
Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



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Planning Statement

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Appendices

- Appendix A – Decision notice (ref: 2014/91533)
- Appendix B - Decision notice (ref: 2013/93271)
- Appendix C – Netherthong/Deanhouse Conservation Area Map

1. Introduction & Planning History

Introduction

- 1.1. This Statement has been prepared by Savills Planning on behalf of Jones Homes (Yorkshire) Limited, in support of an application for reserved matters approval for the erection of 30 dwellings on land to the east of St. Mary's Avenue, Netherthong.

The Outline Planning Permission

- 1.2. This application relates to an extant outline consent (ref: 2014/91533 - **Appendix A**) for residential development. The consent was granted by Kirklees Council on the 29th September 2014.
- 1.3. The consent established the principle of development on the site and means of access into it (via St. Mary's Avenue). No illustrative Masterplan for the site was submitted with the outline application, nor did it establish the number of dwellings to be constructed on the site.
- 1.4. This application seeks approval of the reserved matters which are: layout, scale, appearance and landscaping. The following conditions attached to the outline consent (ref: 2014/91533) are relevant in relation to this reserved matters submission and are satisfied by this submission:
- 1) *Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.*

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.
 - 2) *Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.*

Reason: Pursuant to section 92 of the Town and country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 1.5. As the principle of residential development on the site has been established at outline stage, this Statement does not re-examine that issue.
- 1.6. The purpose of the Statement is to set out the proposals in detail and demonstrate how the development complies with the relevant local and national planning policies. It focuses primarily on the reserved matters (layout, scale, appearance and landscaping) and considers the details established by the outline consent.

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Other Planning History

- 1.7. In addition to the above consent, the application benefits from an earlier extant outline consent (ref: 2013/9327– attached at **Appendix B**). This was granted on the 15th September 2014 by the Planning Inspectorate, following the refusal of planning permission by Kirklees Council on the 17th April 2014. This refusal was issued despite a positive Officer recommendation to Planning Committee.
- 1.8. The second application (to which this submission relates) was submitted prior to the Planning Inspectorate issuing a decision on this first appeal. However, before Kirklees Council issued a decision on this subsequent application, the appeal was allowed and therefore outline consent was granted.
- 1.9. Either of these two consents are capable of being implemented following approval of reserved matters. They are identical consents, with the same descriptions of development (Outline consent for residential development) and the same conditions imposed. Both consents established the principle of development on the site and access was approved in both cases.
- 1.10. Neither of the consents imposed any restriction in terms of site layout, appearance of the dwellings, nor their scale.
- 1.11. As the second application was supported (and approved) by Kirklees Council's elected members and was also granted at a later date, this application for reserved matters relates to that second consent (2014/91533). Hereafter, all references to the 'outline consent' are with regard to this later application.
- 1.12. Condition 2 of the consent requires application for approval of reserved matters not later than 3 years from the date of the permission (i.e. before the 29th September 2017) - this application is therefore submitted within the required timeframe.

Other matters

- 1.13. Subsequent applications for Discharge of Conditions will follow in due course, as set out at Section 8 of this report.
- 1.14. There are a full range of documents submitted in support of this application in addition to this Planning Statement and appendices :
 - Covering letter
 - Design & Access Statement (ref: 16-029 / 4.01 / 08.16 - Rev B)
 - Location Plan (ref: PL01)
 - Site Plan (ref: PL02L)
 - Site Plan in colour (ref: PL03B)
 - Floor Plans and elevations for House types Banbury (ref: PL04A)
 - Floor Plans and elevations for House types Langley (ref: PL05)
 - Floor Plans and elevations for House types Davenham (ref: PLO06)
 - Floor Plans and elevations for House types Northwood (ref PL07)
 - Floor Plans and elevations for House types Styal (ref: PL08)
 - Floor Plans and elevations for House types Sutton (ref:PL09A)

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- Floor Plans and elevations for House types Stratton (ref: PL10)
- Floor Plans and elevations for House types Thornton (ref: PL11)
- Proposed Streetscenes (PL12A)

2. Site context

- 2.1. The application site is located in the village of Netherthong, which is approximately 6.5 km to the south of Huddersfield Town Centre. The site extends to approximately 1 hectare of land, which is bounded by open fields to the north. The majority of the site is surrounded by residential development. To the east is an access track which leads to 'The Cider Press' which is a small cafe/restaurant. Also to the east are existing dwellings. The south-eastern corner of the site borders a car park for the nearby cricketers Public House and a small, informal outdoor play area/beer garden. To the south are dwellings situated on Haigh Lane and to the west is St. Mary's Avenue which is a cul-de-sac containing 5 properties at present.
- 2.2. To the south and east of the site (but not including any part within) is the Netherthong/Deanhouse Conservation Area (a map showing the position and extent of this is attached at **Appendix C**). Detailed consideration has been given to the proposals in respect of preserving the character of the Conservation Area and this is set out at Section 7 of this report.
- 2.3. Surrounding dwellings are mixed in terms of scale, design and materials. The dwellings on St. Mary's Avenue, St. Mary's Crescent and St. Mary's Road are mainly dormer-type bungalows, with the dominant building materials being brick with concrete roof tiles. Those dwellings and buildings to the south-east comprise largely older, traditional vernacular stone buildings. These buildings are also mainly two storey.
- 2.4. The site gently drops in level from west to east. The site also gently reduces in level from the central areas towards the northern boundary.
- 2.5. St. Mary's Avenue itself is part of a larger existing housing estate with relatively linear forms of development. This proposal predominantly replicates this form of development.
- 2.6. The site does not contain any trees with Preservation Orders, nor are there any Listed Buildings close to the site.
- 2.7. In respect of access, the site does not currently have any vehicle access, as the cul-de-sac of St. Mary's Avenue has a low level stone wall segregating it from the site. The outline permission established that access into the site would be taken via a continuation of the cul-de-sac. Informal pedestrian access appears to be currently taken from St. Mary's Avenue, by climbing over the existing low level wall.

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Photograph A - looking easterly across the site.

3. The Proposal

- 3.1. This reserved matters application seeks approval of details of appearance, scale, landscaping and layout. The number of dwellings on the site was not established at outline stage and this proposal is for 30 dwellings.

Layout

- 3.2. The proposed dwellings provide a mix of housing, with eight different house types. These range from 2 bedroom dwellings up to 5 bed properties. A full complement of plans has been submitted with this application, including proposed floor plans, elevations and proposed street scenes.
- 3.3. The proposed site layout has been informed by a pre-application meeting on the 5th August 2016. It broadly seeks to continue the existing cul-de-sac pattern which characterises the area, whilst ensuring efficient use of land, in accordance with national planning guidance.

