



Leeds
CITY COUNCIL

Originator: Chris Marlow

Tel: 0113 22 24409

Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 3rd November, 2011

Subject: Application 11/00793/FU - Laying out of access road and erection 5 detached houses and garages, and new vehicular access to existing semi-detached house on land at 51 Westfield Lane, Kippax, Leeds. LS25 7JA

APPLICANT

Shadwell Developments Ltd

DATE VALID

4th March, 2011

TARGET DATE

29th April, 2011

Electoral Wards Affected:

Kippax and Methley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following planning conditions:

1. Time limit
2. Plans to be approved
3. Samples of walling and roofing materials to be agreed
4. Boundary treatment
5. Laying out of vehicle areas
6. Landscaping
7. Landscape implementation
8. Landscape maintenance
9. Replacement planting period
10. Tree protection measures during construction
11. Removal of PD Rights
12. No insertion of additional windows
13. Obscure glazing
14. Surface water drainage details
15. Submission of desk study
16. Unexpected contamination

17. Remediation statement
18. Verification statement
19. Retention of visibility splay
20. Driveway gradients
21. Submission of detailed levels and siting
22. Construction management plan
23. Construction hours

Details of conditions to be deferred and delegated to Officers.

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within PPS1, PPS3 and PPS9 and it is considered that the proposed development is acceptable in terms of layout, scale, design and amenity and as such considered to comply with the following policies in the UDP Review: GP5, H4, BD5, N12, N13, N23, N25, N51, LD1, T2 and T24 and other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel (East) at the request of Councillor James Lewis on grounds that the proposed development is out of character and alignment with the houses and larger gardens that are adjacent to the site, together with concerns regarding junctions and highway safety.

2.0 PROPOSAL:

- 2.1 The application includes a new vehicular access to No 51 Westfield Lane, with the laying out of a new access road leading to 5 five bedroom detached houses, 4 with a detached garage and one with an attached garage (with bedroom over). The houses area of a traditional design to two storeys in height with brick and tile finishes to reflect local grain. The development includes generous rear gardens and includes new tree and shrub planting to the western boundary and a protected 3metre buffer between gardens and the beck. Existing hedging is to remain to the northern boundary.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is the garden area to No. 51 Westfield Lane. The site comprises grassed areas and native hedges in the middle of the site and to the south west boundary. The site from Westfield Lane is relatively level, however, further into the site the land falls away to the eastern boundary facing Oxford Drive. The site is enclosed on three sides by existing residential properties (incl. garden areas) situated on Westfield Lane and Oxford Drive. There is a beck running along the eastern boundary of the site with landscaped areas beyond on Oxford Drive. The western boundary abuts the rear garden of No 55 Westfield Lane. Further to the west is designated green belt land and a SSSI known locally as Billy Wood. Westfield Lane leads to Kippax local centre approx. 400m to the east. The area is residential characterised by a variety of house types and finishes from bungalows to 2 storey houses.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application Ref: 09/05241/FU – Shadwell Developments Ltd. Laying out of an access road and the erection of 9 houses. Refused 26th January, 2010 on grounds of cramped overdevelopment of the site; substandard amenity for future occupants including private amenity space; and lack of a satisfactory mitigating landscape scheme and threat to the reduced biodiversity of the site.

- 4.2 Following refusal the applicant appealed to the Secretary of State. The appeal process was during the time that changes to the guidance in PPS 3 Housing occurred in effect changing the classification of the site to being Greenfield. As a consequence the LPA attached an additional reason for refusal on grounds that the development was contrary to the Council's objectives to direct residential development to Brownfield (previously developed) land on grounds of sustainability. The appointed Inspector subsequently dismissed the appeal in a letter dated 3rd August, 2010.
- 4.3 The Inspector did not accept the Council's additional reason for refusal but did refer to the site as having a semi-rural character and that any new development should have regard to its setting. The Inspector upheld the Council's case that the proposal represented overdevelopment and failed to afford the site with sufficient mitigating landscaping for the resultant loss of the hedge within the centre of the site. The Inspector noted the Council's concerns over the substandard level of private amenity space (rear gardens) however this did not justify refusal alone but did contribute to the general sense of the cramped and overdeveloped nature of the proposal for 9 houses.
- 4.4 Application Ref: P/09/01457/FU – Shadwell Developments Ltd. Laying out of an access road and the erection of 9 houses. Officers were minded to recommend refusal of the application on grounds similar to the later appeal application. The application however was withdrawn by the applicant dated 28th May, 2009.
- 4.5 Application Ref: P/08/02065/FU – Shadwell Developments Ltd. Laying out of an access road and the erection of 9 houses. The application was withdrawn by the applicant dated 2nd June, 2008.
- 4.6 Application Ref: 33/197/05/OT – outline application for the laying out of an access road and the erection of 2 detached houses. Permission Granted by Planning Committee dated 5th October, 2005. Member's resolved to approve the application limiting the number of dwellings not to exceed two, as more would result in increased traffic movements considered to harm the amenity of those living either side of the proposed access road situated between 51 and 55 Westfield Lane, Kippax.
- 4.7 Application Ref: 33/119/04/OT – outline application to erect two dwellings. Permission Refused dated 28th April, 2004 on grounds that the proposed access would be via a private drive (off Oxford Drive to No 87) already serving No 87, with permission for the erection of a further 4 houses on land to the north of 87 Oxford Drive). The proposed access would then be for 7 houses off a private drive, which is considered unacceptable on highway safety grounds.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the Inspector's dismissal of the previous application the applicant submitted a preliminary sketch of 5 plots in the autumn of 2010. Officers accepted the broad principle of development but further detail would be required before Officers could give more meaningful consideration.
- 5.2 The applicant then submitted the current application which was initially considered unacceptable given the roof design and scale/siting of the dwellings which included large rear garages with the potential for accommodation above, and a substandard level of mitigating landscaping. In addition, the site did not include adequate access / turning for refuse vehicles.

