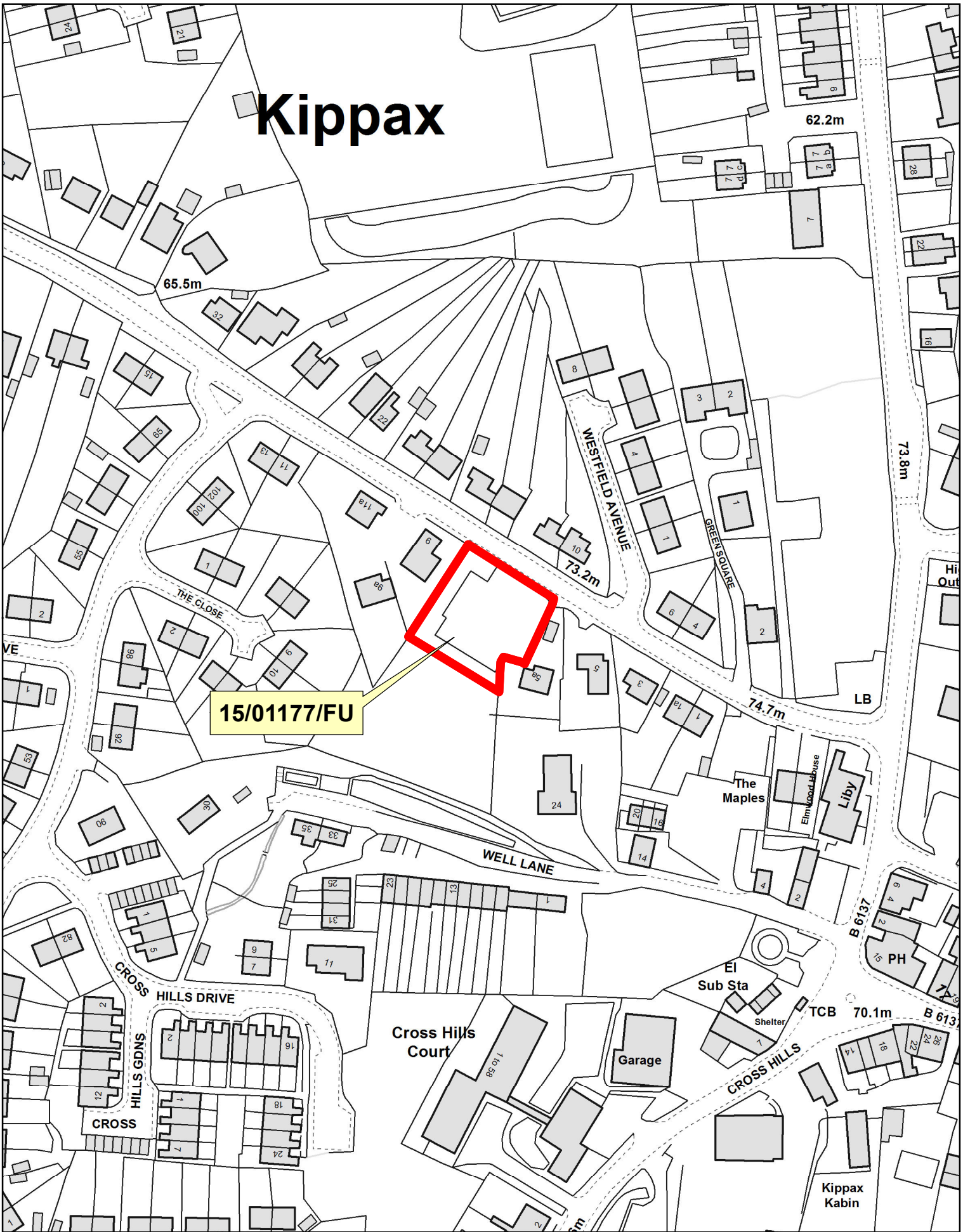
Site Layout Plan

Farrar Bamforth Associates Ltd.

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Drawn	JPH
Date	February 2015
Scales	1:200 / 1:20 @ A1
Drawing No.	13/D55/11
Rev.	C

# Kippax



15/01177/FU

## NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

