Originator: Jonathan Fletcher

Tel: 01484 221000

Report of the Head of Development Management

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 23-Feb-2017

Subject: Planning Application 2016/93244 Erection of detached dwelling 53, Far Bank, Shelley, Huddersfield, HD8 8HS

APPLICANT
Mr Rylance

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
21-Sep-2016	16-Nov-2016	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:	**Kirkburton**
No	Ward Members consulted (referred to in report)

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The application has been referred to the Heavy Woollen Planning Sub-Committee as the proposal presents a departure from the Kirklees Unitary Development Plan. This is in accordance with the Council's Scheme of Delegation.

1.2 The application seeks planning permission for the erection of a detached dwelling on land allocated on the Unitary Development Plan as Provisional Open Land (POL). There is an extant planning permission (ref: 2014/91428) at the site for an alternative scheme for a detached dwelling.

1.3 The application site can be accessed safely in highway terms and its development would not prejudice any potential future development of the wider POL allocation. On balance, there would be no harmful effect on visual or residential amenity. Subject to conditions, drainage issues would be addressed. An ecological survey, which includes results of bat activity surveys has been submitted in relation to a previous application and there are no statutory constraints to development in respect of ecology and protected species.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is an open area of land to the rear (east) of No.53 Far Bank at Shelley. The site is bounded by residential properties off Bark Close to the north, open land to the east, and the rear garden areas of properties off Far Bank to the west. Planning permission has recently been granted for two dwellings on an adjacent site to the southern boundary however this permission has not yet been implemented. The site is accessed via an existing access between No. 51 and No.55 Far Bank. The site slopes downwards from north to south and from west to east. Along the boundaries of the site are a number of mature trees.

3.0 PROPOSAL:

3.1 The application seeks planning permission for the erection of a detached dwelling with a detached garage. The dwelling is designed with the main elevation facing southeast and the entrance door on the side elevation facing the access drive. The floorplans indicate that the building would provide five bedrooms across three storeys, with a range of reception rooms on the ground floor. The garage is designed with a dual pitched roof and would be sited to the northwest corner of the site. The development would be constructed with a combination of ashlar and coarse natural stone to the walls, with zinc roofs. The existing garage on the site would be demolished.

4.0 RELEVANT PLANNING HISTORY:

2006/91942 – Certificate of lawfulness for existing use of land as garden – Granted

2006/93374 – Demolition of part of existing dwelling (No.53) and outline application for incorporation of remaining part No.51 and erection of 1no detached dwelling with attached garage. Refused on the ground that the site is allocated as POL and the proposed development is not required in connection with the established use of the site and would prejudice the contribution of the site to the character of its surroundings and to the possibility of development in the longer term.

2007/91818 – Alterations to improve access to 51, 53 and 55 Far Bank – Conditional Full Permission

2012/93728 – Outline application for erection of 5 dwellings.
Refused on the grounds the proposal would be contrary to policy B5 which safeguards POL land.

2013/92822 – (No.53 Far Bank) Erection of two storey side extension, rooms in roof space and conservatory to side. Demolition of existing garage and erection of detached garage – Conditional Full Permission

2014/90093 – Outline application for erection of 5 dwellings – Conditional Outline Approval

2014/91428 – Part demolition of No.53 Far Bank and outline application for erection of detached dwelling – Conditional Outline Permission

2014/93349 – Reserved matters application for erection of one dwelling pursuant to outline permission 2014/91428

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers engaged with the agent during the application process to seek amendments to the scheme in order to improve the visual impact of the development and the effect on the residential amenity of adjacent occupiers. The following amendments have been made:

- A reduction in the massing of the building at first floor level
- The removal of the Juliette balconies on the south elevation
- Lowering the height of the ridgeline
- A reduction in the scale of the entrance
- The garage has been re-sited further away from the boundary and with a revised roof pitch away from the boundary
- The outline of the building as originally submitted is indicated on the proposed elevations for reference.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

The site is allocated as Provisional Open Land on the Kirklees UDP Proposal Plan.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
D2 – Unallocated Land
EP11 – Ecological landscaping
NE9 – Retention of mature trees

6.3 Supplementary Planning Guidance / Documents:

NA

6.4 National Planning Guidance:

Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
Chapter 11 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Three representations have been received in relation to this application. A summary of the concerns raised is set out below:

- The entrance to the site is unsuitable and has restricted visibility due to the level of on-street parking in the area.
- Brownfield sites should be developed before this type of site.
- There is a need for smaller property sizes in the area.
- The development would not be in keeping with the traditional style of properties in the area.
- A reduced building size/height would maintain views for local residents
- It is requested that construction traffic associated with the development does not use Bark Close for parking and/or turning due to prevent undue disturbance and future maintenance issues.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C. Highways Development Management – No objection subject to conditions

8.2 **Non-statutory:**

K.C. Ecologist – No objection subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Sustainability
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Ecological issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The principle of residential development has been established at this site under previous applications and, indeed, there is an extant planning permission (ref: 2014/91428) which was granted in 2014 for the erection of a single dwelling on the site.