5.3 The revised scheme has reduced the houses to traditional 2 storey houses (with rooms in the roofspace), traditional height garages, improved front garden areas and increased landscaping.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The public notification process was via letters to 39 neighbouring properties originally dated 4th March, 2011 and subsequently for the revised scheme on 4th October, 2011.

6.2 Kippax Parish Council: Notes improved internal layout and landscaping, however still recommends refusal on grounds of increased traffic and highway safety.

6.3 In response to the original public notification process 17 letters of objection were received from local residents on the following grounds:-

- Highway safety: speeding; congestion; school route, pollution
- Noise disturbance, unsociable hours of work
- Visual amenity, out of character, and loss of view
- Threat to wildlife habitats in general, also bats and badger presence
- Impact on SSSI close to the site
- Loss of Greenfield site, open land
- Design, layout and appearance
- 3 storey houses, dormer features
- Amenity – overlooking
- Catalyst for further development
- Potential for subsidence
- No market for housing

6.4 In response to the additional notification a further 9 letters of objection have been received (to date) generally re-iterating previous comments, adding:

- Revisions insignificant in terms of principle
- Question whether new access is adequate for HGV use
- In association with adjacent site will total eight new houses in the area

7.0 CONSULTATIONS RESPONSES:

7.1 **Statutory:** None

Non-statutory:

7.1 Natural England:

No objection subject to consideration for maximising landscaping / habitats within the site.

7.2 Yorkshire Water:

No objection subject to conditions.

7.3 Highways Development Services:

No objection to the revised scheme subject to conditions.

7.4 Neighbourhoods and Housing:

No objection subject to control of working hours during construction.

7.5 Land Drainage:

No objection subject to conditions

- 7.6 Access Officer:
No objection.
- 7.7 Contaminated Land:
No objection subject to conditions.
- 8.0 PLANNING POLICIES:**
- 8.1 The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development. However, 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 proposal.
- 8.2 The application site is not specifically allocated within the City Council's Unitary Development Plan Review (2006) The following policies are considered to be of relevance:
- Policy GP5 requires development proposals to resolve detailed planning considerations including access, to avoid loss of amenity and maximise highway safety.
 - Policy BD5 requires a development to pay regard to its surroundings in terms of amenity, outlook and daylight.
 - Policy H4 relates to housing on unallocated sites
 - Policy LD1 requires development to include complimentary landscaping.
 - Policy N12 urban design
 - Policy N13 building design
 - Policy N23 complimentary setting of development
 - Policy N25 boundary treatments to reflect character of the area
 - Policy T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.
 - Policy T24 refers to car parking provision guidelines.
 - Policy N51 biodiversity and protection of habitats.
- 8.3 Supplementary Planning Guidance
SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
- 8.4 Supplementary Planning Document
Street Design Guide SPD
- 8.5 National Policy and Guidance
PPS 1: Delivering Sustainable Development
PPS 3: Housing
PPS 9: Biodiversity and Geological Conservation
- 9.0 MAIN ISSUES**
1. Principle of development
 2. Visual amenity
 3. Residential amenity
 4. Biodiversity
 5. Highway safety

6. Others

10.0 APPRAISAL

Principle of development:

- 10.1 The site benefited from an earlier outline planning permission for two houses that was approved by a Plans Panel in 2005. Members of the Panel imposed a condition limiting the development to a maximum of two dwellings on grounds of the potential harm to residents living adjacent to the new access road. Through subsequent applications supporting evidence was submitted and accepted by Neighbourhoods and Housing that the restriction to two dwellings was not justified on noise issues. As a consequence, this was not included as a reason for refusal for 9 houses (09/05241/FU).
- 10.2 The appeal process occurred at a time when the Council was seeking to apply a consistent approach to the changes to the classification of previously developed land in PPS 3: Housing. Whilst the Council appended a reason for refusal on the issue of development to a Greenfield site, the argument was not accepted by the Inspector who subsequently did not rule out "any" development of the site.
- 10.3 Whilst the changes to PPS 3 re-defined garden areas as Greenfield, but it does not rule out the development of garden land providing the proposed development is in keeping with the character of the area and satisfies all other material considerations. Officers consider that the development accords with the character of the area (see 2 below) and satisfies all other material considerations consequently the proposed development is acceptable in principle.

Visual amenity and character.

- 10.4 The rooms within the roof space to the original design showed the upper most floor below the level of the eaves thereby exceeding what would be considered to represent a half storey. The front gable design accentuated this three storey appearance. In revised form the proposed houses have been reduced in height to a traditional two storey dwelling when viewed from the front and rear elevations.
- 10.5 The layout of the 5 dwellings reflects the residential character of the area in that they each have a short front garden area, side vehicular driveway with a relatively large rear garden. The revised scheme is less intensive demonstrated by the greater separation distances of the dwellings from the shared boundaries from 87 Oxford Drive to the south and the rear garden areas of the properties fronting Westfield Lane. In addition, the revised layout provides more scope for planting to the front garden areas of the new houses and a larger buffer planting feature together representing adequate planting to mitigate the loss of the original hedge which occupied the centre of the site.
- 10.6 The setting of the site forms a natural infill of properties when viewed in context with the houses fronting Westfield Lane and the 2 existing properties to the west side of Oxford Drive No 79 and 87, with extant permission for a further 3 dwellings between these two. There is already significant tree cover to the west side of Oxford Drive which sits higher than the level of the site.
- 10.7 It is considered that the revised scheme for 5 dwellings when viewed in context with the spatial setting of the area provides for a more satisfactory balance between the built form and natural features helping to achieve what the Inspector identified as being semi-rural in character.

Biodiversity

- 10.8 The majority of local objections refer to the presence of Billy Wood to the west of the site. Natural England (NE) have been consulted on the recent planning applications for the site going back to 2005. In each case NE have consistently advised the Council that the site is of sufficient distance so as not to adversely effect the Site of Specific Scientific Interest (SSSI) that lies to the west (known locally as Billy Wood). This is cognisant with the view of the Council's own Nature Conservation Officer.
- 10.9 The site has a belt of hedging that is centrally situated within the site. Without its removal the site could not be developed. Officer's view is that the hedge does not make a positive contribution to the appearance of the site and on its own is not worthy of any formal protection. The Inspector commented that if the land is suitable for development retaining such a feature would be unrealistic, however it would reasonable for a development that in part compensated for the loss. In light of the Inspectors view Officers have negotiated what is considered to represent a reasonable level of new mitigating landscaping to compensate the loss of the hedge. In addition, Officers will seek appropriate boundary treatment and protection of the existing watercourse that lies to the eastern boundary through planning conditions. The principle has been agreed with the developer, as a consequence Officers consider that the long term biodiversity value of the site will not be unduly affected by the proposed development.
- 10.10 The Council's Nature Conservation Officer does not consider that any protected species are at risk from the development of the site.

Residential amenity:

- 10.11 The layout of the proposed development is such that the development will not give rise to concerns regarding the amenity of neighbouring residents from issues of overshadowing, overlooking or overbearing development. The proposed development now satisfies the design criteria in the Council's supplementary design guide Neighbourhoods for Living in particular addressing the concerns of substandard amenity space in the previous refusal for 9 houses and therefore affords the future occupants of the dwellings a satisfactory standard of living accommodation. Conditions are also recommended to ensure overlooking does not occur in the future through the introduction of additional windows.

Highway safety:

- 10.12 From Officers consideration of the earliest planning approval for two houses it has been demonstrated that there is a suitable distance from other road junctions and adequate visibility for vehicles exiting the site. The current revised proposal includes an access road to adoptable standards, also suitable for a refuse vehicle to manoeuvre within the site. In addition, each dwelling including the existing semi-detached house at 51 Westfield Lane, has a minimum of two off-street parking spaces.
- 10.13 It is noted that Highway officers have previously accepted the development of 9 houses to this site, consequently and in light of the above it is considered that the proposed development would not prejudice the interests of highway safety for pedestrians and other road users alike.

