

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92175/E

Site Address: 1060, Halifax Road, Hartshead Moor, Cleckheaton,
BD19 6PE

Description: Erection of 4 detached dwellings

Recommending Officer: Anthony Monaghan

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Julia Steadman

AUTHORISED OFFICER

Date: 03-Oct-2017

OFFICER REPORT

Site Description

The site is located at 1060 Halifax Road, Hartshead Moor, Cleckheaton. It is an area of grassland of around 1600 sq m between two housing developments to the east and west, an underground reservoir to the north and Halifax Road to the south.

It is a level site with an attractive stone boundary wall and railings to the front with some small sections of scrub and hedging.

The site is unallocated on the Kirklees Unitary Development Plan proposals map.

Description of Proposal

The proposal is for the erection of 4 detached dwellings. The Design and Access Statement suggests that these would be “retirement bungalows”. There would be a single point of access from Halifax Road, which would serve a short internal service road. There would be off-street parking to the front of each dwelling and 4 additional parking bays on the access road.

The proposals are for two 2 no. bedroom properties and two 3 no. bedroom properties with gardens to the front and rear. The floor plans submitted with this application indicate that these dwellings would be designed and built as accessible homes.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

15/08/17 - amended certificate submitted after notice was served on Yorkshire Water, the owners of the access to the site.

Relevant History

2017/20119 Pre-application enquiry for erection of 4 detached dwellings.

2015/93085 Outline application for residential development - Conditional outline permission.

98/92292 Construction of a twin independent compartment buried reinforced concrete service reservoir and vale house with associated buried pipework, site works and landscaping - Approved.

PLANNING POLICY

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an

independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated in the UDP.

Kirklees Unitary Development Plan:

D2 - General development policy
BE1 - Quality of design
BE2 - Design principles
BE12 – Space about buildings
T10 - New development and highway safety
T19 – Off-street parking provision

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

National Planning Policy Framework:

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

Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is unallocated on the draft local plan.

Policies:

PLP 11 - Housing mix and affordable housing
PLP 20 - Sustainable transport
PLP 21 - Highway safety and access
PLP 22 - Parking
PLP 24 - Design
PLP 28 - Drainage

CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate)

KC Highways Development Management: No objection. The concerns raised at the pre-application stage have been addressed. Conditions required regarding surfacing, parking and turning and provision for storage of waste.

KC Environmental Health: No objection. The phase 1 survey submitted with the application is acceptable however a condition is required regarding the reporting of unexpected contamination.

KC Ecology: Concerns raised regarding the submitted ecological survey. Further concerns raised as the site had been cleared at the time of the site visit. An ecological enhancement plan is required by way of condition.

Yorkshire Water: Original concerns regarding the siting of the dwellings in relation to some large bore pipes within the site and proposed access gates. Further to discussions with the applicant the objection has been withdrawn subject to a condition requiring further details as to how the public water supply which runs through the site will be protected.

KC Accessible Homes team: no response received.

REPRESENTATIONS

The publicity period for the site notice and neighbour notification letters expired on 26/07/17.

One letter of objection received. The issues raised are summarised below:

- A Yorkshire Water main runs across the site, do the plans take account of this?
- Was the site clearance carried out in accordance with the advice contained in planning permission 2015/93058?
- Average speed check is inaccurate.

ASSESSMENT

General principle:

The site is unallocated on the UDP proposals map. General development policy D2 is applicable and the principle of development is acceptable providing there is no undue impact on highway safety, residential or visual amenity or any other material considerations.

The NPPF provides a presumption in favour of sustainable development and requires housing applications to be considered in this context in order to boost significantly the supply of housing. For decision making it means approving development that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.

The site benefits from a previous approval for residential development. There have been no significant changes to the site or planning policy in the intervening period and as such the principle of development is considered to have been established on the site and would accord with the aims of the NPPF.

Design issues.

Policy BE2 of the UDP says that new development should be designed so that it is in keeping with any surrounding development in respect of design, materials, scale, density, layout and building height or mass and policy BE1 of the UDP states that development should be of good quality design.

Chapter 7 of the NPPF suggests that 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; and are visibly attractive as a result of good architecture and appropriate landscaping.

The site is a relatively open and level area of grassland, it is bordered to the east and west by other residential properties; to the north by two underground reservoirs; to the south is a wide pavement and the A 649 Halifax Road. The housing around the site is a mix of detached and terrace stone built dwellings, mainly two storeys.

