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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

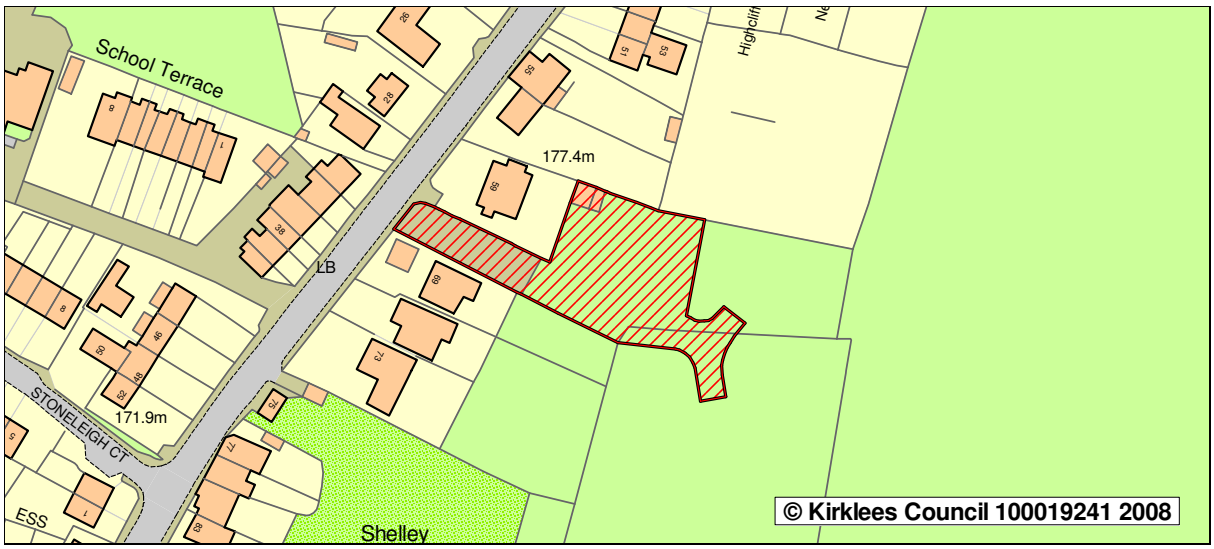
Subject: Planning Application 2017/93357 Erection of detached dwelling (modified proposal) Plot 1, land to rear of, 59 Far Bank, Shelley, Huddersfield, HD8 8HS

APPLICANT
Jamie Wimpenny Homes

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
29-Sep-2017	24-Nov-2017	21-Dec-2017

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)

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application is brought to the Heavy Woollen Planning Committee as the application represents a departure from the Kirklees Unitary Development Plan. This is in accordance with the Council's Scheme of Delegation.

1.2 The principle of residential development has previously been established on this site through the granting of planning permission for the erection of two dwellings (under application reference 2016/90756) which was approved by the Heavy Woollen Planning Sub-Committee on 15 December 2016. In light of the recent planning history, the principle of development is still considered to be acceptable by officers.

1.3 This application relates to the modification of the house design for what was previously approved as plot 1 under the above referenced planning application (2016/90756). The position of the dwelling would remain primarily the same as previously approved and the footprint would remain as an L-shaped form (but of different overall dimensions). The original dwelling was designed to be single storey where it was closest to the boundary with no.59 Far Bank, then incorporated a sloping roof up and away from this boundary to form an overall ridge height of 9.2m. The dwelling was of a contemporary design and was proposed to be predominantly clad in timber and incorporate some elements of natural stone, mainly around the site frontage.

1.4 The scheme now before members for consideration would increase the eaves height of the section of dwelling nearest to the boundary with no.59, but would have a lower overall ridge height than the previously approved plot 1. It has been designed with a hipped roof and would be faced predominantly in dyed and tumbled natural coursed stone.

1.5 A full assessment of the modified house type is set out in the report below however, to summarise, it is the view of officer that there would be no harmful effect on highway safety arising from the revised house type and the design of the dwelling would not have a detrimental impact on the visual amenities of the surrounding area. On balance, it is considered that revisions secured to the scheme have addressed residential amenity issues originally had by officers.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is an open area of land to the rear of No.59 Far Bank at Shelley. The site is bounded by the garden area of No.53 Far Bank to the north, by undeveloped Green Belt land to the east, by undeveloped Provisional Open Land to the south, and by the rear garden areas of No.59 Far Bank to the west.

