

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/61/94371/W

Site Address: rear of, 191, Huddersfield Road, Thongsbridge,
Holmfirth, HD9 3TT

Description: Reserved Matters application for erection of 2
dwellings pursuant to outline permission 2016/91954

Recommending Officer: Farzana Tabasum

DECISION – Approval of reserved matters

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 19-Apr-2018

Site Description

The application site comprises 0.3 hectare of steeply sloping land from east to west and appears to be in a well maintained condition. The application site is part of a larger area of Provisional Open Land (POL) and lies to the eastern boundary of the wider, undeveloped part of the POL area, with the remainder of the POL being to the north, east and west. The southern boundary is bounded by the remainder of open land, comprising grassland, shrubs and mature trees.

A public right of way (HOL/53/10) runs along the existing private drive from Huddersfield Road then alongside the application site. There are grade II listed buildings beyond the south east corner of the site.

There are mature trees beyond the northern boundary which are formally protected.

Description of Proposal

This is a reserved matters application seeking approval of the matters reserved at outline stage for the erection of two dwellings. These are layout, appearance, scale and landscaping.

The submitted plans indicate the detached dwellings to be of traditional design. These would be two storey with pitched roofs. The submitted details indicate the proposals to include cut and fill works to reduce the ground levels by approximately 1.3m. It is stated within the design and access statement that the plots, including side paths and rear patios will be below existing ground levels with large rocks forming retaining structures internally within the site. Further clarity of these works was received on 22/03/18 which indicates:

The landscaping and the boundary treatments will consist of a 1.2m high dry stone wall to the front of the plots. To the sides and rear of plots are to be kept clear with a 45 degree batter/slope where the plot will be cut into the field along the red line boundary (max 1.3m) and kept clear for visual openness. Bin storage areas are shown to the sides of each dwelling.

Both dwellings would incorporate an integral garage and be served by individual access/drives off the existing access road.

History of negotiations/amendments received

Discussions having being on going with both highway and ecology officers to ensure information required (stage 2 road safety audit) in addition to that already submitted at the time of considering the outline application.

05/03/18 – request for retaining walls/structure details as required under condition no. 9 of the outline appeal decision, received 22/03/18, along with a site section drawing.

Relevant Planning History

2014/92413 - outline permission for two dwellings with details of access only-refused at Strategic Committee on 30/07/15, decision issued on 26/08/15.

2016/91954 – outline for the erection of two dwellings – refused and upheld under appeal. Appeal decision dated 21st August 2017, subject to conditions.

Representations

Final publicity date expired 20th Feb 2018. Two representations are received from nearby local residents.

A summary of the comments received is set out below:

- No details in relation to water run-off or assessment of flood risk down hill to properties from increased hard surfacing

Response: the application is seeking approval of the matters reserved at the outline stage which would not consider details in relation to water run off or flood risk to properties down-hill. Furthermore, condition no. 10 on the appeal decision allows for a scheme to be submitted to demonstrate adequate means for foul and surface water drainage to be approved by the LPA.

- Safety of users of PROW during construction phase
- Intensified vehicle use of public right of way
- No traffic calming measures on footpath/access lane

Response: Highway safety issues and the intensified use/ impact on the PROW issues were considered at the time of determining the outline application and by the Inspector when considering the appeal, who concluded taking into account the proposed improvements to the access with Huddersfield Road being implemented, that the development would not lead to unacceptable risk to highway or pedestrian safety. The appeal was allowed subject to conditions.

- No consideration to 'passive house' principles
- Potential to affect the setting of the adjacent listed building no. 191 Huddersfield Rd from proposed footprint, scale of openings,
- No proposals to enhance natural environment through new planting

Response: Assessment below. With regards to passive house principles, these are not a compulsory requirement

- No restrictions to working hours during construction phase
- Response: footnote to be included on decision notice

- No compensation to local residents for any additional cleaning

Response: Not a valid planning consideration. This would be a civil matter between all those involved and a planning consideration.

- No documentation on the ownership of the lower lane or wall along this lane.
- Jointly owned land within the red line, outside no. 195 Huddersfield Rd

Response: These are issues considered during the course of the outline application which was accompanied with Certificate D.