The proposed dwellings would be single storey although plot 3 would have rooms in the roofspace; they would be of differing designs giving the appearance of a more bespoke designed development. The dwellings would be in a fairly linear layout with an access road to the front which would then link in to the existing access to the site which serves the Yorkshire Water site to the north.

The principle behind the design according to the applicant is to provide mainly single storey dwellings which would appeal to retired people or those with mobility issues. At the time of the site visit this has been advertised as such. By virtue of the properties being mainly single storey each has a fairly large footprint within the limited site boundaries, however this also means that the dwellings would not appear as prominent buildings in the streetscene.

The proposal for natural stone for the facing material and concrete tile roof is acceptable on this unallocated site. The dwelling on plot 3 would be a dormer bungalow and the face and cheeks of the front and rear facing dormers would

be faced in horizontal timber. These are relatively small dormers and give a balanced appearance to the dwelling; the use of timber is also considered acceptable.

Subject to conditions, the proposals are considered acceptable in terms of visual amenity and in accordance with policies D2, BE1 and BE2 of the UDP and Chapter 7 of the NPPF.

Residential Amenity

The site is close to other dwellings to the east and west and therefore has the possibility of affecting residential amenity. Policy BE12 of the UDP suggests that certain minimum distances are provided between dwellings to protect residential amenity.

The nearest properties to the site are those adjacent to the access lane to the west of the site. There is a detached property adjacent to Halifax Road and a row of 4 terrace dwellings perpendicular to Halifax Road.

The majority of the windows serving the 4 terrace properties are small and obscurely glazed which would indicate that they are serving non-habitable rooms. There are some larger windows in a two storey extension to no. 1068 Halifax Road, however these windows overlook the Yorkshire Water site and would not have a direct relationship with the nearest dwelling on plot 1 of the application site.

With regard to 1060 Halifax Road, the dwelling is orientated so that the main elevation faces south and a side elevation faces onto the site; this appears to have only non-habitable windows in this elevation and in any case would face onto the access to the site.

To the east of the site is no. 1056 Halifax Road and no. 1 Sunny Bank Close; the former has a blank elevation facing onto the site. The latter dwelling does have habitable room windows in the rear elevation which face onto the site and would have a direct relationship with the dwelling on plot 4 at a distance of 11m. Policy BE12 of the UDP does suggest a distance of 12m in these circumstances however it also suggested that distances less than this can be made acceptable by, for example, the use of appropriate screening.

Given that the proposed dwelling on this plot is only single storey and the 3 windows in this elevation would be obscurely glazed and serving bathrooms and a utility room, it is considered that a distance of 11m in this case would be acceptable.

In terms of the interrelationships between the proposed dwellings, the properties are designed so that the distances between the buildings are acceptable.

Given the fairly compact layout of the proposals there is the potential to impact on residential and visual amenity from any further development; as

such permitted development rights should be removed for the erection of any additional extensions, including alterations to the roof and for outbuildings.

Conditions shall also be included to ensure that the windows in the side elevations of the dwellings are obscurely glazed and that permitted development rights are removed for further openings in these side elevations.

Subject to conditions the proposals are considered acceptable from a residential amenity perspective and in accordance with policies D2, BE1, and BE12 of the UDP.

Highway Safety

Two off street parking places are indicated to serve each dwelling which is appropriate for the scale of the development. There would also be visitor parking for 4no. vehicles to the front of the site adjacent to the access road. A bin collection point is also proposed to serve all 4 dwellings.

The existing access which serves the Yorkshire Water site has a good visibility splay to both sides and adequate sight lines are provided with the walls being set back 2.5m from the edge of the highway. This access would also be widened to 4.5m and surfaced.

The Council's Highways officer has been consulted and has raised no objection stating that the proposals have addressed the issues raised in the pre-application enquiry.

Subject to conditions, it is considered that the proposals are in accordance with policies T10 and T19 of the UDP in terms of highway safety and efficiency.

Other issues

Boundary Treatment / Landscaping - Some information has been provided on the submitted plans and application form regarding boundary treatment: a hedge is proposed to the front of the site and along the rear garden boundaries of the dwellings. To the east of the site is an existing stone wall approximately 1.6m high, this would be retained.

The retention of the wall is appropriate as this is an attractive structure with angular coping stones.

