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PLANNING SUPPORTING STATEMENT
DETAILED APPLICATION FOR 1NO DWELLING
LAND AT 1 CARR TOP LANE, GOLCAR
MRS T SMITH
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1.0 INTRODUCTION

This application, submitted in detail, seeks the development of 1no dwelling on garden land located to the front of 1 Carr Top Lane, Golcar.

The application is supported by the following information:

- (i) Full plans and details showing site layout and elevations – Martin Walsh Residential;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Design and Access Statement – Townsend Planning Consultants;; and
- (iv) Statement of Significance – Townsend Planning Consultants.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function. This statement deals with issues of planning policy and government guidance in more detail than the Design and Access Statement and should be read as an addendum to that document.

Overall, it is considered that this proposal which forms sustainable development is wholly acceptable when judged in the context of the Development Plan and all material considerations (including the NPPF). It is acknowledged that the site is identified in the UDP as Provisional Open Land but currently constitutes residential curtilage. Furthermore, in the absence of a five year land supply that necessitates the land coming forward for development. It is noted that the Council have recently granted planning permission for the development of part of the land to the rear of the host dwelling (POL allocation - 2015/60/90507/W). In that instance, the Council accepted in the absence of sufficient housing land that the site should be brought

forward for development.

This Statement now goes on to outline the site and the proposal, following which Government Guidance and Development Plan Policy is considered in detail. The various issues that the proposal raises are then considered in detail. Finally, the conclusion is drawn that the proposal is acceptable in the context of the Development Plan and all relevant material considerations.

2.0 THE SITE AND THE PROPOSAL

The subject site is located on Carr Top Lane, Golcar and forms garden land to the host dwelling (no1). The land currently constitutes hardstand area and lawned gardens to the host dwelling. It is part flat and part sloping. The site is in a largely residential area.

The site is in a sustainable location and is a short walk from Golcar centre which provides shops and other services. There are also schools within close proximity of the site. The site is also close to a well served public transport route. Access to the site will utilise the existing private driveway which serves 3no dwellings.

The application seeks to develop the site for 1no dwelling. It is clearly the case that the subject site forms part of the allocation which was identified in the UDP to be reserved for longer term development. The Council do not now meet their five year land supply target and this site can be brought forward to provide development in a sustainable location and provide the housing that the district requires. The site also constitutes garden land so that it is not 'open land'.

The property has been developed to be appropriate in form and detailing to the area. It picks up on the general architectural genre of the area and, at the same time, is designed to take account of the existing grounds levels. It is considered that the proposal will follow the grain and form of the settlement and will be in keeping with the character and appearance of the area.

3.0 PLANNING POLICY AND CENTRAL GOVERNMENT POLICY ADVICE

3.1 Local Planning Policy

The Development Plan consists of the saved policies of the Kirklees MDC Unitary Development Plan (adopted in March 1999). Clearly, given the age of the document, the weight that can be given to such policies is limited unless they are consistent with the NPPF.

The site forms part of an area identified as Provisional Open Land. Policy D5 states:-

“ON SITES DESIGNATED AS PROVISIONAL OPEN LAND PLANNING PERMISSION WILL NOT BE GRANTED OTHER THAN FOR DEVELOPMENT REQUIRED IN CONNECTION WITH ESTABLISHED USES, CHANGES OF USE TO ALTERNATIVE OPEN LAND USES OR TEMPORARY USES WHICH WOULD NOT PREJUDICE THE CONTRIBUTION OF THE SITE TO THE CHARACTER OF ITS SURROUNDINGS AND THE POSSIBILITY OF DEVELOPMENT IN THE LONGER TERM.”

The UDP states in paragraphs 2.15 and 2.16:-

“2.15 Urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provision open land. These site are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the provisional open land designation is to maintain the character of the land so designated at least during the period until the plan is reviewed when it

will be considered for allocation for development". (TPC underlining).

Furthermore, at para 2.16 it goes on to state:-

"2.16 Reviews of the plan are required at least every 5 years. The reassessment of provisional open land will involve determining for each site whether in the prevailing circumstances there is a case for releasing some or all of the land for development, or whether it should be maintained as provisional open land until the next review of the plan. Reallocation of provisional open land as green belt or urban greenspace will occur only in exceptional circumstances."