Appearance

- 3.4. With regard to the design of the dwellings, the design concepts used are set out in detail in the accompanying Design & Access Statement. In summary, they seek to take influences from the mixed nature of surrounding development. This is reflected in the fact that eight different house types are proposed.
- 3.5. The majority of the dwellings (Plots 1-23 and 30) will be constructed from a high quality artificial stone (Costhorpe Black old Weathered), with slate grey tiles.
- 3.6. The primary material for Plots 24-29, which are located closest to the Conservation Area, is natural stone (Stancliffe Stoke Hall) with grey slate roofing.

Scale

- 3.7. All of the proposed dwellings are two storey in height. None of the properties have raised ridge heights to try and accommodate additional living accommodation in the roofspace.

Landscaping

- 3.8. The existing site contains very little in the way of landscaping with the Committee report noting that the site is *"grassland and scrub with sporadic semi-mature trees."* This proposal seeks to improve the landscaping quality of the site, by providing tree planting throughout. Particular focus has been given to planting adjacent to the site boundaries to Plots 24, 29 and 30 to enhance screening from existing neighbouring properties. The proposal also provides gardens to each of the plots to ensure that significant elements of the site remain 'green'.

4. Planning Policy

- 4.1. As the principle of residential development on the site has been established with the grant of outline planning permission (two consents), this statement does not re-examine this issue.
- 4.2. Kirklees Council's Statutory Development Plan comprises the Unitary Development Plan, which was adopted in 1999, with the majority of policies 'saved' by the Secretary of State in September 2007. The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 4.3. Kirklees Council is currently in the process of preparing a Local Plan. Public Consultation (on Strategies Policies, Allocations & Designations, Green Belt Review and CIL Preliminary Draft Charging Schedule) took place between November 2015 and February 2016, with a further round of consultation due to take place later this year. It is anticipated that the Local Plan will be subject to examination between April and December 2017, with adoption anticipated early 2018.
- 4.4. At this stage in the Local Plan process, Kirklees Council considers that the draft Local Plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual applications. Our client agrees with this position given the current position of the Local Plan.
- 4.5. The National Planning Policy Framework (NPPF) for England was published by the Government on the 27th March 2012. The NPPF replaced over a thousand pages of previous planning policies with around fifty and took effect immediately.
- 4.6. The NPPF is a strong "material consideration" in determination [paragraph 13]. The Government expects communities to plan positively to support local development [paragraph 16]. It also follows that "development plans", under the current plan-led system ought to be consistent with the objectives, principles and policies now set out in the NPPF.
- 4.7. If development plans still remain absent, silent, indeterminate or out of date, then the presumption in favour of sustainable development should apply [paragraphs 14 and 197].
- 4.8. It is intended to refocus planning policy on encouraging growth, and thus includes a powerful presumption in favour of sustainable development [see paragraph 14 of the NPPF document]. Government expects that this presumption should run as a "golden thread" through all plan making and decisions on planning applications henceforth.
- 4.9. The outline consent(s) established that this development constitutes sustainable development in accordance with the guidance in the NPPF.

Kirklees Unitary Development Plan (UDP) Policies

4.10. The following Kirklees Unitary Development Plan Policies are considered relevant in respect of this application:

4.11. **Policy D2:**

PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT PROPOSALS DO NOT PREJUDICE:

- i THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;
- ii THE AVOIDANCE OF OVER-DEVELOPMENT;
- iii THE CONSERVATION OF ENERGY;
- iv HIGHWAY SAFETY;
- v RESIDENTIAL AMENITY;
- vi VISUAL AMENITY;
- vii THE CHARACTER OF THE SURROUNDINGS;
- viii WILDLIFE INTERESTS; AND
- ix THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.

4.12. **Policy BE1:**

ALL DEVELOPMENT SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:

- i CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;
- ii IS VISUALLY ATTRACTIVE;
- iii PROMOTES SAFETY, INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;
- iv PROMOTES A HEALTHY ENVIRONMENT, INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION;
- v IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL, IN PARTICULAR WALKING, CYCLING AND USE OF PUBLIC TRANSPORT.

4.13. **Policy BE2:**

NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:

- i IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;
- ii THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;
- iii SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED; AND

- iv EXISTING AND PROPOSED LANDSCAPE FEATURES (INCLUDING TREES) ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.

4.14. **Policy BE5:**

PROPOSALS FOR NEW DEVELOPMENT WITHIN CONSERVATION AREAS, INCLUDING EXTENSIONS OR CHANGES OF USE TO EXISTING BUILDINGS, SHOULD RESPECT THE ARCHITECTURAL QUALITIES OF SURROUNDING BUILDINGS AND THEIR MATERIALS OF CONSTRUCTION, AND CONTRIBUTE TO THE PRESERVATION OR ENHANCEMENT OF THE CHARACTER OR APPEARANCE OF THE AREA.

4.15. **Policy BE11:**

NEW DEVELOPMENT SHOULD BE CONSTRUCTED IN NATURAL STONE OF A SIMILAR COLOUR AND TEXTURE TO THAT PREVAILING IN THE AREA WHERE THE PROPOSAL IS LOCATED:

- i IN AREAS WITHIN WHICH STONE HAS BEEN THE PREDOMINANT MATERIAL OF CONSTRUCTION;
- ii WITHIN CONSERVATION AREAS; AND
- iii WITHIN TOWN AND LOCAL CENTRES.

OUTSIDE SUCH AREAS, PROPOSED MATERIALS OF CONSTRUCTION SHOULD REFLECT THE PREDOMINANT MATERIALS ADJACENT TO AND SURROUNDING THE SITE, PROVIDED THAT SUCH MATERIALS ARE NOT DETRIMENTAL TO VISUAL AMENITY.

4.16. **Policy BE12:**

NEW DWELLINGS SHOULD BE DESIGNED TO PROVIDE PRIVACY AND OPEN SPACE FOR THEIR OCCUPANTS, AND PHYSICAL SEPARATION FROM ADJACENT PROPERTY AND LAND. THE MINIMUM ACCEPTABLE DISTANCES WILL NORMALLY BE:

- i 21.0M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A HABITABLE ROOM WINDOW OF A FACING DWELLING;
- ii 12.0M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A BLANK WALL OR A WALL CONTAINING THE WINDOW OF A NON HABITABLE ROOM;
- iii 10.5M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND THE BOUNDARY OF ANY ADJACENT UNDEVELOPED LAND; AND
- iv 1.5M BETWEEN ANY WALL OF A NEW DWELLING AND THE BOUNDARY OF ANY ADJACENT LAND (OTHER THAN A HIGHWAY).

