

**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: 2018/62/93707/W

Site Address: plot 28, land Adj, 20, Howgate Road, Slaithwaite,
Huddersfield, HD7 5AY

Description: Erection of detached dwelling (modified proposal)

Recommending Officer: Rebecca Drake

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: 27-Feb-2019

Officer Report

Site Description

The application site relates to land formally occupied by Empire Works off Howgate Road in Slaithwaite. The site covers an area of 0.75 ha and is triangular in shape. It is bounded by Howgate Road to the north, the curtilage of Calf Hey to the north-east, land which has received permission for the erection of 15 dwellings to the east, Huddersfield Narrow Canal to the south and the dwelling known as Coverdale to the west. The site itself is relatively flat but set at a lower level than Howgate Road and Huddersfield Narrow Canal however the site to the east is set at a higher level.

There are terraced dwellings along part of the northern boundary of the site with Howgate Road as well as a pair of semi-detached dwellings. These are all two storey to the front (onto Howgate Road) and three storey to the rear facing onto the site. These dwellings, along with Calf Hey, are located within the Slaithwaite Conservation Area.

The original Empire Works building has been demolished and work on the construction of the approved dwellings has commenced. A significant number of the units are now occupied. The application specifically relates to Plot 28 which formerly received approval for two apartments on the site as a part of the original permission, which was attached to Plot 16.

Description of Proposal

The developer of the site no longer wishes to erect the apartment block containing units 28 and 29. Planning permission is now sought to erect a detached dwelling in its place. This would also be detached from Plot 16 which has recently been subject to an application for alterations under a S73 application (2018/92793). The dwelling would be three storeys in height and contain three bedrooms internally. There would be a lean-to projecting elevation on the ground floor to provide an extended ground floor living area. To the rear of the property would be an area of external amenity space. The canal is located beyond the rear boundary of the site. One parking space would be located to the side of the proposed dwelling and another place within the parking area to the front. To the east of the property would be a walkway providing pedestrian access to Plots 14 – 16 and Plot 13 lies to the west.

History of negotiations/amendments received

Boundary treatment details were supplied.

Relevant Planning History

2010/92767- the erection of 36 new dwellings comprising of 28 houses, 7 flats and maisonette, together with new access road and open space – approved

2016/90574 – Discharge of conditions on 2010/92767 – withdrawn as the applicant intends to discharge the conditions off the back of this application.

2015/93933 – Variation of Condition 2 of 2010/92767 for the erection of 36 dwellings – approved

2016/92028 – Discharge of conditions on 2015/93933 (4 (Materials) 8 (External Doors) 10 (Drainage) 12 (Flood prevention) 14, 15 (Highways) 17,18 (Phase II Intrusive Site Investigation Report) 21 (Noise) 28 (Lighting) – approved.

2017/90037 – Variation of Condition 1 of the Variation of Condition 2 (2015/93933) of permission 2010/92767 which granted permission for the erection of 36 new dwellings comprising of 28 houses, 7 flats and 1 maisonette, together with new access road and open space – approved

2018/92793 – Variation condition 1 (plans and specifications) on previous permission 2017/90037 for variation of condition 1 (plans and specifications) on previous permission 2015/93933 for variation of condition 2 (plans and specifications) on previous permission 2010/92767 for erection of 36 new dwellings comprising of 28 houses, 7 flats and 1 maisonette, together with new access road and open space – approved

Representations

The application has been publicised by site notice, neighbour notification letter and press notice.

Final publicity date Expires: 28th January 2019

As a result of the publicity period, no representations have been received.

Consultation Responses

Principle of residential unit here already established here, but KC Trees have reviewed the application due to the proximity to protected trees and the use of the area of garden space.

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, its published modifications and Inspector's final report dated 30 January 2019 are 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 the UDP Proposals Map and on Kirklees Publication Draft Local Plan. This site is however within close proximity to the Conservation Area.

