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:	2017/60/92689/W
Site Address:	14, Netheroyd Hill Road, Fixby, Huddersfield, HD2 2LP
Description:	Outline application for erection of detached dwelling
Recommending Officer:	Teresa Harlow

DECISION – Conditional Outline Consent

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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 04-Oct-2017

Officer Report

Site Description

14 Netheroyd Hill Road is located within an area defined as Unallocated Land within the Kirklees Unitary Development Plan. The site in relation to this application forms part of the garden area to the east of 14 Netheroyd Hill Road. The site is currently used as a lawn with mature shrubs for the dwelling and is set at a lower ground level. A stone wall runs along the southern (front) boundary of the site adjacent to the footpath and a Council woodland is located to the east. To the north is the rear of 8 Spinneyfield which is screened from the site by a hedge.

The host dwelling is constructed in stone with a slate roof.

Description of Proposal

Permission is sought for Outline Planning Permission for the erection of one detached dwelling with all matters reserved. The submitted application form indicates that the proposal would be for a 4+ bedroom dwellinghouse. Indicative details of an access and the layout of a dwelling have been submitted. This shows the dwelling sited centrally within the plot with vehicular access taken straight from Netheroyd Hill Road with space for off-street parking and internal turning. It also shows a tree removed from the site to accommodate the development.

History of negotiations/amendments received

None undertaken

Relevant Planning History

2002/92208 Outline application for erection of detached dwelling
Conditional Outline Permission

2005/93052 Renewal of unimplemented outline permission for erection of detached dwelling
Conditional Outline Permission

2008/92666 Outline application for erection of one detached dwelling
Conditional Outline Permission

2011/91994 Outline application for erection of one detached dwelling
Conditional Outline Permission

2014/92650 - outline application for one dwelling with all matters reserved. Approved 5th November 2014

Representations

Final publicity date Expires: 2nd September 2017, no representations received.

Consultation Responses

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

- KC Trees – no objections
- KC Highways - acceptable subject to conditions

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 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).

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 on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **NE9** – Retention of mature trees
- **T10** – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

- PLP21 – Access
- PLP24 – design
- PLP33 – Trees
- PLP1 – achieving sustainable development
- PLP2 – place shaping

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.

- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to Policy D2.

The principle of the development has been established under various previous outline planning approvals, the latest of which remains extant. It has been judged to be sustainable development in the past. The Council still cannot demonstrate a 5 year supply of housing land supply and consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14.

As stated above, the principle of developing the site has been considered acceptable within a number of previous approvals of Outline Planning Permission. The proposal is considered to be sustainable in principle because:

- The site is considered to be in a sustainable location which offers good access to jobs, key services and infrastructure;

- The proposal would make an effective use of the site and would assist in the delivery of housing within the district;
- The indicative layout of the dwellings would also be similar to the pattern of development in the local area and would be of a similar density.

In addition, it is considered that the value of the site as a green space (garden) does not outweigh the benefits of housing provision within a sustainable location. The principle of housing development on this site is considered to be acceptable in accordance with the sustainability principles of the National Planning Policy Framework and PLP1 of the PDLP.

Impact on visual and residential amenity:

As stated above, the principle of the development has been established under the previous applications and the current proposal is the same as previously submitted. The impact of the dwelling on amenity has therefore been previously established to be acceptable. It is considered that the site is of sufficient size to meet acceptable space about dwelling distances in line with Policy BE12 and there is space to design a dwelling that would harmonise with the host dwelling and the pattern of development in the wider streetscene. This would include the proximity to trees and woodland. The proposal is considered to have an acceptable impact on residential and visual amenity. Clearly issues of the final layout, access, scale, design and appearance would be considered at reserved matters stage.

Given that the adjacent dwelling No. 14 Netheroyd Hill Road is constructed from stone to ensure that the materials are in keeping, a condition will be attached to the decision notice regarding the submission of samples.

In principle the application site could accommodate a dwelling without undue detriment to the surrounding area. The proposal would accord with Policies BE1 and BE2 of the Unitary Development Plan. This would also accord with Policy PLP24 of the PDLP.

Trees:

While the principle of the development is considered to be acceptable the development's impact on the adjacent woodland needs to be assessed. Under a previous application, additional information was required in relation to the crown spread of two trees which overhang the site from the adjacent Council's woodland. These details have been included within this current submission showing one of the trees to be removed. The Council's Arboricultural Officer has been formally consulted as part of this applications process and has raised no concerns subject to the inclusion of a relevant condition in relation to works being carried out to British Standard 3998. This would accord with Policy NE9 of the UDP and Policy PLP33 of the emerging plan. (the applicants would need to seek the approval of the owners of the

trees before such works are undertaken. This is not within the scope of this application).

Highways:

The application has been assessed by Highways Development Management who raise no objection to the proposal given the site's long standing permissions. Whilst all matters are reserved the site is considered to be of adequate size to provide sufficient off-street parking and the indicative layout also details a turning head. The indicative access point is from Netheroyd Hill Road. Conditions are recommended by the Highways Development Management Officer which will be attached to the decision notice in the interests of highway safety. The proposal is therefore considered to have an acceptable impact on highway safety in accordance with Policy T10 of the Unitary Development Plan and Policy PLP21 of the PDLP.

Other matters

Air Quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 10 of the NPPF, together with the West Yorkshire Low Emissions Strategy and emerging Policy PLP24 of the PDLP it is considered reasonable and necessary to condition the proposed dwelling has an electric vehicle charging point. The purpose of this is to promote modes of transport with low impact on air quality.

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 – conditional outline permission

Decision Authorisation - Delegated Powers

Application Number: 2017/92689

Officer Recommendation: Approve

Conditions and Reasons

1. Approval of the details of the layout, access, scale, appearance and landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before development is commenced.
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. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, access, scale, appearance and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
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

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The superstructure of the dwelling shall not commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be constructed of the approved materials.
Reason: In the interests of visual amenity and to accord with Policy D2 of the Kirklees Unitary Development Plan.

6. Sightlines of 2m x site frontage shall be cleared of all obstructions to visibility exceeding 1 m in height before the dwelling is first occupied and these shall be retained thereafter free of any such obstruction.
Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Kirklees Publication Draft Local Plan.

7. 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 as such.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements, to avoid an increase in surface water run-off increasing flood risk and parking and in accordance with Unitary Development Plan Policy T10 and guidance in the National Planning Policy Framework.

8. All work on trees, pursuant to this permission shall be carried out to British Standard 3998. Details of all such work shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out and the works shall be carried out in accordance with the approved details.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Unitary Development Plan.

9. Prior to occupation of the dwelling an electric vehicle recharging point shall be installed within the dedicated parking area or garage. 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. Thereafter the electric vehicle charging point shall be retained.
Reason: In the interest of sustainable transport, to promote the use of low carbon forms of transport and to accord with policy guidance in the National Planning Policy Framework, Policy PLP24 (v.) of the Publication Draft Local Plan and the West Yorkshire Low Emissions Strategy.

NOTE: the details of tree removal on the indicative layout plan are treated as illustrative only.

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, (Kirklees Street Scene: 01484 221000) 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 13.00 hours, Saturdays

With no working on Sundays or Bank Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60, Kirklees Environmental Services are able to control noise on construction sites by serving a Notice which may include specifying the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location plan	2366-LOC		3.8.2017
Proposed site plan (indicative only)	2366-01A		3.8.2017

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The applicant was not contacted during the course of the application as the principle of development was considered acceptable.

Report Dated: 3rd Oct 2017