DISTANCES LESS THAN THESE WILL BE ACCEPTABLE IF IT CAN BE SHOWN THAT, BY REASON OF PERMANENT SCREENING, CHANGES IN LEVEL, OR INNOVATIVE DESIGN, NO DETRIMENT WOULD BE CAUSED TO EXISTING OR FUTURE OCCUPIERS OF THE DWELLINGS OR ANY ADJACENT PREMISES OR POTENTIAL DEVELOPMENT LAND WHICH MAY BE AFFECTED.

4.17. **Policy T10:**

NEW DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WILL CREATE OR MATERIALLY ADD TO HIGHWAY SAFETY OR ENVIRONMENTAL PROBLEMS OR, IN THE CASE OF DEVELOPMENT WHICH WILL ATTRACT OR GENERATE A SIGNIFICANT NUMBER OF JOURNEYS, IF IT CANNOT BE SERVED ADEQUATELY BY THE EXISTING HIGHWAY NETWORK AND BY PUBLIC TRANSPORT. PROPOSALS WILL BE EXPECTED TO INCORPORATE APPROPRIATE HIGHWAY INFRASTRUCTURE DESIGNED TO MEET RELEVANT SAFETY STANDARDS AND TO COMPLEMENT THE APPEARANCE OF THE DEVELOPMENT.

4.18. **Policy BE23:**

BE23 NEW DEVELOPMENT SHOULD INCORPORATE CRIME PREVENTION MEASURES TO ACHIEVE:

- i PEDESTRIAN SAFETY ON FOOTPATHS BY ENSURING THROUGH VISIBILITY FROM EXISTING HIGHWAYS;
- ii NATURAL SURVEILLANCE OF PUBLIC SPACES FROM EXISTING AND PROPOSED DEVELOPMENT; AND
- iii SECURE LOCATIONS FOR CAR PARKING AREAS.

The National Planning Policy Framework (NPPF)

4.19. The following sections of the NPPF are considered relevant in respect of this reserved matters application:

4.20. **Paragraph 50:**

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

4.21. **Paragraph 56:**

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.22. **Paragraph 58:**

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

4.23. **Paragraph 96:**

In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

5. Assessment

5.1. Taking each of the four reserved matters in turn, the proposed development is considered in respect of compliance with the relevant Policies:

a) Layout

5.2. The proposal is for 30 dwellings, with a mix of detached and semi-detached/linked properties. As established by the outline consent, access into the site is via a continuation of the existing St Mary's Avenue cul-de-sac. A main access road runs centrally through the site, with two small cul-de-sacs off this central road. A hammer-head is then present at the end of the access road. The use of the cul-de-sacs and hammer head help to provide some variety and visual interest to the development.

5.3. As the nature of surrounding development is largely linear, this proposal continues that development grain. This is in accordance with UDP Policy BE2, in regard to respecting local context. The layout seeks to maximise views from the site, over open countryside, whilst protecting the amenity of the existing neighbouring residential dwellings.

5.4. It is noted that proposed Plots 14, 16 and 17 sit close to the north eastern corner of the site, which is in relatively close proximity to the 'Cider Press' cafe/restaurant. In addition, Plots 19 and 20 are located nearby to the Cricketers Public House and beer garden. The issue of noise impact on the proposed development was considered at outline stage and found to be acceptable by the Council's Environmental Health Team. The Committee Report noted,

"It is recognised that the site is close to business premises...Pollution & Noise officers have raised no objections with regard to disturbance and it is not considered that there would be any harmful effect on the amenity of residents or the viability of local business to justify refusal of planning permission."

5.5. The proposed development therefore accords with Policy D2 of the UDP in respect of residential amenity.

Density

5.6. The proposed layout, including the internal cul-de-sacs, seeks to ensure that the land is used efficiently, which is in accordance with the general principles of the NPPF. This application is also submitted at a time when Kirklees Council is currently unable to demonstrate a 5 year supply of land for housing, which increases the need to use housing sites, such as this, efficiently. The application site is approximately 1 hectare in size and therefore the density of development is approximately 30 dwellings per hectare.

- 5.7. Although Kirklees does not currently have a specific policy on housing density, the proposed density is in accordance with the figure of 30 dwellings per hectare which is specified as a minimum in Policy DLP6 in the emerging Local Plan. Although, as established above, these policies do not yet carry any weight, it marks a clear direction of travel from the Council in respect of housing density and the importance of efficient use of land. Furthermore, the proposed density takes account of surrounding development (including St. Mary's Road and St. Mary's Crescent), in accordance with UDP Policy BE2.

Housing Mix

- 5.8. This proposal includes eight different house types across the 30 dwellings. In addition to giving the development visual interest, this also enables the provision of a mix of housing in terms of floor space, bedroom numbers and sales prices. This is in accordance with the guidance at paragraph 50 of the NPPF, in terms of delivering a wide choice of quality homes.

Crime prevention

- 5.9. The site layout also takes account of the need to consider crime prevention, in accordance with UDP Policy BE23, which requires natural surveillance. The orientation of the proposed dwellings ensures that a significant number of the properties have active frontages and specifically habitable room windows overlooking the central access area. The presence of additional dwellings will also provide increased natural surveillance of the car parking area for the Cricketers Public House.
- 5.10. A dedicated parking area is proposed to the front of Plots 2 - 4 and the position of this will ensure that these spaces are well overlooked, which will also help to reduce the potential for crime, in accordance with Policy BE23. The remainder of the parking spaces are also well overlooked by the proposed dwellings.

Space about buildings

- 5.11. UDP Policy BE12 specifies separation distances between buildings that are normally required between existing habitable/non-habitable room windows and new dwellings. To the north of the site are open fields and therefore there are no issues with regard to any plots on the northern side of the new access road. To the east of this site are the existing dwellings on the eastern side of the access track. Separation distances in excess of 25 metres are present to these dwellings, which is in accordance with Policy BE12.
- 5.12. To the south of the site, the three closest properties are No.s 62, 63 and 65 Haigh Lane. Plot 24 is located to the north of No.s 62 and 63, but is side on to these existing properties. A minimum separation distance of approximately 15 metres is achieved and in any event, no windows in the side elevation of this plot are proposed. This is therefore in accordance with the requirements of Policy BE12. No. 65 Haigh Lane has been extended to take it close to the northern boundary of its plot. Plot 29 of the proposed development is located to the north of No. 65, however this relationship does not conflict with Policy BE12. This is by virtue of the fact that the side (facing No. 65) elevation of Plot 29 is blank and the north facing aspect of the extension to No. 65 is also blank. The north-east facing elevation of this extension does contain windows, but this does not experience a direct relationship with any of the proposed dwellings.

