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: 2018/62/90575/W

Site Address: 13A, Fixby Road, Fixby, Huddersfield, HD2 2JL

Description: Erection of detached dwelling (modified proposal)

Recommending Officer: William Simcock

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 29-Mar-2018

Officer Report

Site Description

The site comprises a plot of vacant land located on the south side of Fixby Road. It is surrounded by modern housing development to the west and south; these originally formed part of a scheme for the erection of 14 dwellings most of which have now been completed. To the east is older established residential development. The wider area is residential and consists mainly of individually designed medium-sized detached houses.

Description of Proposal

The proposal is for the erection of a detached dwelling. This is a modified proposal for a site that has been the subject of numerous permissions in the past.

The proposed dwelling would be up to three storeys in height. The north elevation would comprise two large front-facing gables (one two-storey one three-storey, with a recessed, single-storey part in the centre. The south elevation would also comprise two large gables with a two-storey part in the middle and a large flat-roofed single-storey element projecting beyond this on the right.

The footprint is very similar to that of the 2016 approval but with the flat-roofed single-storey element added. The overall roof height has been increased from 9.2 to 9.9m with some additional second-floor accommodation.

External materials are to be stone and render with a blue slate roof.

A 1.8m high close-boarded fence is to be erected to the southern and western boundaries and the existing privet hedge retained to the eastern boundary.

History of negotiations/amendments received

None.

Relevant Planning History

2009/92237 – Reserved matters application for erection of 14 dwellings and garages.

2014/92927 – Erection of detached dwelling (plot 6). Approved, not implemented.

2016/91539 – Erection of detached dwelling (plot 6). Approved, not implemented.

Representations

Final publicity date expires: 02-Apr-2018

No representations made.

Consultation Responses

No consultations were considered necessary.

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 site is allocated for housing on the UDP Proposals Map and without designation on Kirklees Publication Draft Local Plan. There is an Area Tree Preservation Order within the site near the highway boundary.

Kirklees Unitary Development Plan:

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **T10** – Highway safety
- **T19** – Parking standards

- **NE9** – Protection of mature trees

Kirklees Publication Draft Local Plan (PDLP):

PLP 21: Highway safety and access
PLP 22: Parking
PLP 24: Design
PLP 33: Trees

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.

- Core Planning Principles
- 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.

Assessment
The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development: Unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay (NPPF paragraph 14).

In this context there should be no discrimination against greenfield proposals per se.

The site is a sustainable location and the principle of housing has already been established.

The current proposal will be assessed having regard to the following policies within the NPPF:

- Core Planning Principles – in particular that planning decisions should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- Delivering a wide choice of high quality homes – seeks to boost the supply of housing.

- Requiring good design – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments;

- Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;

- Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced.

Within the UDP, Policies BE1 and BE2 require that development should respect visual and residential amenity, contribute to a sense of local identity, take into account the topography of the site, and incorporate existing or proposed landscaping features as part of the development. Policy T10 requires that development should not be allowed to create or materially add to highway safety problems, while Policy T19 states that development should provide parking in accordance with UPD (appendix 2) standards unless they can be reduced without highway safety being affected. New dwellings (including those formed by conversion) should also adhere to the minimum distance standards in Policy BE12 unless other considerations such as changes in level indicate that these can be relaxed.

Policies PLP21, 22, 24 and 33 of the PDLP can in principle be given considerable weight but largely cover the same concerns as the UDP and NPPF policies already listed. PLP30 attracts significant unresolved objections and so can only be given limited weight.

2 –Impact on visual amenity: The footprint occupied by the dwelling would be generally similar to that of the 2016 approval, with the addition of the rear sitting room. Roof height and overall bulk would be greater – but the roof ridge height is in fact the same as that on the approved 2014/92927 application.

The dwelling has been designed to fit in with the topography of the site and surrounding development. The higher part, which includes bedrooms 4 and 5, would be at the western end of the site adjacent to another large dwelling built as part of the original scheme and on higher ground, which continues to rise to the west. The other front-facing gable, which is less than a full two storeys

in height, would be adjacent to no. 13 which is set lower and has a flat parapet roof. It is considered that on a spacious plot, and within an area dominated by large individually-designed houses, the proposed dwelling would respect the existing pattern of development and would not have a harmful impact in the street scene.

Subject to the stonework matching the stone used on existing dwellings built as part of the original development, and the landscaping scheme shown on the drawings being implemented, which can be conditioned, the proposal would comply with the aims of BE1-2 and PLP24.

3 – Impact on residential amenity: The proposed dwelling would have its main outlook to the north and south as was the case on the previous proposals. Distance to the rear boundary would comply with BE12. It is considered that despite the increase in height and bulk compared with some previous versions it would not be overbearing to neighbouring dwellings, which in any case do not have their main outlook towards the plot.

Side facing windows are mostly secondary (including the sitting area) or to non-habitable rooms. On the basis of the drawings, floor level would be up to 300mm above natural ground level and so a 1.8m fence to the west would probably not be high enough to prevent people seeing out of the study window over the top of the fence, but as these are very small windows and the site is already overlooked on this side by existing clear-glazed windows in the next property, this is not considered to be a serious concern. It is considered on balance that as long as it is conditioned that side-facing windows above ground floor level are obscurely glazed or high-level and the boundary treatments are installed and retained, there is no danger of the development leading to any material loss of privacy and that a condition restricting further windows will not be necessary.