Parish/Town Council comments - "Object to the application as highways issues not addressed"

Response: the outline application included details of access which was considered satisfactory to the Inspector on consideration of the details submitted under an appeal against the Councils decision to refuse. This application seeks permission on the matters reserved which does not include access.

Consultation Responses

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

K.C. Conservation & Design – none to date.

K.C. Highways - support

K.C. Ecology –more information required (see assessment below)

K.C Strategic Drainage – standard advice for small scale development

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 Examination in Public began in October 2017. 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 significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The application site forms part of a larger area of Provisional Open Land (POL) on the Unitary Development Plan proposals map and forms part of a larger area of safeguarded land on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
EP11 – Ecological landscaping
T10 – Highway safety
T19 – parking provision

Kirklees Publication Draft Local Plan (PDLP):

PLP1 – Presumption in favour of sustainable development
PLP 2 – Place Shaping
PLP 21 – Highway Safety and Access
PLP 22 – Parking
PLP 24 – Design
PLP30 – Biodiversity & Geodiversity
PLP 32 – Landscape
PLP 35 – Historic Environment
PLP 53 – land stability

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

Chapter 12 - Conserving and enhancing the historic environment

Assessment**Principle of development**

Planning permission is sought for those matters (stated above) reserved on the outline application for erection of two dwellings within the application site. The principle of development with access arrangements was upheld recently by an Inspector at appeal under application no. 2016/91954 subject to conditions.

The NPPF attaches great importance to the design of the built environment, including individual buildings. Good design is a key aspect of sustainable development, which should contribute positively to making places better for people. Paragraph 63 of the NPPF states: “great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area”.

Paragraph 64 advises permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Also of relevance are Policies BE1 and BE2 continue by stating that “new development should be designed so that it is in-keeping with any surrounding development, including space about buildings and the topography of the site should be taken into account. New development should be constructed in natural stone (or reflect the predominant materials of construction adjacent to and surrounding to the site

The application is in close proximity of grade II listed buildings to the south east of the site. Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The assessment below considers only the matters reserved, taking into account amongst others, the above material considerations.

Layout:

The proposed layout indicates splitting the site into two plots. Siting of the proposed dwellings is shown with one to be adjacent to the northern boundary and the other against the southern boundary. In the siting shown the dwellings would retain an adequate level of distance between them, be served by individual drives and provide on-site parking to the front of the dwellings and within the integral garages. The dwellings proposed would have large footprints, however, they can be accommodated without appearing cramped on this site and would be comparable with the layout and size of plot accommodating no. 191 Huddersfield Road, sited south east of the application site. Provision for on-site bin storage is also now included on the revised site block plan.

A distance of 1.5m would be achieved between the rear habitable room openings (plot 2) to the undeveloped land to the west. This does not accord with BE12 which states a minimum distance of 10.5m the will normally be achieved from habitable room openings to undeveloped land. However, distances of less than this can be accepted where it does not prejudice the future development of the undeveloped land. In this instance the land beyond the west boundary forms part of a larger area of POL as designated on the Kirklees UDP proposals maps. Furthermore, on the emerging Publication Draft Local Plan the undeveloped land is safeguarded land where

consideration for housing has been rejected. In light of this, any potential future applications for development on this area of land is unlikely to be supported in the immediate future and as such the proposed layout is accepted. In addition the applicant controls both the application site and the land to the west of the site and so no third party would be prejudiced through the development of the site.

Future occupants of the proposed dwellings would be aware of the limited curtilage area to the rear of the dwellings.

The only other dwelling close to the site is no. 191 Huddersfield Road. This is indicated to be separated from Plot 1 by 21m at its closest point. This is to a first floor bedroom window which would address rear windows in no. 191 at an oblique angle. This property is lower than the application site but given the proposed distance between the properties and the oblique angle this window faces 191 the relationship is considered acceptable. Other windows are separated at a greater distance than 21 metres.

Scale & Appearance:

The NPPF attaches great importance to the design of the built environment, including individual buildings. Good design is a key aspect of sustainable development, which should contribute positively to making places better for people. Paragraph 63 of the NPPF states: "great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area".

