

**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: 2019/62/90502/W

Site Address: Land off, Fernside Avenue, Almondbury, Huddersfield,
HD5 8PH

Description: Erection of 10 dwellings

Recommending Officer: Nick Hirst

DECISION – Section 106 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.

Teresa Harlow

AUTHORISED OFFICER

Date: 21-Jun-2019

Application: 2019/62/90502/W

Site: Land off, Fernside Avenue, Almondbury, Huddersfield, HD5 8PH

Proposal: Erection of 10 dwellings

Site Description

The site consists of land between Fernside Avenue and Greenside Avenue, with each road having dwellings backing onto the site. The site is brownfield, having previously hosted garage units and currently being partly used for open storage. Large parts have thick scrub vegetation including semi-mature trees.

The topography of the area slopes downwards from south to north, with a steep drop to the north of the site.

Access is via a narrow road from Fernside Avenue.

Description of Proposal

The proposal seeks the erection of ten semi-detached dwellings, in five pairs. All have identical internal and external arrangements (bar handing). They are all two-bed bungalows with an internal floor space of 62sqm.

Habitable room windows are to be aligned front/rear, with secondary openings on the side elevations and roof lights to the rear. Walls are to be buff/brown brick with dark grey cladding. Each is to include a feature front window that extends to the roof, accented by further cladding. Roofs are to be grey tiles.

The dwellings are laid out in a mostly linear pattern along the site, east to west. An access road is to connect from Fernside Avenue and curve through the west of the site. The road is to be a shared surface, built to adoptable standards. A footway along the south of the road is to connect to an existing footway off-site. Plots 01 – 06 are to front onto the road. Plots 07 – 10 are to be accessed via a separate footway. Each dwelling is to have one allocated parking space directly accessed from the road, with two visitor parking bays. The road layout includes a turning area within the cul-de-sac.

1.7m high closed boarded timber fencing is to be erected (or maintained) along the south boundary with existing neighbours. Fencing between the proposed dwelling's gardens is to be 0.8m high picket timber fencing. To the front of the units, boundary treatments are to include hedging and 1.1m high railing.

Relevant Planning History

Application Site

2002/92265: Erection of two storey and single storey extensions – Conditional Full Permission

This permission related to no.49 Greenside Avenue. Their application's red-line encroaches into the application site. It is flagged as possible as this is in the ownership of Kirklees Council, this could possibly have been a simple drafting error.

Surrounding Area

None relevant to the current proposal.

History of Negotiations

Discussions took place relating to the scale of the dwellings and their respective gardens, the drainage of the site and the design of the Highway. These led to various amendments and alterations which were assessed to be acceptable. A final drainage scheme has not been provided, however, the use of a pre-commencement condition requiring the submission of a detailed strategy has been agreed.

Representations

Final publicity date expired: 05.04.2019

Three representations have been received in response to the proposal. The following is a summary of the comments made;

- Concerns that the development would lead to noise, air and general pollution to nearby dwellings.
- Concerns of land slippage, including being caused by cars and their weight parking adjacent to the banking, towards the dwellings to the north.
- There is no fencing along the north boundary to create a division between the proposed dwellings and the private dwellings.
- The bin stores of plots 9 and 10 would be prominently visible to the dwellings adjacent to them.
- Plots 7 to 10 are squeezed in compared to the others.
- Question over the proposed planting and works to vegetation, with a desire for no more planting along the north boundary that could cause overshadowing.
- Concerns of overlooking and loss of privacy from Plots 7 to 10.
- These units are taller than existing bungalow and have a first floor window that looks like a monolith.
- The design is not sympathetic to the local area.
- Previous schemes have been for retirement bungalows, while this is pure social housing.
- The proposal will devalue local housing.

Consultation Responses

Crime Prevention: Advice provided to the applicant during discussions

K.C. Drainage: Have expressed concerns over the proposed drainage layout.

K.C. Ecology: No objection subject to condition.

K.C. Environmental Health: No objection subject to condition.

K.C. Highways: No objection subject to conditions.

K.C. Trees: No objection. None of the trees are worth of TPO.