- 5.13. To the west of the site and adjacent to Plot 30, is No. 6 St Mary's Avenue. The closest part of Plot 30 (which is a single storey garage) is approximately 13 metres from the side elevation of No. 6 and does not contain any windows in this part. In addition, the main part of the dwelling also does not contain any windows in the side elevation. Furthermore, the side elevation of No. 6 is not a principal elevation and contains what appears to be a secondary bedroom window. The relationships between this existing and proposed dwelling is therefore in accordance with Policy BE12.
- 5.14. Plots 2 and 3 are located to the east of No. 3 St. Mary's Avenue, with a separation distance of approximately 21 metres achieved between the habitable room windows on the east facing elevation of No. 3 and the rear facing elevation of those proposed plots. This relationship is also in accordance with Policy BE12.
- 5.15. With respect to internal relationships within the site, there are very few instances of direct habitable window to habitable window relationships, as a result of the well designed and varied layout. Although there are a couple of instances when distances vary slightly below the normally required 21 metres, this assists in achieving efficient use of land and a suitable number of properties on the site to ensure that it is financially viable.
- 5.16. It is therefore considered that the proposed site layout is appropriate for this site, taking into account the site context, and accords with Policy BE12 of the UDP. Matters relating to 'layout' are therefore considered to have been suitably addressed.

b) Appearance

- 5.17. The use of 8 house types provides a significant degree of variation and visual interest, with the scale and proportions providing a degree of rhythm and commonality across the site.

Design

- 5.18. As the supporting Design & Access Statement notes at Section 5.1, "*variety along the streetscape is created through plot widths, groupings of buildings and their relationship to each other, the existing boundary treatments and the integration of parking areas and landscaping.*"
- 5.19. The Design & Access Statement also notes that careful consideration has been given to designing the street scenes. Variety has been provided through the use of alternate black or white fascias and rainwater goods. In addition, the house types are varied using gabled and hipped roofs and a mix of fenestration styles and door styles.
- 5.20. Unitary Development Plan Policies BE1 and BE2 require development to create or retain a sense of local identity, whilst being in keeping with surrounding development in terms of design and materials (amongst other considerations). Paragraph 56 of the NPPF also requires development to achieve a high standard of design.

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- 5.21. The design of the dwellings reflects the local mixed context, whilst achieving a high quality design through the features as set out above and in the Design and Access Statement. It is therefore considered that the proposal provides dwellings of an appropriate design, in accordance with UDP Policies BE1 and BE2 and the guidance in paragraph 56 of the NPPF.

Materials

- 5.22. The proposed materials of construction have been carefully considered in the context of surrounding development. On St. Mary's Avenue and St. Mary's Crescent the dominant building material is brick, with concrete roof tiles. It is also acknowledged that there are a number of stone buildings in the area. This mix of existing materials was noted in the Committee Report for the outline application.
- 5.23. Taking into account this mix of building materials, the majority of the dwellings (Plots 1-23 and 30) will be constructed from a high quality artificial stone (Costhorpe Black old Weathered), with slate grey tiles.
- 5.24. It is acknowledged that the southern part of the site is more sensitive in terms of context than the remainder, given the presence of the Conservation Area. The primary material for Plots 24-29, which are located closest to the Conservation Area, is natural stone (Stancliffe Stoke Hall) with grey slate roofing. The use of materials therefore accords with Policies BE5 and BE11, in respect of natural stone and Conservation Areas.
- 5.25. Whilst it is considered that the proposed materials are in keeping with those on surrounding properties, should the Local Planning Authority deem it necessary, standard conditions requiring sample materials to be submitted and approved before development commences, could be imposed.
- 5.26. Matters relating to 'appearance' are therefore considered to be appropriate for this site and satisfactorily addressed through this submission.

c) Scale

- 5.27. The proposed dwellings within the site are all two storey. In addition, these properties do not seek to take advantage of the roofspace for additional living accommodation, which increases their ridge heights.
- 5.28. In limiting the scale of the dwellings to two storey rather than seeking two and a half/three storey properties, the local context has been carefully considered. The Committee Report noted that, "*The scale will need to be comparable to that of surrounding development. St. Mary's Crescent and St. Mary's Avenue contain dormer bungalows, although the wider context is of a mix of bungalows and two storey properties.*"
- 5.29. Given the separation distances to existing properties and in the context of dwellings of varying scale, as identified by the Council's Committee Report, it is considered that two storey properties are appropriate.
- 5.30. The accompanying drawing with cross sections through the site also demonstrates how the scale of the properties has been considered with respect to the changing topography within the site.

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5.31. UDP Policy BE2 requires new development to be in keeping with surrounding development in terms of scale (amongst other considerations). Based upon the above, it is considered that the development complies with this in respect of 'scale'.

d) Landscaping

5.32. The existing site is currently poorly served in respect of landscaping, with very little provision, as noted in the Committee report, which states that the site contains, "*grassland and scrub with sporadic semi-mature trees.*"

5.33. Policy BE1 requires new development to include space and landscaping about buildings, to promote a healthy environment. This development will significantly improve the quality of landscaping throughout the site, with extensive tree planting to take place. This additional planting will positively impact on visual amenity, which is also in accordance with Policy D2.

5.34. Particular focus has been given to the site boundaries adjacent to Plots 24, 29 and 30 to enhance screening from existing neighbouring properties. The proposal also provides gardens to each of the plots to ensure that significant elements of the site remain 'green'. These gardens are relatively spacious for modern properties, with each being approximately 10 metres long.

5.35. The development will also contribute to the Council's promotion of a healthy environment, through the use of a commuted sum to contribute towards the delivery of off-site Public Open Space (POS) as set out at Section 8. Given the fact that the site is relatively small in nature (at 1 hectare), the development is not large enough to deliver a tangible amount of POS and therefore a commuted sum will have a greater public benefit.

5.36. The development will therefore accord with UDP Policy BE1 in respect of providing space and landscaping about buildings, thus achieving a healthy environment and satisfying policy requirements for 'landscaping' provision.

6. Highways

- 6.1. The proposed development will take access from St. Mary's Avenue, via a continuation of the existing cul-de-sac. This is in accordance with the details approved at outline stage.
- 6.2. The proposal provides a total of 64 parking spaces across the development. This is achieved through a combination of integral garages, private drives and parking spaces. This variety will also prevent the need for a large parking court area, with its resultant problems in respect of visual amenity and crime prevention.
- 6.3. A hammerhead is provided at the eastern end of the main access road through the site. This will create a turning area for emergency and servicing vehicles.
- 6.4. Although the outline consent did not establish numbers of dwellings, it did consider the suitability of the site for residential development in relation to the highway network. In order to determine this, data for estimated car trips was provided by the then applicant. This was calculated using the Trip Rate Information Computer System (TRICS), using an indicative figure of 34 dwellings.
- 6.5. The Inspector's comments in relation to highway matters in the appeal decision (relating to application 2013/93271) considered the submitted highway information, including these estimated trip figures, and concluded that,
- "the proposal would not be detrimental to highway safety in the village and I find no conflict with saved policies T10 and BE1 (iii) of the UDP which together seek development which does not cause or add to highway safety problems."*
- 6.6. As the Inspector considered that the development was suitable in highway terms for an indicative capacity of 34 dwellings, and this proposal is for 30 dwellings, it will therefore have a reduced and, by extension, an acceptable impact on the highway network.
- 6.7. The reserved matters proposal is therefore in keeping with the details established by the outline consent and is in accordance Policy T10 of the Kirklees Unitary Development Plan, with regard to highway safety.

