Kirklees COUNCIL

Originator: Nia Thomas

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Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 15-Nov-2018

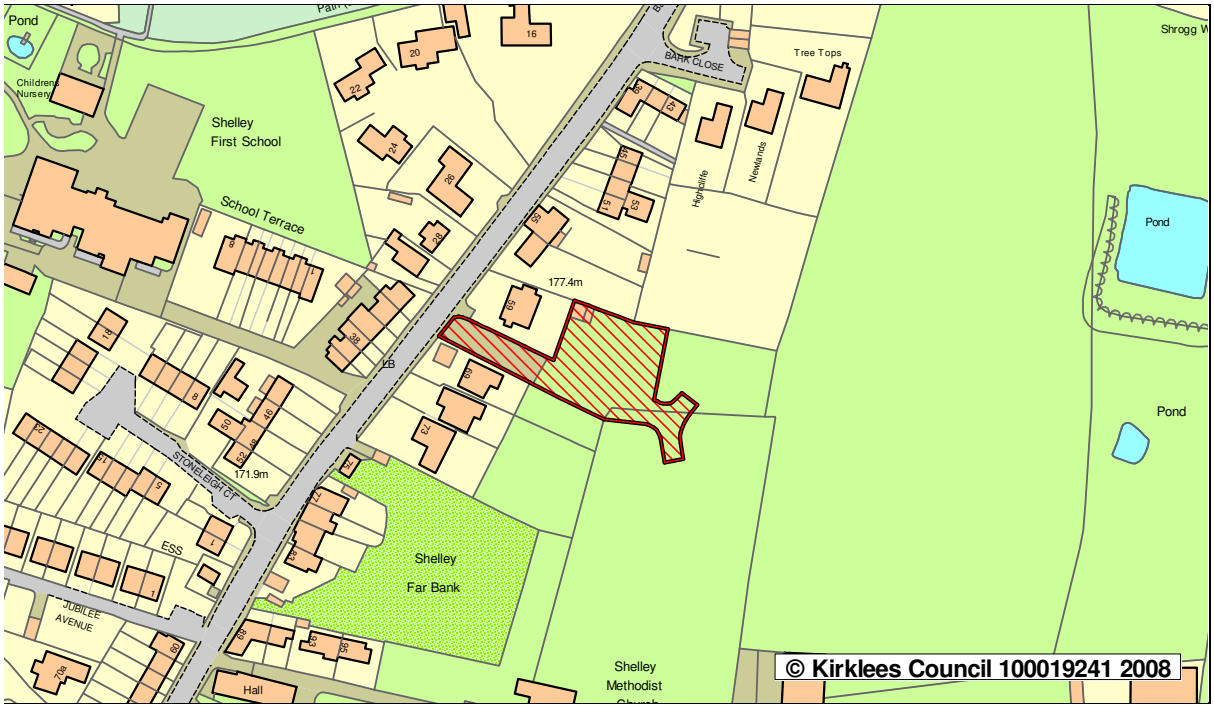
Subject: Planning Application 2018/93120 Erection of detached dwelling (modified proposal) Plot 1, land to rear of, 59, Far Bank, Shelley, Huddersfield, HD8 8HS

APPLICANT
James Wimpenny Homes

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
24-Sep-2018	19-Nov-2018	

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.
http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton

No — Ward Members consulted (referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

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

1.2 The principle of residential development has previously been established on this site through the granting of planning permission for the erection of two dwellings (under application reference 2016/90756) which was approved by the Heavy Woollen Planning Sub-Committee on 15 December 2016. Following this, application ref. 2017/93357 was submitted and approved by Heavy Woollen Planning Sub Committee on 14 December 2017. In light of the recent planning history, the principle of development is still considered to be acceptable by officers.

1.3 This application relates to the modification to application ref. 2017/93357. The position of the dwelling would remain the same as previously approved and the footprint/scale itself would not change either.

1.4 The scheme now before members for consideration has the following changes compared to the 2017/93357 approval:

- Feature porch
- Additional openings
- Accommodation (study) to be provided in the roof through the insertion of rooflights
- Changes to the roofing materials - the dwelling would be constructed from natural stone and cement render for the external walls and standing seam effect roof.

1.5 A full assessment of the modified house type is set out in the report below however, to summarise, it is the view of officers that there would be no harmful effect on highway safety arising from the revised house type. The design of the dwelling would not have a detrimental impact on the visual amenities of the surrounding area. The changes to the dwelling are fairly minor and would not have a detrimental impact on residential amenity.

2.0 SITE AND SURROUNDINGS:

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

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

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a detached dwelling. The proposed dwelling would be substantial in scale and would be two storeys in height, with additional accommodation above the integral garage. It is proposed that the dwelling would be constructed of natural stone and cement render for the external walls and standing seam effect roof.

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

3.3 As set out in paragraph 1.4 above, this is a modified house type to that previously approved under application 2017/93357.