The submitted ecological appraisal suggests that the hedges should be mixed native species or a single native species such as Hawthorn.

Between the dwellings and the rear garden areas would be a 2m high timber panel fence; this is acceptable and would also provide privacy in the garden areas. To the front the site would be open plan, with no boundary treatment proposed.

In terms of the landscaping, the proposals are fairly simple and would comprise of lawned areas to the rear and sides of the dwellings with a blocked paved driveway to the front.

The Council's Ecologist has commented that the site does have the possibility of further enhancement which could be incorporated into the boundary and landscaping scheme. This could be conditioned and would ensure compliance with the aims of chapter 11 of the NPPF

Drainage - The proposed plans indicate that site drainage would be to mains drainage for both foul and surface water; however the application form states that the surface water would be drained to soakaways. The site is neither within a critical drainage area nor a flood zone and is a relatively level site; therefore it is possible that soakaways would work. As no evidence has been provided to the contrary a condition shall be included that soakaways should be provided unless after appropriate tests this is shown to be impractical.

If soakaways are not viable it is important to note that permission would be required from Yorkshire Water to connect into the public sewer system and they would be likely to require some form of attenuation before allowing the connection.

Subject to appropriate conditions the proposals are in considered satisfactory from a drainage perspective and in accordance with the aims of chapter 10 of the NPPF.

Coal Mining - The site is outside of the High Risk coal mining area and as such a Coal Mining Risk Assessment is not required. The standard footnote for low risk areas shall be included with any approval.

Local Air Quality - As this is an application for two new dwellings it is appropriate to require, by condition, one recharging point for each dwelling for electric vehicles. The UDP also requires secure cycle parking at the rate of one per dwelling, this should also be conditioned. This would ensure the proposals are in accordance with policy T17 of the UDP and chapter 4 of the NPPF.

Yorkshire Water - There was initially concern that the site would impact on the public water supply which crosses the site, the main part of which are some valves and pipework at the front of the site. Yorkshire Water has not objected but has stated that if any work is required to this infrastructure then Yorkshire Water would not reinstate the paving as proposed but would use tarmac.

They have also stated that the applicant should confirm with Yorkshire Water that the application meets all the requirements specified when the land was sold.

They have requested a condition requiring further details to be submitted showing how the public water supply infrastructure would be protected during

and after development, in accordance with the aims of chapter 10 of the NPPF.

Ecology - An Ecological Appraisal was submitted with the application which gave details of the proposed method of site clearance. At the time of the site visit the site had already been cleared of vegetation, no evidence had been submitted to show that the work had been carried out in accordance with the Ecological Appraisal.

The Council's Ecologist was consulted and a pragmatic approach was taken to the clearance. As the site has lost any ecological value it may have had the Ecologist suggested an enhancement plan be submitted to show how measures can be introduced to the site to improve the ecological value. This is considered reasonable and would tie in with the requirement for further details of the proposed boundary treatment.

Representations

The comments set out in the one representation are summarised and addressed below:-

- A Yorkshire Water main runs across the site, do the plans take account of this?
Response: The plans show the water main and the easement across the site, a condition is also included for further details showing how the development would be carried out without affecting the water main.
- Was the site clearance carried out in accordance with the advice contained in planning permission 2015/93058?
Response: This has been addressed in the body of the report.
- Average speed check is inaccurate.
Response: no evidence has been provided by the objector to support this claim.

Conclusion

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 and is therefore recommended for approval.

RECOMMENDATION

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2017/92175

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2 and T10 of the Kirklees Unitary Development Plan and the aims of the National Planning Policy Framework.

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before work commences on the superstructure of the dwellings. The development shall then be completed using the approved materials.

Reason: In the interests of visual amenity and to accord with Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan and guidance in chapter 7 of the National Planning Policy Framework.

4. Development shall not commence until the means of protecting the public water supply infrastructure that is laid within the site boundary during the construction and operational phases of the development has been submitted to and approved by the Local Planning Authority. Construction in the relevant area(s) of the site shall not commence until the approved measures have been fully implemented.

Reason: In order to protect the public water supply and to accord with Policy D2 of the Kirklees Unitary Development Plan. This is a pre-commencement condition to ensure that the measures to protect the public water supply are incorporated into the development at the appropriate stage.