7. Heritage considerations

- 7.1. The application site is not situated within a Conservation Area, nor does it contain any Listed Buildings. However, beyond the site boundary and to the south and east of it, lies the Netherthong/Deanhouse Conservation Area (attached at **Appendix C**). Although a number of Kirklees Council's Conservation Areas have been subject to an Area Appraisal, this one hasn't.
- 7.2. Policy BE5 of the UDP requires new development such as this to contribute to the preservation or enhancement of the character or appearance of the area.
- 7.3. The Council's Conservation Officer specifically considered the impact of the development on the Conservation Area in the Committee Report and noted,
- "The site borders the Netherthong/Deanhouse Conservation Area which runs along St Mary's Road/Haigh Lane, with a parcel of land that is immediately south of the application site protected. However, the protection of this part is questionable. The land was obviously protected to ensure views out of the Conservation Area, but by subsequently building the three existing dwellings upon it, the premise is lost. Therefore Officers accord little weight to the protection in this area to the north of the boundary line."*
- 7.4. The Inspector in allowing the appeal on the first application, noted the comments of the Conservation Officer and commented,
- "I am also satisfied that residential redevelopment would not impact upon the setting of the Netherthong Conservation Area."*
- 7.5. In accordance with Policy BE5 of the UDP, the impact of the development on the Conservation Area has been carefully considered in formulating these proposals.
- 7.6. In respect of the site layout, this takes account of the position and character of the Conservation Area. As it is the southern and eastern parts of the development site which border the Conservation Area, these sections the larger detached properties. This is reflective of the type and size of dwelling most prevalent in the adjacent part of the Conservation Area.
- 7.7. The design of the dwellings (as set out at Section 5) and the use of materials have been carefully considered, in order to ensure that the development will preserve the character of the Conservation Area.
- 7.8. With regard to the latter, it is acknowledged that the southern part of the site is more sensitive in terms of context than the remainder, given the presence of the Conservation Area. The primary material for Plots 24-29, which are located closest to the Conservation Area, is therefore natural stone (Stancliffe Stoke Hall) with grey slate roofing. These materials are in accordance with Policies BE5 and BE11 of the Unitary Development Plan.

Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



- 7.9. The development has taken account of the adjacent Conservation Area in terms of layout, design and materials, in order to ensure that the development will contribute positively to the character of the area, in accordance with Policy BE5 of the Kirklees Unitary Development Plan.

8. Planning conditions

- 8.1. In addition to the conditions set out at the beginning of this report which are relevant to this submission, the remaining conditions of the outline consent are considered below.
- 8.2. Condition 3 requires the commencement of development not later than two years from the date of approval of the last reserved matter. This condition would be satisfied through the commencement of development within that timeframe.
- 8.3. Condition 9 relates to the surfacing of vehicle areas and does not require any action, other than compliance at the construction phase.
- 8.4. The remaining eleven conditions cover the following matters and will be subject to separate and subsequent application(s) for Discharge of Condition:

a) Boundary treatments

These details will be provided in a subsequent Discharge of Condition application.

b) Affordable Housing provision

It is intended to provide affordable housing on site, in accordance with Policy requirements. A subsequent application including a draft Section 106 agreement and full details of the offer will be submitted in due course.

c) Public Open Space (POS) provision

Pre-application discussions with the Council indicated a preference for a commuted sum to contribute to the maintenance of an off-site area in the locality of the site. Policy H18 of the UDP relating to POS permits this to be delivered in such a way. Further detailed discussion with the Council will precede an application for Discharge of Condition.

d) Contaminated Land

This condition requires an intrusive site investigation to be submitted before development commences. This will be submitted as supporting information with a Discharge of Condition application.

e) Section 38 (Highways Act 1980) works

Details of a scheme for specifications of the internal adoptable estate roads will be submitted in a subsequent Discharge of Condition application.

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St. Mary's Avenue, Netherthong, Huddersfield



f) Drainage scheme

This condition requires a scheme detailing foul, surface water and land drainage to be submitted before development commences. This will be submitted as supporting information with a Discharge of Condition application.

g) Ecological strategy

This condition requires an ecological strategy to be submitted before development commences. This is in accordance with the Inspector's findings in the appeal decision for the original application, which stated,

"The site was also not considered to have high potential for breeding birds and the majority of the grassland on the sites was found to be species-poor and of low biodiversity value. I therefore conclude that the impact of the proposal on local wildlife would be limited and could be offset by mitigation measures secured by condition."

It is therefore considered that this matter does not impact upon site layout and can be dealt with via submission of an ecological strategy with a Discharge of Condition application.

h) Construction method statement

This condition requires a scheme detailing how the site will operate during the construction phase (in respect of construction vehicles) to be submitted before development commences. This will be submitted as supporting information with a Discharge of Condition application.

- a. As noted above, all outstanding matters not subject to this application can be dealt with via the Discharge of Condition process, where necessary.

9. Conclusions

- 9.1. The principle of residential development on the site has been established through the granting of outline consent via two extant consents (2013/9327 and 2014/91533). This application is made in respect of the latter of these two consents.
- 9.2. The relevant outline consent (specifically 2014/91533) established the means of access into the site, via St. Mary's Avenue. This submission has therefore focused on the reserved matters which are: layout, appearance, scale and landscaping.
- 9.3. 30 dwellings are proposed which equates to a density of 30 dwellings per hectare. This is appropriate for this site in the context of generally acceptable guidelines on density and taking account of surrounding development.
- 9.4. The proposed site layout takes account of the site context and delivers a layout which results in an efficient use of land, whilst providing appropriate space about buildings. The layout and orientation of the dwellings will ensure a good degree of natural surveillance throughout the site.
- 9.5. In terms of appearance, the dwellings have been designed to take account of surrounding development. The use of different house types, materials and design features create visual interest. This results in a high quality design which is in accordance with the relevant policies in the UDP and NPPF.
- 9.6. With regard to scale, all of the proposed dwellings are limited to two storeys. This takes account of the fact that surrounding development is predominately either dormer bungalows or two storey properties. The proposed scale is therefore considered appropriate in this location.
- 9.7. Although the site is currently 'green' in appearance, it is poorly served in respect of landscaping with only sporadic semi-mature trees. This development will enhance the landscaping measures, through the planting of trees throughout. The development will also contribute to the Council's promotion of a healthy landscape through a commuted sum which can be used by the Council to improve off-site Public Open Space.
- 9.8. The proposed development is in accordance with the relevant planning policies from the Kirklees Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



Appendices

Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



Appendix A Decision Notice (Ref: 2014/91533)



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

OUTLINE PLANNING PERMISSION

Application Number: 2014/60/91533/W

To: Andrew Keeling,
David Storrie Planning
Suite 1, Wellington House
Lincoln Street
Huddersfield
HD1 6RX

For: S Hepworth

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT

At: LAND OFF, ST MARY'S AVENUE, NETHERTHONG, HOLMFIRTH, HD9 3XN

In accordance with the plan(s) and applications submitted to the Council on 20-May-2014, subject to the condition(s) specified hereunder:-

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected.