Kirklees Unitary Development Plan:

- D2 – Development on land without notation on the UDP proposals map.
- BE1 – Design principles
- BE2 – Design of new developments
- BE5 – Preservation/enhancement of conservation areas.
- BE11 – Use of natural stone
- BE12 – Distances between dwellings
- BE22 – Parking for disabled users
- BE23 – Crime prevention
- NE9 – Retention of existing trees
- EP4 – Noise sensitive development in proximity to sources of noise
- T10 – Highway safety and new developments
- T19 – Parking
- R18 – Development adjacent to canals and rivers

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Presumption in favour of sustainable development
- PLP 2 – Place shaping
- PLP 21 – Highway safety and access
- PLP 22 – Parking
- PLP 24 – Design
- PLP 33 – Trees
- PLP 35 – Historic Environment
- PLP 52 – Pollution (including noise)

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 5 – Delivering a sufficient supply of homes
- Chapter 9 – Supporting sustainable transport
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

Principle of Development

The principle of the development was established under planning application 2010/92767, under which planning permission was granted for the erection of 36 new dwellings comprising of 28 houses, 7 flats and 1 maisonette, together with new access road and open space. No additional planning policy has been implemented which would alter the assessment of the development's principle. Further to this, the planning permission has now been implemented. Within the red line boundary of the site, permission was granted for the erection a large structure which would house 2no apartments. Established the principle of having a residential building within this area. The amended proposal would see this apartment building being replaced with a single detached dwelling. An assessment against all material considerations is set out below, but the principle is considered acceptable for the reasons set out above.

Impact on Visual Amenity

The impact on visual amenity is considered acceptable. The dwelling would have a similar footprint to the approved building on the site, but would have more of a compact form, as it would be detached from Plot 16. The dwelling would not appear out of place within the development site in relation to its footprint and plot size; whilst there would be a limited area of external amenity space, this is a feature of several plots within the site. It would not result in overdevelopment.

In relation to the character and appearance of the proposed dwelling is considered to harmonise well with the other dwellings within the application site. Streetscene plans have been submitted to model the relationship that the property would have with the neighbouring properties. Whilst it would have a greater height than the 2.5 storey plots 14 – 16, this is considered acceptable. The height would also be comparable to that of Plots 30 – 36. When viewed from the canal side the visual impact is considered acceptable; the predominately glazed lean-to element is a feature of the majority of the plots on the site including those that back onto the canal.

In order to ensure that visual amenity is preserved, a condition will ensure that the materials of construction are natural rumbled stone to match the existing within the site and matching roofing tiles too.

In relation to boundary treatments, these were originally proposed to be drystone walls with railing above facing the canal. This has also been shown on the amended plans too. A condition will tie down these details on the decision notice and ensure that they retain the same character as the neighbouring dwellings.

In summary, the application is considered to have an acceptable impact on visual amenity and it compliant with the aims of Policies D2, BE1, BE2, BE11 and BE12, PLP 24 of the PDLP and the aims of the NPPF in relation to visual amenity.

Impact on Residential Amenity

The relationships with the neighbouring properties are shown on the site plan submitted in relation to this application.

In relation to Plot 13, the impact is considered acceptable. When the application was originally approved the apartments had a different relationship with this property which was originally positioned closer to the access road. This was then set back from the access road under a variation of the permission. This approved a closer relationship between these dwellings. There would be no direct window relationships between these dwellings, however the proposed dwelling would be positioned adjacent the garden area of Plot 13. There is a separation distance of around 5m between the side elevation of the proposed dwelling and the shared boundary. The property also has a different orientation to that submitted under this application. There are no openings proposed within the side elevation and PD rights will be removed to prevent future openings in order to avoid harmful overlooking. For the reasons set out above, the relationships can be supported.

In relation to plots 15 and 16, the harm is considered acceptable. In a similar vein to above, close relationships have been previously approved. It is noted that there are no habitable room windows proposed in the rear elevation of Plot 16 and no habitable windows at ground floor Plot 15. As such, there would be no undue overbearing to these plots. Whilst there is potential for some overlooking to occur to the proposed amenity space from Plot 15's first floor bedroom, it is considered that this harm would be limited; this is not the master bedroom and it would set back from the shared boundary too.

There would be no other dwelling that would be significantly impacted by the proposal.

It is considered that the future occupants would have a good standard of amenity. The dwelling have a good level of internal accommodation as well as a private garden and parking space.