Planning Policy

Kirklees Local Plan (KLP)

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Unallocated on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Effective use of land and buildings
- **LP11** – Housing mix and affordable housing
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP51** – Protection and improvement of local air quality
- **LP53** – Contaminated and unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

Other

- DCLG: Technical Housing Standards – Nationally Described Space Standard
- Kirklees Local Plan Supplementary Planning Document Consultation Draft – Highways Design Guide

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development

1.1 – Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land allocation

The site is without notation on the KLP Policies Map. LP2 states that;

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...

The site is within the Huddersfield sub-area. The listed qualities will be considered where relevant later in this assessment.

1.3 – Residential development

In the recently adopted Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Recent amendments to National Planning Practice Guidance have revised the Housing Delivery Test measurement for local planning authorities and a technical note on the process used in its calculation. Results for 2018 (published 19th February 2019) show that housing delivery in Kirklees over the period 2015-2018 was 75% of the number of homes required by the test. This means that the council must produce an Action Plan within six months of the test results being published and continue to apply a 20% buffer to the five year housing land supply requirements. In summary the council can currently demonstrate a 5-year supply of deliverable housing sites, with appropriate buffer. Notwithstanding this, windfall sites contribute to housing delivery and there is no objection to the redevelopment of this site for housing in principle.

LP7 establishes a desired target density of thirty-five dwellings per hectare. Strictly applying that density, the site would accommodate 12 units. However this density target is to be achieved 'where appropriate'. Given the long, narrow layout of the site and that parts of it are steep banking, officers consider a lower density, in principle, acceptable on this site.

In principle, the quantum of residential development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against LP24 amongst other Policies, is undertaken below.

2 – Impact on visual amenity

Good design should be at the core of all proposals in the district. LP24 seeks to secure good design by ensuring '*the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*'. This is reflected with the aims and objectives of Chapter 12 of the NPPF.

First considering layout, that proposed does replicate existing layouts in the area; six dwellings are to front the access road and four are to be accessed via a footpath and do not face the road. Fernside Avenue has existing clusters of bungalows that front onto paths and do not have a typical association to their access road. Turning to the relationship with neighbouring buildings the site (which is acknowledged to be narrow) is bordered by dwellings to the north and south. However, the proposal seeks small bungalow units, each served by its own garden and with the proposal maintaining a green buffer to the north. Furthermore there are separation distances in excess of 3m between the units. Therefore, officers are satisfied that the proposal does not appear to be either cramped or an overdevelopment of the site.

In terms of scale the proposed units, in both their footprint and height, replicate other bungalows within the area.

The architectural form includes a typical rectangular silhouette for a bungalow. Other aspects of the design are more unique however. This includes a protruding canopy that extends up to the roof. In their design and access statement, the applicant attributes this to being inspired by, and seeking to merge, the two predominant forms of housing in the area; bungalows and tower blocks. They state;

The concept is inspired by relationships between the locality and existing typologies... Post war social housing tower blocks come with their issues. The large monolithic structures aspired to be revolutionary and aid in place making. This did not happen. The large slums in the sky did the opposite. At Fernside we wish to reignite this but rather than building tall, large and confined, the proposal seeks to spread outdoors to indoor and indoors to outdoor. Using the tower block inspired canopies to the front of the bungalows and introducing vaulted ceiling that draw light in from the sky, the bungalows would be light, airy and comfortable.

Walls are to be a mixture of brick, which is the predominant material of the area, but also include large areas of cladding (grey). The cladding is laid out to be the secondary material. Other divergences include fenestration having greater vertical height compared to their width, with neighbouring windows being typically wider. However, officers consider the appearance of the units attractive and welcome the innovative design, although material samples would be sought via condition.

In terms of whether the development '*respects and enhances the character of the townscape*' the site is noted to be set away from the frontage of Fernside Avenue. The site is self-contained, isolated and, with the proposal seeking bungalows, would have a limited visual prominence. Therefore the development would not be seen prominently alongside the existing built environment, where the contrasting appearance of the units may have appeared incongruous.

In terms of other works, the proposal seeks to maintain a landscaped area to the north edge. This is welcomed, subject to appropriate landscape and boundary treatment being agreed. Given the levels of the site the use of modest retaining walls is reasonable and would not appear out of keeping. While garden sizes are small, the use of low fencing (between plots) will retain an open characteristic.

