

**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: 2018/62/91189/W

Site Address: 176, Laund Road, Salendine Nook, Huddersfield, HD3 3TY

Description: Demolition of existing bungalow and erection of new dwelling

Recommending Officer: Laura Yeadon

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: 11-Jun-2018

Officer Report

Site Description

176 Laund Road is a detached bungalow located within an area defined as Unallocated Land within the Kirklees UDP. The property is relatively small in relation to its plot size and faced in render with a plain tiled roof. There is a driveway to the northern side of the property and a private access road known as Peat Ponds which separates the site from No. 178 which is a two storey property. The adjacent property to the south is a bungalow, constructed from stone. Two storey semi-detached properties and detached properties face the site. Beyond the rear boundary is a large detached property known as 2-4 Peat Ponds which is set within substantial grounds. The area of land to the rear of the site was the subject of a 2016 application which was granted Conditional Outline Permission for residential development with the access point taken from land between this application site and the adjacent bungalow No. 168.

Description of Proposal

Permission is sought for the erection of a detached dwelling.

The resultant development has been granted through a previous application 2016/91183 which approved the erection of a first floor extension over the bungalow, a two storey side extension, part lower ground extension and a raised terrace.

It is proposed to complete the development by way of demolishing the existing bungalow and rebuilding it in accordance with the previously approved plans. The application form states that the reason for the demolition and rebuild is needed is because the walls are not structurally sound, the foundations not adequate and the scheme not financially viable.

The resultant dwelling would be a width of 14.5 metres, depth of 16.5 metres with an eaves height of 5 meters with an overall height of 7 metres, two storeys in height to the front elevation and three storeys in height to the rear elevation.

The dwelling would have incorporate a lower ground floor section below the main body of the building which would have a raised terrace above to the rear of the property with the front elevation hosting a large entrance porch.

The proposed construction materials would be stone cladding to the front elevation, a sandstone coloured render to the side and rear elevations with stone cladding used on the lower ground floor section of the rear elevation. The roof would be finished in rosemary red tiles with the openings framed in grey coloured frames.

Integral garage provision is also proposed.

History of negotiations/amendments received

As part of this application, no negotiations have taken place. An additional plan was requested as the proposed rear and side elevations were absent from the submission.

Relevant Planning History

2016/91183 Erection of first floor extension over bungalow, two storey side extension, part lower ground floor extension and raised terrace
Conditional Full Permission

Representations

Final publicity date expired 12th May 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 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 Unallocated Land on the UDP Proposals Map and proposed to be retained as such on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials
- **BE12** – Space about buildings
- **T10** – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 21** – Highway safety and access
- **PLP 24** – Design

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 quality homes
- Chapter 7 – Requiring good design
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

The Council is currently unable to demonstrate a five year supply of deliverable housing land sufficient to satisfy the requirements of the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that if a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where the “relevant policies are out of date” planning should be granted unless:

- *“Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in this framework indicate development should be restricted (for example, policies related to designated heritage assets)”*

In this instance, the proposal is for a replacement dwelling. The design, size, scale, massing and impact on visual and residential amenity, highway safety and ecology have already been assessed as part of the previous application to extend the existing property.

It is noted that a scheme for a similarly designed proposal was approved under application 2016/91183.

Impact on visual amenity:

It was established as part of the previous application and from the extensive discussions and amendments sought and received as part of the application process, that the resultant property, now the subject of this application for demolition and rebuild that the dwelling was acceptable in terms of visual amenity. The design was simplified from its original submission. With regards to construction materials, those proposed are as previously approved and the stone clad frontage with wrap around effect to the side elevations and stone cladding to the lower ground floor to the rear elevation would be less intrusive than being entirely rendered to the street scene which is comprised of a variety of construction materials including stone, brick and render. As part of the previous application for extensions, these were to be rosemary in colour to match the existing however it was agreed with the previous Agent that should the entire roof be re-tiled, these shall be grey in colour and this formed a specific condition on the previous decision notice. Given that the existing building would be demolished and a new roof form created, a condition shall be attached specifying these shall be grey tiles.

As with the previous scheme, the submitted plans demonstrate that the proposed boundary treatments would include low stone walls with metal railings above to the side boundaries. No details are provided in terms of any boundary treatment to the front of the property, however any works over 1 metre in height along the boundary with Laund Road would require permission.

Taking into account all the above and the previous assessment of the development, it is considered that in terms of size, scale and massing, the overall design and visual impact of the development in relation to the street scene is acceptable and compliant with Policies BE1 and BE2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the NPPF.

Impact on residential amenity:

Overlooking – openings are proposed in all elevations of the property. In terms of the surrounding properties, the building would be in the exact location as the scheme which approved extensions to the dwelling. As such, the impact of the openings on surrounding development has been previously assessed. It was considered that in terms of the impact of the development on No. 178, the two buildings would be separated by the private access (Peats Ponds) which provides good separation and the impact is therefore

acceptable. With regards to the rear elevation openings, the property would be set in from the rear boundary of the site by approximately 14 metres and any impact on future development of the site to the rear shall be assessed as part of any Reserved Matters application for that site. In addition, the openings would be obscurely glazed.