The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and in the interest of visual amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan.

5. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units of affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

Reason: To secure affordable housing in accordance with the requirements of Unitary Development Plan Policy H10 and Supplementary Planning Document 2.

6. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for the public within perpetuity.
- d) maintenance of the public open space in perpetuity.

Reason: To secure Public Open space in accordance with the requirements of Policy H18 of the Kirklees Unitary Development Plan.

7. No development shall take place until an intrusive site investigation (Phase II Report) of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason: To ensure that the development is safely completed in accordance with the requirements of Unitary Development Plan Policy G6.

8. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that the development is safely completed in accordance with the requirements of Unitary Development Plan Policy G6.

9. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

10. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

11. Development shall not commence until a scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the current land drainage infrastructure serving the site and its condition and an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios, and a scheme restricting the rate of surface water discharge from the site. None of the dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and the scheme shall thereafter be retained throughout the lifetime of the development.

Reason: To ensure the satisfactory drainage of the site and to accord with the guidance contained within the National Planning Policy Framework.

12. Before development commences an ecological strategy for the site detailing mitigation, compensation and enhancement measures in relation to protected species shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in accordance with a timetable agreed by the Local Planning Authority.

Reason: In the interests of promoting biodiversity interest within the site and in accordance with the guidance contained within the National Planning Policy Framework.

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of ensuring a safe and satisfactory construction process to accord with Policy D2 of the Kirklees Unitary Development Plan.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Location Plan	12/D72/03	-	20/5/14
Topographical survey	13/J/21-01	-	20/5/14
Planning Statement	David Storrie Associates	-	20/5/14
Design & Access statement	David Storrie Associates	-	20/5/14
Flood Risk Assessment	Haigh Huddleston	June 2013	20/5/14
Transport Assessment	Sandersons Associates	Nov 2013	20/5/14
Ecological Survey	Quants Environmental Ltd	Sep 2013	20/5/14

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Development Control Charter for West Yorkshire and otherwise actively engaged with the applicant in dealing with the application.

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No: (01484) 225397 who can advise further on this matter.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**
 - i) **28 days from the date of this notice where the enforcement notice has been served,**
 - ii) **28 days of the date of service of the enforcement notice or,**
 - iii) **the specified period starting from the date of this notice,**

whichever period expires earlier.
- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**
- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to fill in the online form www.kirklees.gov.uk/business/PlanningApplication/planning_application_feedback.asp so that we can work on continually improving our customer service. Thank you.

Dated: 29-Sep-2014

Signed: 

**Jacqui Gedman
Director of Place**

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2014/60/91533/W.

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



Appendix B

Decision notice (ref: 2013/93271)

Appeal Decision

Site visit made on 16 July 2014

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2014

Appeal Ref: APP/Z4718/A/14/2219016

Land off St Marys Avenue, Netherthong, Huddersfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Hepworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2013/60/93271/W, dated 17 December 2013, was refused by notice dated 17 April 2014.
 - The development proposed is residential development.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development at Land off St Marys Avenue, Netherthong, Huddersfield in accordance with the terms of application ref 2013/60/93271/W, dated 17 December 2013, the plans submitted with it and subject to the conditions contained within Annex 1.

Procedural Matters

2. The proposal is an outline application with all matters other than access reserved.
3. The extent of the site was amended during the course of the application to include a small additional section of land at the end of St Mary's Avenue. This is limited in size and the Council considered that it did not significantly alter the nature of the application. The application was therefore determined on the basis of the amended plan. Consequently, I have determined the appeal on the same basis.
4. A small additional parcel of land is the subject of a land ownership dispute. The Council do not consider that this invalidates the application and have determined it on the basis of the information before them. This is a matter between the parties and is not a matter before me.

Main Issues

5. The main issues in the determination of the appeal are therefore :
 - Whether or not the site would provide a suitable site for housing, having regard to the principles of sustainable development;
 - The effect of the proposal on highway safety.

Reasons

Sustainable Development

6. The development plan comprises saved policies from the Kirklees Unitary Development Plan (UDP). The Council's reason for refusal refers to saved policies BE1(v) and T10 of the UDP. Together these seek to resist development which would result in an over-reliance on less sustainable methods of transport such as the private car. However, the UDP predates the *National Planning Policy Framework* (the Framework). The Framework advises where a development plan is out of date due weight should be given to the policies within it in accordance with their degree of consistency with the guidance contained within the Framework.
7. The Framework seeks to achieve a sustainable pattern of development within rural areas where the social, environmental and economic dimensions of development are mutually dependant and jointly sought. It recognises the need to locate significant development in sustainable locations as a core planning principle. The site lies adjacent to the built edge of the village and is not geographically isolated from other housing. However, the Framework also seeks to ensure a sustainable pattern of development by locating rural housing where it will enhance or maintain the vitality of rural communities. In general rural housing is considered most appropriate in locations where there is access to services, opportunities for employment and alternative modes of transport than the private car (paragraphs 30 and 37).
8. Netherthong has two public houses, a church and a primary school. A small convenience store provides some retail goods, but would not provide for the shopping needs of most residents. There appears to be very limited employment within Netherthong and the nearest medical facility is outside the village. It is therefore likely that future occupiers of the development would be required to travel to access employment and services elsewhere. In assessing the proposal the Council considered the development against criteria provided within the now revoked Regional Spatial Strategy. This assessment found that the proposal would fall short of accessibility criteria to local services including health, leisure and employment provision.
9. Holmfirth is around 2.2km away and provides some medical and shopping facilities. The village has a local bus service which provides three services which operate hourly during the day. Holmfirth is around 15 minutes away by public transport, and Huddersfield, which provides a better range of employment, leisure and retail opportunities is more than 45 minutes away. It is therefore likely that although future occupiers could access some local services by sustainable means, they would also be reliant upon the private car for a proportion of essential trips outside the village.
10. Notwithstanding anecdotal evidence of vacant property in the village, the Borough of Kirklees does not have a 5 year supply of available housing land. The site is designated as Provisional Open Land (POL), however the lack of housing supply means that this policy, which clearly relates to housing, is out of date. Whilst the Framework directs that proposals for the provision of housing should be considered in the context of the presumption in favour of sustainable development, it also seeks to significantly boost the supply of housing, and directs that where the development plan is out of date permission

should be granted without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

11. Therefore, whilst I am mindful that the proposal would not allow new residents to access a full range of local services by sustainable means, I must have regard to the emphasis on growth within the Framework, and give weight to the need to boost the supply of housing. In the absence of a 5 year housing land supply, the contribution the development would make to housing supply in the District would significantly and demonstrably outweigh the harm that would arise as a result of increased trips by private car. On the first matter I therefore conclude that having regard to the principles of sustainable development within the Framework as a whole, the proposal would comprise a suitable site for housing.

