

**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: 2018/60/93013/E

Site Address: 81 , Huddersfield Road, Skelmanthorpe, Huddersfield,
HD8 9AR

Description: Outline application for demolition of existing dwelling
and erection of residential development of four
dwellings.

Recommending Officer: Katie Wilson

DECISION – CONDITIONAL FULL 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.**

Julia Steadman

AUTHORISED OFFICER

Date: 18-Jan-2019

Officer Report

Site Description

The application site is 81, Huddersfield Road in Skelmanthorpe. It consists of a detached dormer bungalow with red brickwork walls and red tiled roof. It has a relatively large and flat garden and is located at the corner with Reservoir View.

To both sides and the rear are residential properties of various size, design and age, whilst to the front and on the opposite side of the road are open fields and further houses.

Description of Proposal

Outline planning permission is sought for demolition of the existing dwelling and erection of residential development of four dwellings.

At this stage permission is sought for access and layout, with scale, appearance and landscaping being reserved matters.

Access:

Plots 1 & 2 would be accessed from Huddersfield Road and plots 3 & 4 from Reservoir View, with each unit having a turning area and drive, whilst plots 1 & 2 also have parking spaces for 2 cars each.

Layout:

In regard to Plots 1 and 2, they have detached, rectangular footprints with small projecting element to the front and another small element attached to the side and set back from the front elevation, projecting beyond the rear elevation. They are handed versions of each other with plot 1 approximately 0.7m wider than plot 2. Their side elevations are parallel to each other and separated, at closest point, by a distance of 3.0m, but their footprints are slightly staggered with plot 1 set back around 1.2m behind the front elevation of plot 2.

It is anticipated that the main elevations would face Huddersfield Road, with other habitable room windows on the rear elevation.

They share the same access point onto Huddersfield Road, but have separate driveways and each has a turning space and parking for 2 vehicles to the front.

The remaining space around each property would be garden area with each property maintaining at least 1.8m distance to the outer side boundary, 10.5m to the rear boundary, and around 12.0m to the facing side elevation of plot 3.

In terms of plots 3 and 4, they are a pair of semi-detached dwellings with mirror image footprints rectangular in shape, with smaller projecting element to the front and single storey element at the back. It is envisaged that their front elevations will face onto Reservoir View, with main aspects in an east and west direction.

They too would share the same access from Reservoir View, however each would have a driveway and turning area to the front.

The rest of the space would be garden area with a distance of at least 1.3m to the side boundaries and 10.5m from the main part of each house to the rear boundary wall with the neighbouring house at no.83, Huddersfield Road.

History of negotiations/amendments received

Changes have taken place during the course of this application to protect a Beech tree adjacent to Huddersfield Road and the proposed new access in that area; alter the access onto Reservoir View to improve highway safety; join plots 3 & 4 to form a pair of semi's, which is more in keeping the existing type of housing at Reservoir View; and defer details of 'scale' from consideration at this stage, this will be a reserved matter.

Relevant Planning History

None.

Representations

Final publicity date expired: 30th December 2018. A total of nine representations received to initially advertised plans and the re-advertised plans.

A summary of the comments received is set out below:

- Highway safety – access to and from Reservoir View will be a road safety issue as it is near a blind bend to a road which is very congested at times due to proximity Shelley College and parents / pupils using it at drop off and collection times.
- Protected tree will be damaged by installation of services to the proposed houses.
- Proposed development is not in keeping with surrounding development and plots 1&2 are in front of the building line of other houses between the application site and Shelley College.
- The proposal replaces one dwelling with three and will be overdevelopment of the site.
- The proposed development will have overlooking impact upon the neighbouring properties, particularly from plots 3&4.

Denby Dale Parish Council comments – No objections.

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 Highways (Development Management):
Initially objected on road safety grounds due to visibility splays at the access on Reservoir View. Following amendments to the drawings to alter the point of access to plots 3 & 4, the addition of acceptable sightlines to both accesses and in light of the results of some speed surveys being carried out, the Highways officers were able to support the scheme subject to conditions.
- K C Ecology unit:
No objections.
- K C Trees:
Served a Tree Preservation Order on the owner of the land to protect a Beech tree at the proposed new entrance onto Huddersfield Road. Supported the proposal after receipt of an arboricultural method statement and amended plans that showed the footprint of plot 1 further away from, and outside of, the crown spread of the protected Beech tree.