In summary, the impact in relation to residential amenity is considered acceptable and to accord with the aims of D2, BE1 and BE12 of the UDP as well as the aims of PLP 24 of the PDLP.

Highway Safety

The application is considered acceptable in relation to highway safety. The proposed dwelling would require 2no parking spaces for the proposed 3 bedrooms that are shown on the plans. The block plan shows that there would be 1 space within the curtilage of the dwelling and another space within the parking courtyard to the front of the dwelling. As such, the application would comply with the aims of policy T10 of the UDP and PLP 21 of the PDLP.

Trees

There are protected trees along the canal boundary. KC Trees has reviewed the application and they raise no objection to this scheme. Earlier versions of the scheme (at the pre-app stage) showed a large terrace on the rear elevation. Concerns were raised due to the pressure to support future applications to fell these trees due to shading. This has been removed and replaced with the small lean-to element.

The scheme is considered acceptable in relation to Policy NE9 of the UDP and PLP 33 of the PDLP.

Representations

None 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: 2018/93707

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 schedule 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, BE12, T10, and T19 of the Kirklees Unitary Development Plan, PLP 21, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

3. The external walls of the dwelling hereby approved that are shown to be faced in stone shall be faced in natural rumbled stone that in all respects matches that used in the construction of the adjacent dwellings. The dwellings shall be thereafter retained in this material.

Reason: In the interest of visual amenity and so as to sustain the significance of the adjacent Slaithwaite Conservation Area in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

4. The external roofing materials of the dwellings hereby approved shall be Sandtoft Calderdale Slate in 14 – Dark Grey. This roofing material shall be thereafter retained.

Reason: In the interest of visual amenity and so as to sustain the significance of the adjacent Slaithwaite Conservation Area in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

5. The boundary treatments shall be constructed in accordance with the approved details on the approved plan. 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 approved boundary treatments shall thereafter be retained and when necessary replaced for like for like.

Reason: In the interest of visual amenity and the appearance of the site when viewed from the waterside, and so as to sustain the significance of the adjacent Slaithwaite Conservation Area, in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

6. The window frames of the dwelling hereby approved shall be UPVC in RAL 7016. The development shall be completed in accordance with this detail before each plot is occupied. 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 with or without modification) the window frames shall thereafter be retained.

Reason: In the interest of visual amenity and so as to sustain the significance of the adjacent Slaithwaite Conservation Area in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

7. The external front door of the dwelling hereby approved shall be Jacobean Ultimate. 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 with or without modification) these external doors shall thereafter be retained.

Reason: In the interest of visual amenity and so as to sustain the significance of the adjacent Slaithwaite Conservation Area in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

8. The development shall not be brought into use until the area indicated to be used for parking on the approved plan(s) have been laid out with a hardened and drained surface 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 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) this 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 amenity, traffic safety and to ensure appropriate drainage of the hard standing areas, in accordance with Policies T10 and T19 of the Kirklees Unitary Development Plan, PLP 21 and PLP 22 of the Kirklees Publication Draft Local Plan as well as Chapter 14 of the National Planning Policy Framework.

9. 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)) no buildings or extensions shall be

erected within the curtilage of Plot 28 as shown on the approved plans at any time.

Reason: In the interest of visual amenity and so as to sustain the significance of the adjacent Slaithwaite Conservation Area in accordance with Policies D2, BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, PLP 24 and PLP 35 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

10. 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 openings shall be inserted into the side elevations of the dwelling hereby approved.

Reason: In order to safeguard the privacy of occupants of neighbouring dwellings, in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP 24 of the Kirklees Publication Draft Local Plan and the aims of the National Planning Policy Framework.

NOTE: The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays
With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	SK 11	C	12 th November 2018
Proposed Streetscene Elevations (relating to Plot 28 only)	Ph 3 03	A	12 th November 2018
Proposed Plans and Elevations, Site Plan and Boundary Treatment (relating to Plot 28 only)	Ph 3 01	B	27 th February 2019

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 entered into discussion with the agent in relation to the details for the boundary treatment. These were submitted and are shown on the amended plans. The decision is considered acceptable subject to the conditions listed above.

Report Dated: 27th February 2019