10.2 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to "*optimise the potential of the site to accommodate development*". As this proposal only covers part of the POL site, consideration has been given to the need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the south of the site with three possible access points off Far Bank. The Council have previously agreed there are potential access points off Far Bank, and as the area within the red line boundary is a private garden space physically separated from the wider POL allocation, it is considered that the development of this small section of the POL would not prejudice the longer term development of the wider site.

Sustainability

10.3 Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. Paragraph 8 states that these roles are mutually dependent and should not be undertaken in isolation. "Economic, social and environmental gains should be sought jointly and simultaneously through the planning system."

10.4 Economic: A proposal for one dwelling provides limited economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF a new house would support growth and satisfy housing needs thereby contribute to the building of a strong economy.

10.5 Social: Whilst there would be a social gain through the provision of new housing at a time of general shortage, the local village of Shelley is lacking in community facilities; and residents would generally have to travel outside of the area to access health, education, shops and employment opportunities. The area is however well connected to Huddersfield Town Centre and on a bus route.

10.6 Environmental: The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

10.7 The Council's Ecologist has reviewed the application and raises no objection which is discussed in more detail below.

10.8 Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the limited environmental harm arising from the development of this greenfield site is outweighed by its sustainability and the benefits to be gained from the provision of housing which will help to address a current shortfall in the 5-year supply.

10.9 Furthermore, the granting of previous permissions on this site for residential development has already established the principle.

Urban Design issues

10.10 Officers have previously raised concern in relation to the scale of the dwelling being proposed however, on balance, the revised scheme is considered to be acceptable in this context.

10.11 Given the limited visibility of the development it has been concluded that a refusal could not be substantiated on the basis that the scale of the building is out of character with the other properties in the area. It is noted that there are a range of property types adjacent to the site including two storey terrace properties on Far Bank and two storey detached properties on Bark Close. The location of the site behind the properties which face onto Far Bank would ensure that the scale of the dwelling would not be readily visible from the surrounding area to the west. The site is well screened by mature trees to east and south boundaries, which would serve to obscure long range views of the building from the open countryside beyond. The closest public footpath is well removed from the development, at approximately 225m to the east of the application site.

10.12 The footprint of the structure could be adequately accommodated within the site area with space being retained to the boundaries for tree retention and soft landscaping. The combination of materials being proposed is considered to be acceptable in this location and would complement the contemporary design of the dwelling. The orientation of the main elevation towards the south boundary of the site would present a rational site layout as this elevation would not be read within the street scene of Far Bank, with only limited views being afforded to the east side elevation of the property which includes the entrance door. A condition is recommended to prevent any further enlargement of the property under permitted development rights due to the scale of the structure being proposed.

10.13 The setting of Shelley Methodist Church which is a listed building would not be affected by the proposal given that it is located approximately 118m to the south of the site.

10.14 Overall the proposal is deemed to be consistent with policies BE1 and BE2 of the UDP as well as chapters 6 and 7 of the NPPF.

Residential Amenity

10.15 The amendments made within the application process were also sought to reduce the impact of the development on the residential amenity of adjacent occupiers. The site is bounded by residential properties to the north and west, and two properties have been granted planning permission on the adjacent site to the south boundary. The revised proposals are considered to have overcome officers' concerns.

10.16 The reduction in the height of the ridgeline of the dwelling and the massing of the first floor element has created an acceptable arrangement in terms of the residential amenity of occupiers to the north of the site. The site sections submitted in support of the application identify that the dwelling would be set into the slope of the site and at a lower level than the adjacent properties which would serve to reduce the impact of the development. The proposed dwelling would be located approximately 23.8m from these properties which would ensure that the level of inter-visibility would not unduly impact on the level of privacy enjoyed by these occupiers.

10.17 The reduction in the scale of the dwelling has also improved the relationship to the south boundary and it is noted that the approved dwellings on the adjacent site would be set a lower level than the proposed development. The original proposal included Juliette balconies on the north elevation which would have created a sense of overlooking and surveillance which would not have been acceptable, albeit that the separation distances recommended under policy BE12 of the UDP would have been achieved. A condition is recommended to ensure that Juliette balconies are not introduced to the property once constructed.

10.18 Lastly, the detached garage has been redesigned to reduce the impact on the properties to east of the site. The garage is located close to this boundary however the change in the roof pitch would ensure that bulk of the building onto the boundary has been limited to eaves level. The outlook from the side elevation of the dwelling would be at an angle to the properties on Far Bank and acceptable separation distances would be achieved.

10.19 The proposals are therefore considered acceptable from a residential amenity perspective and would comply with the aims of policy BE12 of the UDP.

Landscape issues

10.20 As noted above, the layout of the site would provide for space at the boundaries of the site for soft landscaping. The application is supported by a landscaping plan and a condition is recommended to ensure that this is implemented.

Housing issues

10.21 Previous planning permissions have demonstrated that a greater density of development could be achieved at the site, with five dwellings being granted outline planning permission in 2014 (ref: 2014/90093). The current proposals would create a single dwelling which would provide a limited contribution to housing delivery in the district.