Policy

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 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 on both the UDP Proposals Map and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Land without notation on the UDP
- BE1 – Principle of design
- BE2 – Quality of design
- BE12 – Space around buildings
- T10 – Highway safety
- T19 – Parking
- NE9 – Trees on development sites

Kirklees Publication Draft Local Plan (PDLP):

- PLP1 – Presumption in favour of sustainable development
- PLP2 – Place shaping
- PLP7 – Efficient and effective use of land and buildings
- PLP11- Housing mix and affordable homes
- PLP20 – Sustainable travel
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP24 – Design
- PLP30 – Biodiversity and geodiversity
- PLP33 - 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 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

AssessmentPrinciple of development:

The NPPF establishes a presumption in favour of development, and that the development plan is the starting point for decision making. It goes on to say in paragraph 38 that decision makers at every level should seek to approve applications for sustainable development where possible.

The Council is currently unable to demonstrate a 5 year housing land supply and as such relevant policies for the supply of housing should not be considered up to date. Consequently planning applications for housing are

required to be determined on the basis of the guidance in NPPF paragraph 38.

The proposed development will make a modest contribution to the supply of housing in the district at a time of shortage, and this weighs in favour of it.

With demolition of the existing house in order to construct four new ones, it could be regarded as a previously developed site, and the principle of developing this plot of land for housing has already been established.

The site is unallocated and policy D2 of the UDP states that planning permission will normally be granted on such sites subject to a specific set of criteria. These are addressed later in this assessment (where relevant to this application).

Visual amenity:

Policies BE1 and BE2 of the UDP 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 and proposed landscaping features as part of the development. Policy BE12 of the UDP is the Council's space about buildings policy and Policy D2 seeks to protect visual amenity, respect the character of the surrounding area and avoid overdevelopment. Policy PLP24 of the emerging Local Plan relates to design and chapter 12 of the NPPF promotes good design.

The site currently contains one dormer bungalow in comparatively large garden and is located within a mix of housing developments that line either side of Huddersfield Road on the western approach to Skelmanthorpe. There are a variety of detached and semi-detached houses in a variety of styles and materials to either side of the application site and relatively recently built state of mainly semi-detached houses to the rear of the site at Reservoir View. In this context, I do not consider that four additional houses of similar layout to others in the vicinity, would significantly harm the character of the area.

The application seeks approval of layout, but matters of scale and appearance are reserved for future approval. The layout does nevertheless determine the footprint of the dwellings.

In terms of layout, the proposal is for two detached houses facing onto Huddersfield Road, and one pair of semi-detached houses fronting and accessed from Reservoir View, and so in this respect the proposal would fit quite comfortably into the established layout of residential premises in the area. Parking and turning is provided to the front of each dwelling, and whilst there are no details for bin storage, the layout provides sufficient space for this to be provided and could be controlled by condition. Each plot also has garden space to the side and rear, which in my opinion is an acceptable amount.

The proposal also retains a large Beech tree adjacent to Huddersfield Road frontage which makes a positive contribution to the character of the street-scene.

Overall, I am satisfied that with this layout, an appropriate design can be agreed at reserved matters stage that respects the character of the area, and the application accords with the aforementioned policies.

Residential amenity:

Policy BE12 of the UDP is the Council's space about buildings policy, and policy D2 of the UDP seeks to protect residential amenity, amongst other considerations. Policy PLP24 of the emerging Local Plan seeks to provide an adequate standard of amenity for existing and future occupiers, including adequate separation distances. Furthermore, part of chapter 12 (achieving well designed spaces) of the NPPF states that planning decisions and policies should ensure that developments create places that have a high standard of amenity for existing and future users.

In this instance, the main impact would be on the neighbouring properties to the south and west, at 83, Huddersfield Road, and 16, Reservoir View.

In relation to the former, the rear building line of the footprint to plot 1 would be approximately in line with the front elevation of this neighbouring property and the nearest corners would be around 5.7m from each other. Whilst scale and appearance are reserved matters, it is envisaged that a house in this position could cast some shade, but that this would be over the front garden which is already overshadowed to some extent by the existing house at 83, Huddersfield Road. Any overbearing impact would also be mitigated to some extent by the separation distance.

In terms of overlooking, given the footprint of plot 1, it is considered that it would be possible to form the main habitable room windows in the front and rear elevations and on those elevations they would have no direct overlooking impact or invasion of privacy.