With regards to the openings facing No. 168 Laund Road, the terrace would be separated from the neighbour by approximately 9 metres and due its height, would be quite a prominent structure. Openings are located within the side elevation of the dwelling facing No. 168 which hosts a conservatory on the rear elevation. It was considered as part of the previous application that taking into consideration the height of the terrace and the proposed access to the residential development to the rear (which is an extant permission) and that the openings within the side elevation would be obscurely glazed that the side elevation of the terraced area should have an obscurely glazed 1.8 metre high privacy screen to protect the privacy of the neighbouring property but also for future users of the terrace and users of the access road. Given that there have been no changes in circumstance from the previous permission being granted, it is considered that this condition is still relevant.

Overshadowing/overbearing impact – the proposed positioning of the dwelling would be fairly central within the modest sized plot and it is not considered that the resultant development would be a closely spaced detached dwelling. The overall height of the new dwelling and overall scale and mass were previously considered acceptable and whilst this application is for a new dwelling rather than extending the existing dwelling, the resultant impact would be the same. As such, it is not considered that the new dwelling would cause harm to such a degree that there would be sufficient justification to refuse the scheme.

As such, it is considered that in terms of residential amenity, the proposal is acceptable and would accord with Policy D2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the NPPF.

Impact on highway safety:

With regards to highway safety and parking provision, there is integral garage provision and an additional parking space to the front of the garage. Due to the size of the property, 3 no. parking spaces are required. Given the land available to the front of the property, this could easily be achieved and therefore was previously a condition of the development. It is considered reasonable and necessary to also impose the same condition on this decision notice.

Other matters:

The assessment within the previous application concluded that whilst being within a 'Bat Alert' layer, a Survey was not required. Given the extent of the previous extensions it is concluded that a Survey is also not required as part of this application. However, a cautionary note can be added to the decision

notice stating that should any bars be found using the building during the demolition process then works must cease and appropriate advice sought.

As the application is now for a replacement dwelling consideration of air quality mitigation measures to be incorporated into the development are now appropriate and would accord with guidance set out in the West Yorkshire Low Emissions Strategy and Policies PLP21 and 24 of the draft Local Plan.

There are no other matters for consideration.

Representations:

No representations have been received.

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: 2018/91189

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 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, BE11 and BE12 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

3. Notwithstanding the submitted details, the areas of walling indicated to be finished in render on the approved plans shall stone coloured render applied before the hereby approved dwelling is first occupied. Thereafter these areas of walling shall be retained in a stone coloured render.

Reason: In the interests of visual amenity and to harmonise with nearby development and to accord with Policy BE1 of the Kirklees Unitary Development Plan. Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any elevation of the hereby approved dwelling.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and BE12 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

5. The development shall not be occupied until the 2 windows in the 'side 1 elevation' as indicated on Dwg no. 109 Rev F of the hereby approved have been obscure glazed (minimum grade 4). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) the obscure glazing shall thereafter be retained.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy and to accord with Policies D2 and B12 of the

Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within Chapter 7 of the National Planning Policy Framework.

6. Notwithstanding the submitted details, a 1.8 metre high obscurely glazed (minimum grade 4) privacy screen shall be positioned along the full side elevation of the raised terraced area facing No. 168 Laund Road, as indicated on 'side 1 elevation' on Dwg no. 109 Rev F, before the raised terraced area is first brought into use. The obscure glazed shall thereafter be retained in accordance with the requirements of this condition.

Reason: To safeguard the amenities of the occupiers of 168 Laund Road, the amenities of future residents from users of the access road to the side of the property and to accord with Policy D2 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

7. Notwithstanding the submitted details, the development shall not be brought into use until 3 no. off street car parking spaces (including the integral garage) are provided within the curtilage of the site. The spaces shall be 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 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s).

Reason: In the interests of highway safety and to provide adequate off street parking in accordance with Policy T10 of the Unitary Development Plan, Policy PLP21 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

8. The roof covering shall be plain grey tiles to harmonise with those used at 168 Laund Road.

Reason: In the interests of visual amenity as grey tiles are more commonly used for two-storey dwellings within the area and to minimise the impact of the development within the street scene in accordance with Policies D2 and BE1 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and advice within the National Planning Policy Framework.

9. Prior to occupation of the hereby approved dwelling an electric vehicle recharging point shall be installed. 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 recharging point shall be retained.

Reason: To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and to accord with Policies PLP21 and 24 of the Kirklees Publication Draft Local Plan and the guidance contained in the National Planning Policy Framework.

NOTE: The Council's GIS system indicates that a bat roost may 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 to 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
Location plan	Drawing No. 99		16th April 2018
Proposed lower ground floor plan	Drawing No. 115		16th April 2018
Proposed Upper ground floor plan	Drawing No. 116		16th April 2018
Proposed first floor plan	Drawing No. 117		16th April 2018
Proposed cross section	Drawing No. 118		16th April 2018
Proposed roof plan	Drawing No. 107 – Rev: A		16th April 2018
Existing elevations	Drawing No. 106		16th April 2018
Proposed front and side 1 elevations	Drawing No. 109 – Rev: F		16th April 2018
Proposed rear and side elevation	Drawing No. 110 – Rev: F		7th June 2018
Existing Plans and Elevations	Drawing No. 108		16th April 2018
Design and Access Statement	-		16th April 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. No negotiations have taken place as it was considered that the application was acceptable in its submitted format.

Report Dated: 11th June 2018