It would, subject to these conditions, conserve residential amenity and comply with the aims of Policies D2 and BE12 of the Unitary Development Plan and PLP24.

Removal of permitted development rights for extensions and boundary treatments was imposed on the original reserved matters approval but only to protect mature trees and not for reasons of residential amenity and it is considered that this does not need to be repeated.

4 – Impact on highway safety: The plans incorporate a double garage. This falls short of the 6m internal width recommended for double garages but as there would be room to park another two vehicles within the curtilage with the layout shown whilst allowing room for vehicles to turn, the arrangements are satisfactory for a house of this size. The access to the highway is in the same position as that previously approved. The applicant has also submitted a plan for the parking of workforce or contractors' vehicles to ensure there will be no on-road parking or unsafe manoeuvring.

Subject to these arrangements being provided and subsequently retained (during the construction phase in the case of the contractors' parking plan), the development would not compromise highway safety and would accord with the aims of Policies T10 and T19.

5 – Other matters:

Ecology:
The site is in the bat alert layer. It has already been cleared and is not likely to have any bat roost potential or other ecological value in its present form, except for the trees on the site frontage which are already protected and can be subject to additional protection by condition during construction.

Drainage:
It is proposed that disposal of both foul sewage and surface water will be by the main sewer. These arrangements were accepted for the two previous approvals on this site, of which the second is extant, so although they do not represent the most sustainable option for surface water drainage they can be allowed.

Trees
No conditions on trees are required, save for the chestnut paling shown on the contractor parking plan being in place for the duration of the construction phase. The affected trees are near the northern boundary of the site.

Electric vehicles
In accordance with current planning practice and advice in NPPF part 10, an electric vehicle charge point should be required by condition.

6 – Representations:

None submitted.

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 FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2018/90575

Officer Recommendation: CONDITIONAL FULL PERMISSION

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
Reason So as to ensure the satisfactory appearance of the development on completion and comply with policies BE1, BE2, BE12, T10 and T19 of the Unitary Development Plan and Policies PLP21-22 and PLP24 of the Publication Draft Local Plan.

3. The external walling materials and finishes shall match in all respects the materials used on the adjacent dwelling occupying the plot to the west of the site.
Reason: In the interests of visual amenity and to accord with Policies BE1 and BE2 of the Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. The boundary treatments to the western and southern boundaries of the site shown on the approved site plan shall be erected or constructed to a height of 1.8m before the dwelling is first occupied and thereafter retained as such.
Reason: To protect the privacy of neighbouring residential properties, in the interests of visual amenity, and to accord with the aims of Policies BE1 and BE12 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

5. Along the full length of the eastern boundary of the site, a screen hedge or fence shall be retained at all times at height of 2.0m or more above ground level.
Reason: To protect the privacy of neighbouring residential properties, in the interests of visual amenity, and to accord with the aims of Policies BE1 and BE12 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

6. The development shall not be brought into use until all areas indicated to be used for turning and vehicular access on the approved site plan have been and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies ‘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) these areas shall be so retained, free of obstructions and available for the parking and turning of vehicles thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Unitary Development Plan Policies T10 and T19 and Policies PLP21-22 of the Publication Draft Local Plan.

7. The arrangements for storage of wastes shown on the approved site plan shall be provided before first occupation of the dwelling and shall be so retained thereafter.
Reason: To ensure satisfactory facilities for waste storage and collection are provided and retained in the interests of highway safety and visual amenity and to accord with the aims of Policies BE1 and T10 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

8. The arrangements for the parking, loading and unloading of contractors' plant and equipment, the parking of vehicles of the workforce within the site, and the temporary tree protection fencing shown on plan 03 shall be provided before construction commences. These shall both be retained throughout the construction phase with no storage of plant, machinery or materials within the protected area.
Reason: To ensure that highway safety is not endangered as a result of vehicles parking on the public highway during construction, to ensure that existing trees are maintained as part of the landscaping scheme in the interests of amenity and biodiversity, and to accord with the aims of Policies NE9 and T10 of the Unitary Development Plan and Policies PLP21 and 33 of the Publication Draft Local Plan.

9. The landscaping scheme shown on the approved site plan shall be implemented before the new dwelling is first occupied. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the aims of Policy BE2 of the Unitary Development Plan, and the National Planning Policy Framework Chapters 7 and 11.

10. All windows and rooflights at or above first floor level on the east and west elevations of the dwelling hereby approved shall be either: obscurely glazed and non-opening/top-opening only; or constructed with a cill height at least 1.7m above internal floor level. 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), windows of this type shall thereafter be retained.

Reason: So as not to detract from the amenities of neighbouring properties through loss of privacy, and to comply with Policies BE1 and BE12 of the Unitary Development Plan and PLP24 of the Publication Draft Local Plan.

11. One electric vehicle recharging point shall be installed within the dedicated parking area or integral garage for the approved dwelling before it is first occupied. 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. The electric vehicle charging point so installed shall thereafter be retained.
Reason: In accordance with government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 10 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

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: There is the potential for a bat roost to be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			05-Feb-2018
Location plan			05-Feb-2018
Site plan as proposed	01		05-Feb-2018
Floor plan and elevations	02		05-Feb-2018
Plan showing tree protection fencing and parking for contractors	03		27-Mar-2018
Design & access statement			05-Feb-2018

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 requested the applicant submit an additional plan showing vehicle parking arrangements during construction and the position of protective tree fencing.

Report Dated: 28-Mar-2018