5. Notwithstanding the submitted plans, development shall not commence until a scheme demonstrating an adequately designed soak-away for an effective means of drainage of surface water on this development/site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include percolation tests in accordance with BRE Digest

365 along with calculations demonstrating that the designed soak-aways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. Where it is demonstrated that soak-aways are not an effective means of draining surface water an alternative scheme should be submitted for consideration. No part of the development shall be brought into use (dwelling shall not be occupied) until the works comprising the approved scheme have been completed and retained thereafter.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system and to accord with policy D2 of the Kirklees Unitary Development Plan and Chapter 10 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that the approved scheme is implemented at the appropriate stage of the development.

6. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved first comes into use. These shall be designed so as not to impede the free movement of hedgehogs. The approved boundary treatments shall then be implemented before the development hereby approved first comes into use and retained thereafter.

Reason: In the interests of visual and residential amenity, as well as in the interest of enhancing the biodiversity of the site, in accordance with Policies D2, BE1, BE2 and BE12 of the Kirklees Unitary Development Plan and guidance given in the National Planning Policy Framework.

7. The development shall not be occupied until the parking and turning on the approved plans have been laid out with a hardened and drained surface 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 any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for the uses specified on the submitted plans thereafter.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and to ensure that the site is appropriately drained, in accordance with Policy T10 of the Kirklees Unitary Development Plan as well as the aims of chapter 10 of the National Planning Policy Framework.

8. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that

remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that the development is safely completed in accordance with the requirements of Policies G6 and BE1 of the Kirklees Unitary Development Plan and guidance given chapter 11 of the National Planning Policy Framework.

9. No development shall take place on the superstructure of the dwellings until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include details of the following:-

a) Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to all new dwellings.
b) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area. The EDS shall be implemented in accordance with the approved details within a timescale to be agreed with the local planning authority and all features shall be retained in that manner thereafter.

Reason: In order to enhance the biodiversity of the site and to accord with the aims of chapter 11 of the National Planning Policy Framework.

10. Notwithstanding the submitted plans and information, secure cycle parking shall be provided within the development at the rate of one space per dwelling. The spaces shall be provided before the development is first brought into use and retained thereafter.

Reason: In the interest of encouraging the use of alternative means of transport and improving the local air quality and to accord with national policy in chapter 4 of the National Planning Policy Framework.

11. Prior to occupation of the dwellings, electric vehicle recharging points shall be installed in the positions indicated on approved plan HMT-01 and retained thereafter. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps.

Reason: In the interest of improving the local air quality and promoting ultra-low emission vehicles and to accord with national policy in chapter 4 of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-

enacting that Order with or without modification) no buildings or extensions other than those expressly authorised by this permission shall be erected within the red line boundary of the application site shown on the approved plans at any time.

Reason: In the interest of visual and residential amenity, and so as to ensure that the application site does not become overdeveloped, to accord with Policies D2, BE1, BE2, and BE12 of the Kirklees Unitary Development Plan as well as the aims of the National Planning Policy Framework.

13. The windows in the west and east (side) elevations of plots 1 to 4 inclusive as shown on drawing number HMT-01 shall be obscurely glazed to a minimum of level 4 obscurity on first instalment and before the dwellings are first occupied. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), such glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of occupants of nearby properties as a result of loss of privacy and to accord with Policies D2, BE1 and BE12 of the Kirklees Unitary Development Plan

14. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window openings other than those expressly authorised by this permission shall be constructed in the east and west elevations of the dwellings.

Reason: To safeguard the amenities of nearby residents from overlooking and a loss of privacy and to accord with Policies BE1 and BE12 of the Kirklees Unitary Development Plan.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location plan.	1/1250	1	23/06/17
Site plan and block plan	HMT -01	1	23/06/17
Design and Access Statement.		1	23/06/17
Environmental Impact Assessment.	Ecus Ltd.	Final	23/06/17
Phase 1 contaminated land report.	Soil Environmental Services Ltd. Ref: SES/BH/HR/1#1	1	23/06/17
Proposed roof plan.	HMT-02	1	23/06/17
Proposed drainage.	HMT-03	1	23/06/17
Plot 1	HMT-11	1	23/06/17
Plot 2	HMT-12	1	23/06/17
Plot 3	HMT-13	1	23/06/17
Plot 4	HMT-14	1	23/06/17

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 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 Kirklees Development Management Charter and otherwise actively engaged with the applicant in dealing with the application. Discussions took place with the agent regarding the ownership of the access and the correct certificates were submitted.

Report dated: 2/10/17