4.0 RELEVANT PLANNING HISTORY:

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

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

4.3 2017/93357 – Erection of detached dwelling – Conditional Full Permission

5.0 HISTORY OF NEGOTIATIONS:

5.1 No negotiations have taken place as the proposal is acceptable in its current form.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The 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 allocated as Provisional Open Land on the Kirklees Unitary Development Plan proposals map and on the Kirklees Publication Draft Local Plan.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
D2 – Unallocated Land
EP11 – Ecological landscaping
NE9 – Retention of mature trees

6.3 Supplementary Planning Guidance / Documents:

None

6.4 Kirklees Publication Draft Local Plan:

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

National Planning Policy Framework:

6.5 **Chapter 5** - Delivering a sufficient supply of homes
Chapter 12 – Achieving well designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of the publicity for this application, one representation has been received. A summary of the comments raised is as follows:-

- Ask that Highways consider whether this one dwelling might turn into more with the 'hammer-head' cul-de-sac which would allow further development.
- Access onto Far Bank is poor with poor sight visibility directly opposite a very busy Primary School.
- Far Bank is already a very congested road
- Parking all along Far Bank adds to poor sightlines
- There is real danger to the small children who are dropped off here and more houses and more cars would significantly add to this problem.

8.0 CONSULTATION RESPONSES:

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application site is allocated Provisional Open Land (POL) on the UDP proposals map. However, the principle of residential development, for two dwellings has previously been established on the site under planning application 2016/90756, which was considered by the Heavy Woollen Planning Sub-Committee on 15 December 2016. In 2017/93357, the principle of development was also considered to be acceptable and the application was approved by Heavy Woollen Sub Committee on 14th December 2017. In light of the above, the principle of residential development is acceptable.

Urban Design issues

10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials, and layout. Paragraph 127 of the NPPF states that planning policies and decisions should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, they should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

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

10.4 As with the previous approval, the proposed dwelling would be two storeys in height and although it would be substantial in scale, it is considered that it would be in keeping with neighbouring properties within the surrounding area. It is proposed that the dwelling would be constructed of natural stone and cement render which would be in keeping with the surrounding area – this material has previously been approved under application 2017/93357. It is noted that the roofing material would change from artificial blue slate to standing seam effect roof. This more contemporary material would, in the opinion of officers, be appropriate in this context and would not be out of character within the area. These materials are considered to be acceptable on this site, subject to samples being inspected by the Local Planning Authority and approved, which would be secured via condition.

10.5 The changes proposed as part of this application are fairly minor and would not significantly alter the overall appearance or scale of the dwelling itself. The openings, materials and porch feature of the dwelling are minor changes to the previously approved application. Considering these minor changes in the context of what is approved, these are acceptable.

10.6 A plan detailing the boundary treatment has been provided; this illustrates the provision of a 1.8 metre high hit-and-miss timber fence along the western and northern boundaries and a 1.2m high fence along the frontage of the site. The proposed boundary treatment is considered to be acceptable.

10.7 In all, the proposals are considered acceptable from a visual amenity perspective and would accord with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the PDLP, as well as the aims of Chapter 12 of the NPPF.

Residential Amenity

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

10.9 The scale and position of the dwelling proposed within this application would not change from that previously approved. The dwelling would not be located in closer proximity to neighbouring dwellings than existing and therefore the relationship between the sites has been established under the previous applications. The alterations to the openings would not change the relationship between the sites – the openings would still be high level and would therefore not lead to overlooking/loss of privacy. The additional rooflights would not lead to overlooking given their position in the roofslope. The porch feature is minor and would not impact on residential amenity in any way.

10.10 Taking the above factors into account, the proposals are consideredto be acceptable from a residential amenity perspective and in accordance with the aims of Policies BE1 and BE12 of the UDP, Policy PLP24 of the PDLP and the core planning principles of the National Planning Policy Framework.

Highway issues

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

Drainage issues

10.12 The proposal is to drain surface water through a sustainable drainage system, which remains acceptable in accordance with the hierarchy of sustainable drainage. The proposal is once again considered to comply with the aims of Chapter 14 of the NPPF.

Representations

10.13 One representation has been received. The matters raised are summarised and responded to by officers as follows:

- Ask that Highways consider whether this one dwelling might turn into more with the 'hammer-head' cul-de-sac which would allow further development.
- Access onto Far Bank is poor with poor sight visibility directly opposite a very busy Primary School.
- Far Bank is already a very congested road
- Parking all along Far Bank adds to poor sightlines
- There is real danger to the small children who are dropped off here and more houses and more cars would significantly add to this problem.

Officer response: The concerns set out above relate to highway safety considerations. This proposal is no different, from a highway perspective, to the previously approved scheme. The proposal would not add any additional dwellings than those already approved and, should a proposal be submitted for additional dwellings to be served off this access, this would be assessed on its own merits.

Other Matters

10.14 In the previous application the applicant submitted details of ecological landscaping for the whole site. To mitigate against the effects of developing the site, a landscape / planting scheme was proposed to provide an enhanced environment for wildlife and included a wild flower meadow, and a 5 metre wide dense buffer between the plots. This buffer is outside the red line boundary of this Plot 1 and is a condition on the corresponding application for a revised house type for Plot 2 (Ref 2017/91074). This matter is therefore addressed as part of the adjacent plot and officers are satisfied that the proposals remain in accordance with the aims of chapter 15 of the NPPF.

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

11.0 CONCLUSION

11.1 To conclude, the principle of residential development on this site has previously been established following the granting of several planning permissions as set out in the planning history section of this report.

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

11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

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

Background Papers:

Website Links to the previous and current applications:

Current application:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93120

Certificate A signed and dated 24th September 2018.

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

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

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