The expected rear elevation of plots 3 & 4 are parallel to the boundary with 83, Huddersfield Road, however, the main part of this pair of semi's would be at least 10.5m from the mutual boundary with single storey elements approximately 2.5m closer. Given this separation distance and that there would be no direct relationship expected between habitable room windows, it is considered that the impact upon residential amenity would be acceptable.

In relation to 16, Reservoir View, this is a chalet style bungalow with dormers to the front and rear. It is located to the south west of the application site and its side elevation is at an angle to the mutual boundary. Plot 4 would be close to the mutual boundary and is likely to have some overbearing impact, but as it is largely to the north, it is expected that it would not block much direct sunlight. There would be no direct relationship between existing and expected

habitable room windows and so the level of overlooking impact would be relatively limited.

Overall it is considered that the prejudicial impact upon the residential amenities of the occupants of this neighbouring property would be relatively restricted.

In relation to 1, Reservoir View, this is a true bungalow located to the south east of the application site and on the opposite side of the road. In term of overshadowing and overlooking impact, the nearest part of the proposed development (plot 4) would be at least approximately 25.0m away with garden areas and Reservoir View carriageway in between. Given this separation distance and the indirect relationship between existing windows and expected location of habitable rooms, the proposal meets the aims of policy BE12 of the UDP and would have limited impact upon the residential amenities of the occupants of this bungalow.

In relation to 79a, Huddersfield Road, this is a 2-storey detached house with double garage attached to the side, and it is located to the east of the applications site, on the opposite side of Reservoir View. Its side elevation would be parallel to the proposed house at plot 2 with a gap of at least 12.0m between the nearest facing elevations, and 17m to the first floor element of 79a, Huddersfield Road. In between would be the Reservoir View roadway. Given these circumstances and no direct relationship between existing habitable rooms to expected location of habitable room windows, the proposal complies with policy BE12 of the UDP and it is thought that there would be very limited overshadowing or overlooking impact.

In summary, the proposal accords with the aims of policies D2 and BE12 of the UDP, policy PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway safety:

Amended plans were submitted to address comments from Highways Development Management. This has narrowed the entrance gateway to plots 3 & 4, onto Reservoir View to increase the distance between the access to these properties and a bend in the road, to improve sight lines and highway safety. In addition some speed surveys were carried out and the sightlines added to the amended plan.

Although bin storage and collection points have not been requested or shown on the amended plans, it is considered that it would be quite possible for this to be done satisfactorily for the proposed development and could be controlled by condition.

The proposals would not generate significant amounts of traffic and it is considered that the traffic generated can be accommodated on the local highway network.

In summary the application is considered to comply with Policies T10 and T19 of the UDP and PLP21 and PLP22 of the emerging Local Plan.

Trees and ecology:

At the time of the officer site visit there were a variety of shrubs and trees forming quite a dense hedge around the perimeter of the site. A Beech tree near the existing entrance from Huddersfield Road was subsequently protected with a tree preservation order. As a result an arboricultural method statement (AMS) was submitted and the proposed layout altered so that the footprint of plot 1 would be outside the crown spread of the TPO'd tree.

Provided that details for the construction of plot 1, are controlled by condition to minimise the impact upon the TPO'd tree, in accordance with the amended AMS, then this would be acceptable in terms of policies BE2 and NE9 of the UDP, policy PLP33 of the emerging Local Plan and the aims of the NPPF.

The proposal involves demolition of an existing house, and the application was submitted with a bat survey report. The Council's Ecologist was consulted and based upon the submitted information they have no objections to the proposal subject to securing biodiversity enhancement via a condition.

In this event the proposal would be in accordance with policy PLP30 of the Local Plan and the aims of chapter 15 of the NPPF.

Drainage:

The application form states that both foul and surface water would be disposed of to the mains sewer. Given that it is a relatively small scale development with driveways to each property in a permeable surface, and quite decently sized garden space for each house, connection to the mains sewer is acceptable in this instance.

Air quality:

To encourage the use of low emission means of transport, a condition is considered necessary requiring the provision of electric vehicle charging points. This is in accordance with the WYLES, NPPF and PLP24.

Procedural matter:

During the course of the application the description of the proposal has been altered to include at the end '*of four dwellings*' in order to reflect more clearly what may be granted outline planning approval. It was not re-advertised as the advertised scheme and submitted plans are not affected and nobody would be prejudiced by this alteration to the description

Representations:

A total of nine representations received to initially advertised plans and the re-advertised plans.