10.22 Paragraph 47 of the NPPF confirms that local authorities should 'set out their own approach to housing density to reflect local circumstances.' There is no provision within the current Development Plan however to resist residential development under certain densities. Moreover, there are no policies which require certain property sizes or affordable units under applications relating to minor development.

Highway issues

10.23 The new dwelling is proposed to be served by and existing vehicular access onto Far Bank. The Council's Highway Engineer has been consulted and raises no objection to the proposals on the basis of highway safety. The Highways Engineer has noted that the proposed access road is to remain unchanged from a previous planning permission and that the level of off-street parking would meet the standards set out in the UDP. The extant planning permission included a condition to require improvements to the access, in particular, the visibility onto Far Bank which have now been completed and therefore this condition is no longer necessary. A condition is recommended however ensure that parking area is properly surfaced and retained thereafter.

10.24 Subject to conditions, the proposal is not considered to materially add to any undue highway safety implications and would accord with the aims of policy T10 of the UDP.

Drainage issues

10.25 Historical maps and surface water flood plans indicate the presence of a piped/culverted watercourse within the site. There are no details of its size, flow and structural condition, and it is not possible to determine whether it is suitable to accept surface water flows from the development. An investigation is therefore required as to its location and condition and it is advised there should be no building within at least 3 metres of the centre line of the watercourse to protect it from structural loading. Consideration of flood routing in respect of the layout of the development is also critical in managing flood risk and there is a possibility any pipework/culvert may have to be renewed. No examination of existing sewers serving adjacent properties has been carried out and the current diameter of local sewers may be inadequate for connection.

10.26 The Council's Drainage Engineer recommended a number of conditions in relation to the extant planning permission concerning to the following areas:

- the submission of a scheme detailing foul, surface water and land drainage,
- an assessment of the effect of 1 in 100 year storm events with an additional allowance for climate change on drainage infrastructure and surface water run-off pre and post development, between the development and surrounding area in both directions, and
- a condition regarding an investigation into the location, size, condition and flows within piped or culverted watercourses within the site.

10.29 These conditions are also recommended in relation to the current proposals to ensure the development complies with chapter 10 of the NPPF.

Ecological Issues

10.30 The Council's Ecologist has reviewed the details of the Ecology Report submitted in relation to the previous application ref: 2014/91428 and is satisfied that the site will not have changes significantly since this survey was completed. It is indicated that the habitats present do not support protected species and that development of the site will not result in significant ecological impacts, however this is subject to enhancement measures being implemented which the Council's Ecologist has requested are secured by conditions, in accordance with the aims of chapter 11 of the NPPF.

Representations

10.31 The majority of the issues raised within the representations have been discussed above however further comments are provided below in relation to the outstanding matters:

- Loss of View – It is recognised that the proposed dwelling would be located adjacent to existing properties which enjoy views to the open countryside to the south and east. The application has been assessed in terms of the proximity of the development to these properties and no unacceptable impacts have been identified in relation to the structure being overbearing or creating overlooking or shadowing effects. Beyond these considerations, the retention of a view is not a material planning consideration which can be significant weight in the determination of a planning application.

- Construction Traffic - Any disturbance created through the construction phase of the development would be relatively limited given the scale of development being proposed. It would not meet the relevant tests therefore to impose a condition requiring the implementation of construction management plan in this case.

10.32 Whilst the comments which have been submitted are noted there is not considered to be sufficient justification to warrant a refusal of the application on this basis.

Planning obligations

10.33 No planning obligations are being sought in relation to this application.

Other Matters

10.34 *Air Quality*
The NPPF requires the planning system to contribute to and enhance the natural and local environment by among other things preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It also encourages the promotion of sustainable transport.

10.35 The West Yorkshire Low Emission Strategy Planning Guidance has been drafted to take a holistic approach to Air Quality and Planning. In this particular instance taking into account the NPPF and the WYESPG it is considered that promoting green sustainable transport could be achieved on this site by the provision of an electric vehicle charging point within the parking areas associated with the proposed dwelling. This in turn can impact on air quality in the longer term. A condition can be imposed to secure the charging point for the proposal to comply with the NPPF.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

11.2 The application would not prejudice any potential future development of the wider POL allocation. There would be no materially harmful effect on highway safety visual or residential amenity. There would be no materially harmful impact on the setting of adjacent listed buildings.

11.3 In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. The application is recommended for approval accordingly.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard time limit for implementation of development (3 years)
2. Development to be carried out in accordance with the approved plans

3. Materials to be natural stone walling and zinc roof: samples to be submitted to and approved in writing
4. Implementation of landscape scheme
5. Removal of permitted development rights for extensions including Juliette balconies
6. Laying out of areas to be used by vehicles
7. The submission of a scheme detailing foul, surface water and land drainage
8. An assessment of the effect of 1 in 100 year storm events
9. An investigation into the location, size, condition and flows within piped or culverted watercourses within the site.
10. No removal of hedgerows, trees or shrubs within nesting season
11. Ecological Design Strategy
12. Scheme for provision of electric vehicle charging points

Background Papers:

Application and history files:-

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93244

Certificate of Ownership – Certificate A signed on 6 September 2016.