2.2 The site has an existing field access located between No. 59 and No.69 Far Bank. The site slopes downwards from west to east, and along the northern boundary are a number of mature trees. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a detached dwelling. The proposed dwelling would be substantial in scale and would be two storeys in height, with additional accommodation above the integral garage. It is proposed that the dwelling would be constructed of dyed and tumbled natural coursed stone and artificial blue slate.

3.2 Off-street parking and a private amenity space is proposed to serve the dwelling. Access would be as per the previously approved application; via a 5 metre wide tarmac roadway culminating in a turning head.

4.0 RELEVANT PLANNING HISTORY:

4.1 2016/90756 – Erection of 2 detached dwellings – Conditional Full Permission

4.2 2017/91074 – Erection of detached dwelling (modified proposal) (Plot 2) – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers negotiated with the applicant to secure revisions to the design of the dwelling to address the impact on the residential amenity of the occupants of neighbouring property, No.59 Far Bank.

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 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.

At this stage of the plan making process the Publication Draft Local Plan is considered to carry considerable weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan proposals map and on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 **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

Supplementary Planning Guidance / Documents:

6.3 None

Publication Draft Local Plan:

6.4 **PLP1** – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP3 – Location of new development
PLP6 – Safeguarded land (land to be safeguarded for potential future development)
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 - Design

National Planning Policy Framework:

6.5 **Chapter 6** - Delivering a wide choice of high 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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the publicity for this application, two representations have been received. The main concerns raised are precised below:

- This application would involve building opposite School Terrace. School Terrace is the main access and egress for pupils of Shelley First School who are aged 4-10 years, as well as a playgroup. Far Bank is dangerous enough at school start, closing and during school events without building work and another access point onto Far Bank. Cars are parked everywhere causing loss of sight lines, obstructions etc. The area is an accident waiting to happen.

- Shelley Community Association has made detailed comments on the land around this application which is currently safeguarded under the new Development Plan during the consultation period. The proposed layout for this application with its hammerhead, two pronged finish to the road layout appears designed to accommodate further houses, which would be objected to most strongly. Far Bank is already a very busy, dangerous road and this development is opposite School Terrace. Cars parked down this road at that point twice a day are horrendous with small children criss-crossing this road so we would hope that Highways have assessed this application carefully.

8.0 CONSULTATION RESPONSES:

None necessary when taking into account the planning history at the site.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The application site is allocated Provisional Open Land (POL) on the UDP proposals map. However, the principle of residential development, for two dwellings, has previously been established on the site under planning application 2016/90756, which was considered by the Heavy Woollen Planning Sub-Committee on 15 December 2016. In light of the above, the principle of residential development is acceptable.

Urban Design issues

10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials, and layout. Paragraph 60 of the National Planning Policy Framework (NPPF) stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

10.3 Within this surrounding area there is a mix of property types, with the majority having a traditional appearance and being of natural stone construction. The application site is not within a Conservation Area, nor are there any listed buildings within the vicinity of the site. Furthermore, the site itself is sited below the level of the adjacent highway and the proposal would not be viewed in the context of the street scene of properties directly fronting onto Far Bank.

10.4 The proposed dwelling would be two storeys in height and although it would be substantial in scale, it is considered it would be in keeping with neighbouring properties within the surrounding area. It is proposed the dwelling would be constructed of dyed and tumbled natural coursed stone and artificial blue slate. These materials are considered to be acceptable on this site, subject to samples being inspected by the Local Planning Authority and approved. A plan detailing the boundary treatment has been provided; this illustrates the provision of a 1.8 metre high hit and miss timber fence along the western and northern boundaries and a 1.2m high fence along the frontage of the site. The proposed boundary treatment is considered to be acceptable. The proposals are considered acceptable from a visual amenity perspective and would accord with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the PDLP, as well as the aims of chapter 7 of the NPPF.

Residential Amenity

10.5 UDP Policy D2 requires residential amenity matters to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows. The nearest neighbouring properties to the site which would be affected by the development include No.59 Far Bank located to the north-west of the site, No.69 Far Bank located to the south-west, and the approved Plot 2.

10.6 In respect of the impact on No.59 Far Bank, officers raised concerns with the applicant that the scale and massing of the dwelling in such close proximity to the shared boundary with No.59 Far Bank would have a detrimental impact on the outlook of this neighbouring property leading to a detrimental loss of light and privacy. This was with reference to the proposed accommodation above the garage, as the design of the previously approved plot successfully mitigated against this by incorporating an extended sloping roof thus bringing the bulk of the property away from No.59. In addition, the proposed lounge and 'bed 3' windows directly faced the habitable room windows of No.59 Far Bank at a distance of only 9.5 metres which failed to accord with policy BE12 of the UDP.