Highway Safety

12. The site is located at the end of St Marys Avenue, a modern residential estate on the edge of the village. The road network within the estate is built to a high standard and provides adequate access and visibility. The main road access to the village is via Miry Lane which leads to Dean Brook Road. This is a relatively narrow road with no pedestrian footpath along large sections of it.
13. The proposal is in outline form and so estimates of car trips are based on an assumption of the number of properties to be constructed. Although surveys submitted by the Council indicate that the development would increase existing traffic along Miry Lane and Dean Brook Road during peak periods, I note that traffic movements are nonetheless relatively low. Accident records for the village show no recorded accidents in the vicinity of the site, or along Miry Lane/Dean Brook Road since 2008. Although I am mindful that the absence of a footpath along the main road currently presents a deterrent to pedestrians, based on the submissions before me I find no convincing evidence that the proposal would increase traffic flows to the extent it would significantly exacerbate this existing situation and thereby present an impediment to highway safety.
14. I note the comments of local residents, including anecdotal evidence of traffic related incidents in and around the village, and their concerns that the pattern of narrow streets in the village would be impacted by an increase in traffic from the development. Netherthong has a traditional pattern of narrow and steep lanes which is typical of many villages in the locality. The most direct route from the development to Holmfirth, would take residents through the narrow village centre. Nevertheless, whilst I noted some congestion during my visit, particularly around the school, this is an existing situation. Taking into account the position of the development and the limited number of additional vehicles the proposal would add to the overall village, I do not consider that this would be significantly worsened by the development proposed.
15. The Council has brought to my attention an appeal decision ref: 78/60/04314/C1 from 1978. In this, the Inspector commented that the narrow streets in the village presented an impediment to further residential development. I am not aware of the circumstances of this case, but note that the decision dates back around 35 years and a significant amount of residential development in the village appears to have taken place since that date. I also note that the Council's Highways Officers considered that although routes in the village were not to modern highway design, in practice drivers exercised caution, with

speed adjusted to local conditions. Furthermore, the anticipated additional traffic was not considered excessive compared to existing daily traffic flows on Miry Lane. Therefore, whilst my colleague Inspector's historic comments are noted, they do not alter my views on the effect of the proposal on current traffic conditions in the village.

16. On the second matter I therefore conclude that the proposal would not be detrimental to highway safety in the village and I find no conflict with saved policies T10 and BE1(iii) of the UDP which together seek development which does not cause or add to highway safety problems. I also find no conflict with the Framework which has similar aims.

Other Matters

17. A number of responses have been made in relation to the proposal, including correspondence from Jason McCartney MP and local Councillors. Local residents have expressed concern in relation to the effect of the proposal on the local primary school, which I am advised has limited capacity. I note these concerns, and the anecdotal evidence of many residents in relation to problems in obtaining school places for children in the village. However, the Council as education authority have raised no objection and based on the Spring Census 2013 has advised no education contribution is required from the proposal. I must therefore conclude that based on the evidence before me and notwithstanding previous issues with school capacity, the matter is not one that persists or that would preclude development of the site.
18. My attention has also been drawn to the effect of the proposal on local wildlife and the impact of the development on wildlife habitats. The comments of the Council's Environmental Unit are relevant in this regard. They considered that the submitted ecological assessment was sufficient to conclude that the site was not of high ecological value, and that its redevelopment was acceptable in principal. None of the trees within the site were identified as potential bat roosts although the site has some potential for foraging. The site was also not considered to have high potential for breeding birds and the majority of the grassland on the sites was found to be species-poor and of low biodiversity value. I therefore conclude that the impact of the proposal on local wildlife would be limited and could be offset by mitigation measures secured by condition.
19. A number of residents raised concerns in relation to drainage and flooding. Both Yorkshire Water and the Environment Agency have advised that, subject to appropriate conditions, the site can be acceptably drained and would not give rise of off-site flooding. I am therefore satisfied that these matters need not preclude development. I also have no convincing evidence before me that the development would give rise to problems with electricity provision in the area, or that the proximity of the local pub would impact on the amenity of future residents. I also note concerns in relation to construction noise, and although this matter does not alter the acceptability of development on site, I note that the potential effects of construction noise on existing residential occupiers could be mitigated by an appropriate condition.
20. I also note comments in relation to the layout and open space within the development, and its effect on the Conservation Area. The Council's Conservation Officer has no objection to the principle of development on the site and I am also satisfied that residential redevelopment would not impact

upon the setting of the Netherthong Conservation Area. Although the detailed layout of the site is a reserved matter it is not a matter before me, I am nevertheless mindful that the development would lead to a loss of open space. Taking into account the size of the site, and the provisions of policy H18 of the UDP, some provision of open space would reasonably be required as a result of the development. This matter could however be dealt with by means of an appropriately worded condition. I note that although there is no public right of way through the site it is used informally by dog walkers. Whilst I give the impact of the loss of this amenity some weight, the matter would not outweigh the benefits the proposal would bring by way of housing provision.