Others

- 10.14 In response to other issues raised by local residents the right to a view is not a material planning consideration in the determination of this proposal, similarly it has been established that market forces are the best indication of whether there is a demand for housing. Any extension of the site in a northerly direction would be

subject to the relevant planning policies and public consultation should such a proposal come forward in the future, however in contrast to the existing proposal it is noted Officer's note that this would not represent a natural infill of the wider area. In addition, it is inevitable that the construction process will result in temporary disturbance to local residents, however this would not represent justified reasoning to refuse development. It is suggested that conditions to manage construction traffic and limit the hours of construction to sociable times of the day.

11.0 CONCLUSION

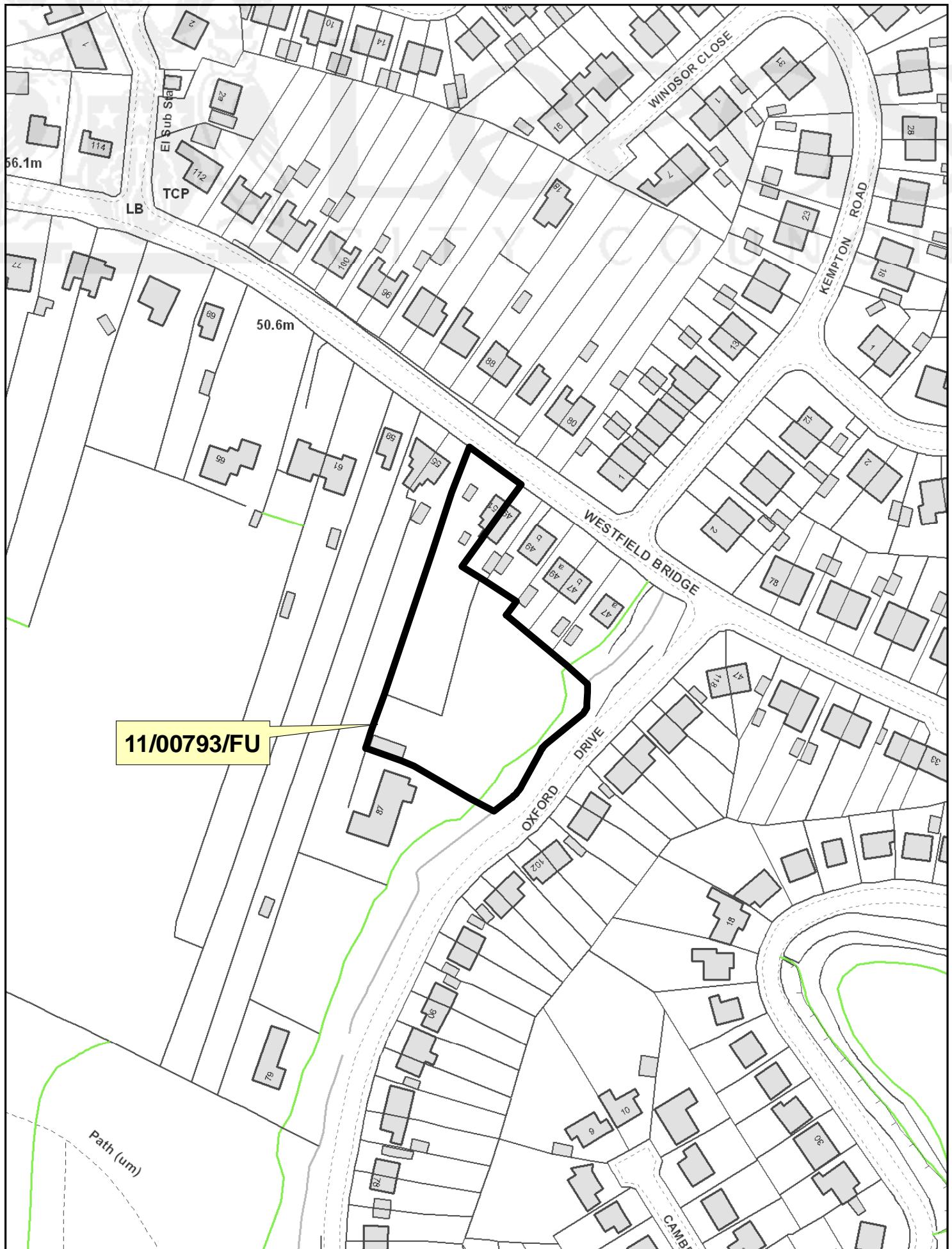
11.1 Officers consider that the revised scheme has addressed the problems associated with the dismissed appeal scheme for 9 houses and is sound in principle and would not prejudice the interests of visual amenity, residential amenity or highway safety, nor result in an adverse impact on the biodiversity of the site or the nearby SSSI. As a consequence, the application is recommended for approval subject to the conditions stated.

Background Papers:

Application file: 11/00793/FU.

Certificate of Ownership A completed.





EAST PLANS PANEL