The following policies are also relevant to consideration of the proposal:-

(a) Policy BE1

"ALL DEVELOPMENTS 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 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, USE OF PUBLIC***

TRANSPORT.”

The proposal will provide a good quality housing development of appropriate design, will not detract from the local identity of the area and will be visually attractive. Through the submission of a detailed scheme and layout, this will ensure that safety and crime prevention measures are incorporated. The proposal does not raise any new highway issues. In terms of a healthy environment, there is clearly sufficient space around the buildings and landscaping measures can be incorporated. The site is in a sustainable urban location.

(b) 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;***
- (IV) EXISTING AND PROPOSED LANDSCAPE FEATURES INCLUDING TREES ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.”***

It is considered that the proposal will not be out of place in terms of details such as materials, scale or density. The topography of the site has been taken into account in the scheme. Satisfactory access can be achieved by utilisation of

the existing private driveway and a landscaping scheme can be incorporated in the proposal at reserved matters stage.

(c) BE5

BE5 states:-

“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.”

A Heritage Statement is provided in respect of this policy.

(d) BE6

BE6 states:-

“DEVELOPMENT ON INFILL SITES WILL NOT NORMALLY BE PERMITTED WHEN IT WOULD ADVERSELY AFFECT THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA.”

The redevelopment of the site owing to details of the scheme would not adversely affect the character or appearance of the Conservation Area.

(e) BE12

BE12 states:-

“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 DISTANCE WILL NORMALLY BE:-

(I) 21M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A HABITABLE ROOM WINDOW OF A FACING DWELLING;

(II) 12M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A BLANK WALL OR A WALL CONTAINING A WINDOW OF 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 THE 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 OF LEVEL OR INNOVATIVE DESIGN NO DETRIMENT WOULD BE CAUSED TO EXISTING OR FUTURE OCCUPIERS OF THE DWELLING OR ANY ADJACENT PREMISES OR POTENTIAL DEVELOPMENT LAND WHICH MAY AFFECT IT.”

As shown on the illustrative layout plans, a scheme can be provided which clearly conforms to the standards in terms of space about building standards.

The supporting text states:-

“A reasonable amount of space should be provided around new dwellings in the interests of the amenity of future residents and to prevent over looking and undue loss of privacy to any existing residents.”

At 4.27 it goes on to state:-

“The Council is aware that in many cases a pragmatic approach can be taken in respect of space requirements within residential areas. In many cases where infill development is proposed it may be reasonable to accept existing space standards within the immediate locality if this ensures the privacy or amenity of existing residents if not detrimentally affected. “

(f) D2

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

- (I) THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;***
- (II) THE AVOIDANCE OF OVERDEVELOPMENT;***
- (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.”**

It is considered that there is no conflict with D2 in that the proposal does not conflict with the criteria set out above.

3.2 Central Government Policy Advice

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the application in accordance with the statutory development plan (insofar as it is material to the application) unless material considerations indicate otherwise. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship of the policies of the plan to one another and to Government guidance, principally through the NPPF and retained circulars.

3.2.1 National Planning Policy Framework

In the Ministerial Forward to this advice, it states:-

“Development that is sustainable should go ahead, without delay – presumption in favour of sustainable development that is the basis for every plan, and every decision.”

At Para 7 in respect of achieving sustainable development, it states:-

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – contributing to building a strong responsive and competitive economy....***
- A social role – supporting strong vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment with accessible local services that reflect the communities needs and support its health, social and cultural wellbeing.”***
- An environmental role – contributing to protecting and enhancing our natural built and historic environment.”***

At Para 13, the role of the NPPF states that the advice contained therein constitutes guidance for local planning authorities and decision takers both in terms of preparing plans for development and being a material consideration in determining planning applications.

Para 14 states:-

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...”

For the decision taking this means:-

- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:***

- ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or***
- ***specific policies in this framework indicate development should be restricted...***

(TPC underlining).