Conditions and Conclusion

21. For all the reasons given above I therefore conclude that the appeal be allowed. The Council have suggested a number of conditions. In addition to the standard time limit and conditions relating to the submission of reserved matters I also consider it necessary to require details of boundary treatments on the site. I note that policy H18 of the UDP requires that on sites of more than 0.4 hectares provision should be made for public open space. In order to ensure this I consider it reasonable and necessary to require details of how open space to serve the development will be provided.
22. Policies H1, H10 and H12 of the UDP also require the provision of affordable housing and this is in line with guidance contained within paragraph 50 of the Framework. I note that the Council consider that the site should be subject to an affordable housing requirement and that the appellant has not disputed this. Therefore, in order to secure an appropriate level of affordable housing provision for the site I consider it reasonable and necessary to require that affordable housing is provided as part of the proposed development.
23. The Council have also suggested a condition in relation to the provision of a contribution towards education. However, I note that no education contribution was considered necessary by the Council's education department on the basis of a proposal for 34 dwellings. I therefore do not consider it reasonable, or necessary to impose a condition in this regard.
24. The Council have also suggested a number of conditions in relation to contaminated land. I note that the appellant's consultant has also suggested that a Phase II Intrusive Site Investigation Report is submitted prior to the commencement of development. I therefore consider it reasonable and necessary to impose conditions in this regard.
25. Conditions have also been suggested in relation to the provision and layout of internal estate roads which is necessary in the interests of highway safety. In addition, in order to minimise surface water run-off from the site I also consider it necessary to impose a condition in relation to the provision of permeable surfaces for parking. A condition has also been imposed requiring the provision of charging plug in points for electric cars. As the development would comprise residential accommodation, with vehicles parked at home. Such a condition is not reasonable or necessary.
26. I note that having regard to the topography of the site, and the presence of boggy ground, a number of conditions have been suggested by the Council in relation to drainage. In the interests on ensuring the site is properly drained, and that the development does not lead to flooding off site, a condition relating

to the provision of appropriate drainage measures, including foul drainage, is therefore necessary.

27. Conditions have also been suggested relating to ecological mitigation measures. Although I consider such measures appropriate in relation to protected species, taking into account the low biodiversity value of the site I do not consider it necessary that these measures should extend to the provision or retention of grassland habitat. Finally, in order to minimise potential disturbance during the construction period I consider it reasonable and necessary to require the provision of a construction method statement to minimise the impact of construction upon adjoining residential occupiers.

Anne Jordan

INSPECTOR

Annex 1

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
5. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-
 - a) the number and type of affordable housing units to be provided.
 - b) the layout and disposition of the units affordable housing to be provided.
 - c) the timescale for the implementation and completion of the affordable housing units;
 - d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.
6. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-
 - a) the layout and disposition of the public open space.
 - b) the timescale for the implementation and completion of the works to provide the public open space;
 - c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
 - d) maintenance of the public open space in perpetuity.
7. No development shall take place until an intrusive site investigation (Phase II Report) of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before

- any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.
8. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
 9. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.
 10. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.
 11. Development shall not commence until a scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of the current land drainage infrastructure serving the site and its condition and an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios, and a scheme restricting the rate of surface water discharge from the site. None of the dwellings shall be occupied until the approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and the scheme shall thereafter be retained throughout the lifetime of the development.
 12. Before development commences an ecological strategy for the site detailing mitigation, compensation and enhancement measures in relation to protected species shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in accordance with a timetable agreed by the Local Planning Authority.
 13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be

adhered to throughout the construction period. The Statement shall provide for:

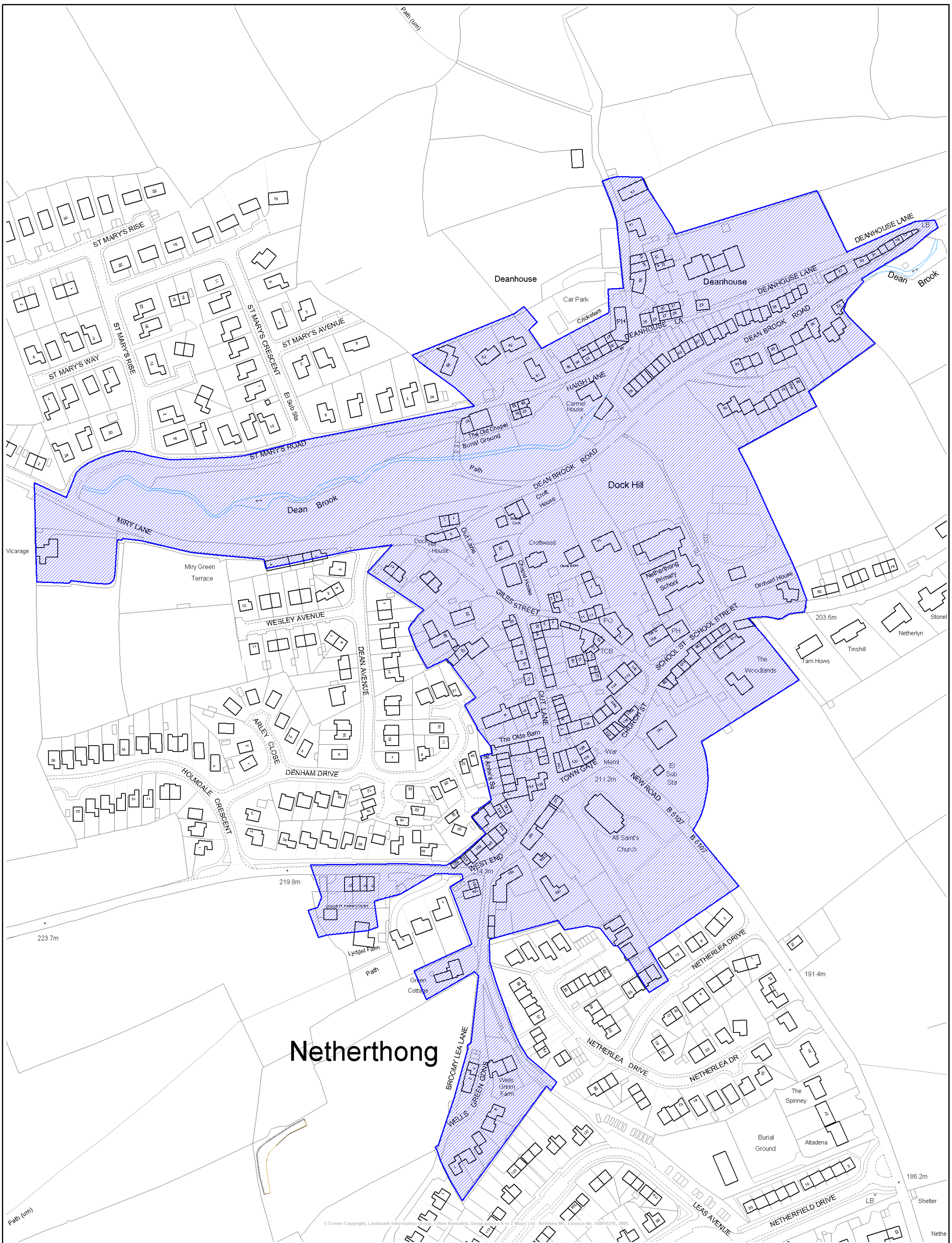
- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

Planning Statement

St. Mary's Avenue, Netherthong, Huddersfield



Appendix C Netherthong/Deanhouse Conservation Area Map



Netherthong

Kirkles MC - Planning Service

Scale 1/2200

Date 21/7/2009



OS Grid Ref of Centre = 413862 E 409753 N

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