A summary of the comments received is set out below and responded to as follows:

- Highway safety – access to and from Reservoir View will be a road safety issue as it is near a blind bend to a road which is very congested at times due to proximity Shelley College and parents / pupils using it at drop off and collection times.

Response: Highways Development Management have assessed the application and found it to be acceptable.

- Protected tree will be damaged by installation of services to the proposed houses.

Response: The scheme has been assessed by the Council's arboricultural officers and found to be acceptable subject to conditions.

- Proposed development is not in keeping with surrounding development and plots 1 & 2 are in front of the building line of other houses between the application site and Shelley College.

Response: There is a mixture of housing in the area and in my opinion the amended scheme reflects the character of the prevailing residential layouts in the area. Plots 1 & 2 are roughly in line with other houses fronting onto Huddersfield Road to the east of the application site, whilst plots 3&4 as a pair of semi's relate well to the layout of other semis on Reservoir View.

- The proposal replaces one dwelling with four and will be overdevelopment of the site.

Response: Whilst there would be an intensification of use, it does conform to the housing density guidance of 35 dwellings per hectare given in policy PLP7 of the emerging Local Plan. I consider 4 dwellings to be acceptable considering the size of the site and having regard to the layout of surrounding development. There is also adequate amenity space for each dwelling and in my view ample parking.

- The proposed development will have overlooking impact upon the neighbouring properties, particularly from plots 3&4.

Response: Issues of overlooking have been assessed in the section above relating to residential amenity and found to be acceptable.

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 - Approval

Decision Authorisation - Delegated Powers

Application Number: 2018/93013

Officer Recommendation:

Conditions and Reasons

1. Approval of the details of the scale, appearance, and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development commences.

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 scale, appearance and the 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 section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. Before development commences on the superstructure of any dwelling hereby approved, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reasons: In the interests of amenity and highway safety, to accord with Policies T10, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework

6. The buildings shall not be occupied until sightlines of 2m x site frontage have been cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reasons: To ensure adequate visibility in the interests of highway safety. In accordance with Policies T10, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that order) any gates or barriers for or over a vehicular access or egress shall be set back 5 from the back of the carriageway and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway. In accordance with Policies T10, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework

8. Before any dwelling is first occupied turning facilities shall be provided in accordance with the details shown on drawing no. 01 rev E. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout. In accordance with Policies T10, BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework

9. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, 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. The electric vehicle charging points shall be retained thereafter

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework, West Yorkshire Low Emissions Strategy and emerging Policy PLP24 of the Publication Draft Local Plan and the aims of the National Planning Policy Framework.

10. The development shall be completed in accordance with the advice and directions (recommendations) contained in the JCA Arboricultural Method Statement, reference (14461a AJB – Rev 1). These shall be implemented and maintained throughout the construction phase and retained thereafter as recommended within the Arboricultural Method Statement.

Reason: To protect trees in the interests of visual amenity and to accord with Policies BE2 and NE9 of the Kirklees Unitary Development Plan, Policy PLP33 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

11. Notwithstanding the submitted information, no development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the ecological works.

- b) Location (shown on appropriate scale plans) of specific make and model, or design, of bird boxes and hedgehog refuges. Bird boxes to be installed integral to new dwellings.
- c) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity enhancement of the site and to accord with Policy PLP30 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

NOTE: The changes to the access within the adopted highway fronting the property will need to be constructed under a Section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Streetscene (01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: The approved vehicle parking areas need to 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.

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 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			14.9.2018
Survey plan	Dwg no. NDP/3358/SP		14.9.2018
Proposed site plan	Dwg no. 01	Rev E	3.12.2018

Plan Type	Reference	Version	Date Received
Supplementary information: bat survey report			14.9.2018
Supplementary information: arboricultural method statement	14461a AJB – Rev 1		19.11.2018
Supplementary information: design and access statement			14.9.2018

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. Changes have taken place during the course of this application to protect a Beech tree adjacent to Huddersfield Road and the proposed new access in that area; alter the access onto Reservoir View to improve highway safety; join plots 3 and 4 to form a pair of semi-detached dwellings which is more in keeping the existing type of housing at Reservoir View; and defer details of 'scale' from consideration at this stage, they will be a reserved matter.

Report Dated:

17.1.2019