Para 17 sets out the core principles of planning, which include:-

“Proactively drive and support sustainable economic development to deliver homes...

- ***Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;***
- ***Take account of and support local strategies to improve health, social and cultural wellbeing for all....”***

At Para 34 with regard to sustainable transport, the advice states:-

“Plans and decisions should ensure development that generates significant movements are located where the need to travel will be minimised and the use of sustainable transport nodes can be maximised.”

Section 6 relates to delivering a wide choice of high quality homes.

At Para 49 it states:-

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of

housing should not be considered u to date if the LPA cannot demonstrate a five year supply of deliverable housing sites.”

The Council fully acknowledge that it does not have a five year housing land supply.

At Para 50 the advice goes on to set out the approach authorities should take:-

“To deliver a wide choice of high quality homes, wider opportunities for home ownerships and create sustainable inclusive and mixed communities.”

With regard to achieving good design, at Para 56 the advice states:-

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Para 57 goes on to state:-

It is important to plan positively for the achievement of high quality and inclusive designs for all development...”

Section 12 relates to ‘Conserving and Enhancing the Historic Environment’. At para 128 it states:-

“In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportionate to the asset’s importance and no more than is sufficient to

understand the potential impact of the proposal their significance.”

A statement of significance is submitted with this application.

With regard to decision taking, at Para 186 it states:-

“Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development.”

At Para 197 the advice states:-

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

It is considered that there is no conflict with the NPPF and that the presumption inherent in respect of sustainable development should be weighed in the applicant's favour.

4.0 ISSUES

4.1 The Development Plan

It is considered that by reference to the National Planning Policy Framework that policies in terms of protecting this site for longer term development are no longer relevant in the context of a housing land supply. It is recognised that the site is located within a Conservation Area and the scheme has been drafted to meet with Conservation Area requirements and will ensure a scheme of sufficient quality comes forward for development.

It is considered that there are no policies in the development plan which would preclude development of the site.

4.2 Other Issues

The following are issues which it is considered are relevant to the consideration of this application:-

4.2.1 Housing Land Supply

The subject site was initially identified in the Unitary Development Plan as part of an area of land to be protected for longer term development (POL). As there is currently a lack of the requisite year five year land supply, it is wholly appropriate for the site to come forward for development. It will be noted that indeed the site was allocated for longer term development and identified as suitable for residential development. Given the date of the adoption of the UDP, clearly we are at the long term stage.

At para 49 of the NPPF it outlines that housing applications should be determined in the context of the presumption in favour of sustainable development and that policies for the supply of housing should not be considered up to date if the LPA does not have a five year land supply of deliverable sites.

It is common ground between the applicant and the Council that in principle bringing the site forward would be acceptable.

4.2.2 Conservation

It is acknowledged that the site is located within a Conservation Area. Full details are referred to in the Heritage Statement. It is considered that through suitable design and layout that proposed it is not harmful to the Conservation Area.

4.2.3 Highways

The access to the site will utilise the existing private driveway which serves the 3no dwellings adjacent to the site. It is wholly suitable for the proposed scheme.

4.2.4 Sustainable Development

This site is located on the edge of the settlement of Golcar. This is well served by a supermarket, post office, pharmacy and there also junior, infant and nursery schools within walking distance of the site. The site is close to public transport routes.

5.0 SUMMARY / CONCLUSION

This application seeks detailed planning permission for 1no dwelling. The land forms part of an allocation identified as suitable for long term housing development and also constitutes garden land to the host dwelling. Indeed, the policies in the UDP protected the site to ensure that it could be brought forward at the appropriate time for such use.

It is recognised by the Council that they do not have the requisite five year land supply and, therefore, it is now the opportune time to bring the land forward to fulfil its original identified purpose. It will be noted that the Council have already granted planning permission on part of the POL land to the rear of the host dwelling.

It is recognised that the site is within a Conservation Area, however, it could be considered that the scheme put forward is appropriate in terms of scale, design, form and layout. It is considered that there will be no harm to the Conservation Area.

The applicant remains willing to discuss all matters with the Council. Should you require any additional information or wish to discuss the matter further, please do not hesitate to contact me.