The dwellings would be two storey, introducing apex gables to the front and rear. The surroundings consist of properties varying in scale (including 3 store), height and massing. The proposed dwellings, although of substantial massing due to the proposed footprint, in the siting within this plot, to the rear of properties along Huddersfield Road together with very little change to the levels within the site would integrate well within the context of the surrounding development and topography of the area.

With regards to appearance the proposed dwellings would be of traditional design, providing principal openings in the east and west elevations. A number of secondary and non habitable room openings would be provided in the side (north and south) elevations of both dwellings. The external facing materials are to be natural stone for the walls and blue roof slates. These are similar in appearance to that of no. 193 Huddersfield Road and a number of other properties in the area. Completion of the dwellings using these materials would ensure the visual amenity and character of the surrounding area is not unduly compromised and would accord with Policies BE1, BE2 and BE11 of the Kirklees Unitary Development Plan, Policies 24 and 35 of the Publication Draft Local Plan as well as guidance in sections 7, 11 and 12 of the NPPF.

In addition the impact of two dwellings with associated highway improvements (previously approved) would lead to less than substantial harm to the setting of the listed buildings and the character of the surrounding area. In such circumstances NPPF para 134 states that such harm should be weighed against the public benefits of the proposal. In this case the harm is considered to be outweighed by the public benefits of the provision of housing in a sustainable location and accord with Section 66 (1) of the Listed Buildings Act.

Landscape:

The submitted site block plan indicates the two plots to consist of hard and soft landscaped areas. Both plots are shown to be bound by a 1.2m high dry stone wall along the access road and would be separated by a 1.2- 1.8m laurel hedge along the part boundary. The drives are to be surfaced with tarmac. The sides (north and south) and rear (west) boundaries of the application red line would form a 45 degree batter/slope where the plot will be cut into the field along the red line boundary to a maximum of 1.3m.

The plots are to largely retain an open aspect to the sides and rear of the application site with insignificant level changes. It is appropriate to condition the development to be carried out in accordance with these details, in the interests of visual amenity, prior to the occupation of the dwellings. This would also prevent unnecessary encroachment within the larger area of safeguarded land. The elevations include the siting of bat and bird boxes.

On the whole, the landscape proposals which include for soft and hard landscaping are considered appropriate in terms of visual amenity and the provision of a bat and bird boxes and would enhance the biodiversity interests of the site, in accordance with Policy EP11 of the UDP and policies PLP24 & 30 of the PLDP. To conclude a condition would be imposed to ensure the bat and bird boxes are included in the constructional phasing of the dwellings and thereafter retained.

Highway issues:

Both dwellings are to provide 5 bedrooms. On assessment of the proposals highway officers raise no objections, subject to conditions. However, on review of the highway related conditions (nos. 5,6 7 & 8) imposed by the Inspector on the outline permission, it would not be necessary to impose any further highway related conditions, other than to restrict the conversion of integral garages.

The provision of 4 parking spaces and turning areas, including adequate space for the storage of bins would be provided for each plot and accord with Policies T10 and T19 of the UDP and Policy PLP21 of the PDLP.

It was not necessary to consult Public Right of Way (PROW) officers. However, given the route of PROW no. HOL./53/10, runs along the private access lane and extends beyond and parallel to the northern boundary, the applicant sought clarification on the definitive position of the PROW to ensure the carrying out of the development does not adversely impact on the PROW

and users of it. A number of queries were raised by the PROW officer which are not relevant to this reserved matters application.

Following my site inspection, it was evident the proposed level changes adjacent to the northern boundary are to be insignificant and in receipt of the revised site block plan and section drawing, I am of the opinion the proposed works as shown on the submitted drawings would not impinge on the adjacent PROW nor inconvenient the users of the PROW. A note will be included to advise against obstructing the PROW and should temporary closure of the public path be required to implement development in accordance with this proposal, this will be a separate process, application and cost, with separate timeframes.

Other Matters/issues:

Ecology

An ecological report was submitted with the application. This has been assessed and the Council's Ecology Officer has confirmed this would be adequate to discharge condition no. 11 on the outline consent allowed on appeal.

It would not be necessary to condition details for:

- a construction management plan,
- removal of PD rights and
- vehicle parking areas/drives to be surfaced in permeable surfacing,

as these are included on the outline consent allowed on appeal.