10.7 The applicant has re-designed the roof form to incorporate a hipped roof and has amended the fenestration to provide high level windows on the western elevation. It is considered on balance that this revision to the roof form would be acceptable to step the bulk of bedroom 2 away from this boundary. Bedroom 2 is set back from the principle elevation of the main house so the impact of this massing is limited to the length of this room. It is noted no objections have been received from the occupants of this property and on balance this is considered to be acceptable by officers. The proposed revisions to the fenestration detailing have addressed the previous issues regarding privacy.

10.8 In respect of the impact on No.69 Far Bank, this property is positioned to the south-west of the application site. The proposed windows of the dwelling would face directly south and it is not considered there would be a loss of privacy to this property or its private amenity space. Although full length windows are proposed, these would be secured by Juliet balconies only. Bedroom 2 would have a projecting window feature but it would not allow residents to step out onto an external balcony. Due to the distance to this property it is not considered there would be a detrimental overbearing impact either.

10.9 In respect of the impact on the approved Plot 2, there would be a substantial landscape buffer between the two properties and the proposed boundary fence would screen the habitable room windows proposed on the side elevation of Plot 1 at ground floor level. On the first floor, windows are proposed on the side elevation to serve the master bedroom and bed 4. There would be a distance of only 15 metres between these windows and the side elevation of the first floor of Plot 1, which would fall short of the normally recommended distance set out in policy BE12. However, due to the topography of the wider site which slopes to the south-east, the proposed windows on Plot 1 would not have a direct relationship with the small habitable room windows on Plot 2 and on balance this relationship is considered to be acceptable.

10.10 Taking the above factors into account, the proposals are considered, on balance, to be acceptable from a residential amenity perspective and in accordance with the aims of Policies BE1 and BE12 of the UDP as well as Policy PLP24 of the PDLP.

Highway issues

10.11 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Policy PLP21 of the PDLP is also applicable, relating to highway safety and access. In this instance, no revisions to the previously approved access are proposed and the proposed access arrangements remain acceptable. The proposal is not considered to result in any undue highway safety implications and would accord, once again, with the aims of Policy T10 of the UDP, as well as Policy PLP21 of the PDLP.

Drainage issues

10.12 The proposal is to drain surface water through a sustainable drainage system, which remains acceptable in accordance with the hierarchy of sustainable drainage. The proposal is once again considered to comply with the aims of chapter 10 of the NPPF.

Representations

10.13 Two representations have been received which are précised above in section 7 and which raise concerns about the impact on highway safety. As noted above no revisions to the previously approved access are proposed as part of this scheme and the proposed access arrangements remain acceptable. As with the previous planning application, the proposals are considered acceptable from a highway safety and efficiency perspective, and comply with the aims of Policy T10 of the UDP and Policy PLP21 of the PDLP.

Other Matters

10.14 In the previous application the applicant submitted details of ecological landscaping for the whole site. To mitigate against the effects of developing the site, a landscape / planting scheme was proposed to provide an enhanced environment for wildlife and included a wild flower meadow, and a 5 metre wide dense buffer between the plots.

This buffer is outside the red line boundary of this Plot 1 and is a condition on the corresponding application for a revised house type for Plot 2 (Ref 2017/91074). This matter is therefore addressed as part of the adjacent plot and officers are satisfied that the proposals remain in accordance with the aims of chapter 11 of the NPPF.

10.15 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, the principle of residential development on this site has previously been established following the granting of planning permission for the erection of two dwellings by the Heavy Woollen Planning Sub-Committee on 15 December 2016.

11.2 The proposal, subject to the inclusion of appropriate conditions, is considered, by officers, to be acceptable for the reasons set out in this assessment.

11.3 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.

11.4 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.

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

1. 3 year time limit for implementation
2. Development carried out in accordance with the plans and specifications
3. Facing and roofing materials to be inspected and approved by the Local Planning Authority
4. Appropriate surfacing of all areas indicated for vehicular access and turning area
5. No gates/barriers to be erected across the vehicular access from Far Bank
6. Re-locating of street lighting column

Background Papers:

Website Links to the previous and current applications:

2016/90756 – Erection of 2 detached dwellings – Conditional Full Permission

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90756

2017/91074 – Erection of detached dwelling (modified proposal) (Plot 2) – Conditional Full Permission
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91074

Current Application:
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93357

Certificate of Ownership – Certificate B signed with Notice served on Gina Stead of 107 Far Bank, Shelley on 25 September 2017.