Although there are no known Air Quality issues in this specific location, in order to improve Air Quality throughout Kirklees a condition can normally be imposed to provide electric charging points to promote the use of electric vehicles. This is in accordance with paragraph 124 of the NPPF which requires the cumulative impacts on air quality from individual sites to be considered.

Conclusion:

The layout, appearance, scale and landscaping details submitted are considered suitable for this site and would integrate appropriately with the visual amenity of the immediate context of this site, without detracting from the setting of the adjacent heritage assets.

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:17/94371
Officer Recommendation: C.F.P
Conditions and Reasons:

Conditions and Reasons

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this approval of reserved matters and the outline permission ref: 2016/91954, 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, in the interests of highway safety and to accord with Policies D2, BE1, BE2, T10 and BE11 of the Kirklees Unitary Development Plan, Policies PLP21, 24 and 35 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework

2. The dwellings hereby approved shall be faced in natural stone and natural blue roof slates, in accordance with the details submitted on 17th April 2018.

Reason: In the interests of visual amenity and to ensure the materials used do not detract from the character and visual amenity of the area and to accord with Policies BE1(ii), BE2(i) and BE11(i) of the Kirklees Unitary Development Plan as well as the aims of chapters 7 and 11 of the National Planning Policy Framework and Policy PLP24 & 35 of the Publication Draft Local Plan.

3. The bat roosting feature (Schwegler 1FR type) and bird tubes as shown on the elevation drawing nos. 17/500/06 & 17/500/09 shall be incorporated integral to the new dwellings during the construction phase, located away from external windows and lighting, before the dwellings are first occupied and retained thereafter.

Reason: To maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework, Policy EP11 of the Kirklees Unitary Development Plan and Policy PLP30 of the Publication Draft Local Plan.

4. Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 (or any statute or order revoking or re-enacting that Act with or without modification) the integral garages shall be used for the garaging of private motor vehicles and shall not be converted to habitable accommodation.

Reason: To ensure that there are adequate off street parking facilities and in the interests of safe and free use of the highway and to accord with Policies T10 and T19 of the Kirklees Unitary Development Plan as well as Policies PLP21 and 22 of the Publication Draft Local Plan.

5. Prior to occupation of the dwellings hereby approved, an electric vehicle recharging point shall be installed within the dedicated parking area/garages on each plot. 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 points so installed shall be retained.

Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework "Promoting sustainable transport", guidance in the West Yorkshire Low Emissions Strategy and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework as well as Policies PLP 24 & 51 of the Publication Draft Local Plan

6. The hereby approved developments shall be completed in accordance with the finished 'floor and ground levels as shown on drawing no. 17/500/10 titled 'Typical Site Section' **Reason:** In the interests of visual amenity and to ensure the residential amenities of neighbouring sites and users of the adjacent public right of way are not compromised and to accord with Policies D2, BE2 and R13 of the Kirklees Unitary Development Plan, PLP 23 & 24 of the Publication Draft Local Plan as well as guidance in the National Planning Policy Framework.

NOTE:

The Public Right of Way HOL/53/10 also runs across the full length of the access lane to serve the development shall not at any time, during or after construction of the dwellings be unofficially obstructed or closed without the prior written consent of the Local Planning Authority, which may be subject to a separate process, application and cost, with separate timeframes.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE: The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

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 specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	17/500/01		27/12/17
Existing block plan	17/500/02		27/12/17
Proposed block plan	17/500/03	C	22/03/18
Proposed plot 1 elevations	17/500/06		
Plot 1 ground floor plan	17/500/04		27/12/17
Plot 1 first floor plan	17/500/05		27/12/17
Proposed plot 2 elevations	17/500/09		27/12/17
Plot 2 ground floor plan	17/500/07		27/12/17
Plot 2 first floor plan	17/500/08		27/12/17
Natural stone (wall materials) photo			17/04/18
Typical site section	17/500/10		22/03/18
Design & access statement			27/12/17
Heritage Impact assessment			27/12/17

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 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 case officer has been working proactively with the agent and secured revised and additional plans which address officers concerns and shared the above conditions with the agent. The decision is based on the revised plans and agreement of the agent to the conditions set out above.

Report Dated: 18/04/18