The proposed development is considered visually attractive and would not harm the visual character of the surrounding area, in accordance with the aims and objectives of LP24 and Chapter 12 of the NPPF.

3 – Impact on residential amenity

LP24 (b) states that proposals should promote good design by ensuring: they provide a high standard of amenity for future and neighbouring occupiers. This is reflected with the aims and objectives of Chapter 12 of the NPPF.

There are dwellings to the north and south of the site, with the proposal seeking to infill brownfield land between them.

First considering the dwellings to the south, these can be split into two groups; nos.171 to 179 Fernside Avenue to the south-east and nos. 57 (Fernside Crescent) to no.169 (Fernside Avenue) to the south east.

Those to the south-east are semi-detached two storey dwellings. Separation distances to the new units vary from 17.7m to 20.8m. The proposed units are on a ground level circa 0.6m lower than the two storey dwellings. As bungalows, the proposed units have eaves heights of 2.6m and ridge 5.7m, as well as being located due north. In these circumstances, the units would not cause harmful overbearing or overshadowing upon the south-east dwellings. The boundary treatment, to be 1.8m high fencing (securable via condition) would prevent overlooking from the proposed single storey dwellings.

Nos. 57 (Fernside Crescent) to no.169 (Fernside Avenue) are a mixture of bungalows and two-storey flat units. None of these dwellings have private gardens, presumably sharing the landscaped areas around the buildings. Separation distances vary from 13.6m to 17m, with the existing units being on ground circa 1m high than the site. At present the existing dwellings face the site's large vegetated boundary (hedging) and then overlook dilapidated garage and untidy stored equipment. For similar reasons outlined above, officers consider that the small scale of the proposed units, alongside the greater level difference, to significantly mitigate concerns of overbearing. Consideration must also be given to the amenity value of improvising the quality of the site and that the existing hedging acts as an effective screen which, being closely spaced, could be considered overbearing upon the existing units. Dwellings are to the north, preventing overshadowing, with 1.8m fencing and the level difference preventing concerns of overlooking. Therefore, on balance, officers are satisfied that the proposal would not cause

material harm to the amenity of Nos. 57 (Fernside Crescent) to no.169 (Fernside Avenue) occupiers.

The existing access to the site is to be widened, to adoptable standards, and would bring the road closer to no.169 (Fernside Avenue) while intensifying its use next to nos.171. No.171 has its existing side garden separating it from the access, while no.169 has no garden. Neither units has habitable windows facing the driveway. Furthermore, the access is only to serve 10 two-bed units with an identified 8 two way movements in both the am and pm. This is not considered unduly intense or harmful. Thus, the access arrangements are not deemed harmful to amenity.

The dwellings to the north are nos. 31 – 59 Greenside Avenue. The boundaries of these dwellings to the site are varied, ranging from circa 1.8m timber fencing, vegetation to no boundary treatment at all. These dwellings are consistently on a much lower level than the applicant site, with the cross section indicating a level difference ranging from 4 (plot 1) to in excess of 5m (plot 7). Plots 1 – 6 are set to the south of the site, at its widest section and have separation distances in excess of 25m to the dwellings on Greenside Avenue. This distance, notwithstanding the level difference, is considered sufficient to overcome concerns of overbearing, overshadowing or overlooking upon the dwellings opposite.

Where plots 1 – 6 had the access road and parking between the proposed dwellings and the properties to the north, plots 7 – 10 do not and are closer to the properties on Greenside Avenue, between 18.5m – 22.5m. A greater proportion of this is within the curtilage of Greenside Avenue's dwellings, with plot 10 being 5.75m from the shared boundary with 35 Greenside Avenue.

First considering overbearing, notwithstanding the level difference the proposal seeks modest bungalows with a low overall height and scale. Therefore overbearing is not anticipated. In terms of overshadowing, being due south and on a lower level there is a potential for some impact. However, the angle created by the separation distance is considered sufficient so that any overshadowing that may occur would be restricted to winter months, when the amenity value would be limited. Regarding overlooking, the cross section demonstrates that the proposed bungalows would be at the roof levels of the dwellings on Greenside Avenue. While the separation distance is noted, because of the land levels officers consider that the new units would look-over instead of overlook these properties. Furthermore, the ground floor windows having a limited 'downward' view due to the topography while the windows in the roof space, within the canopy, would not allow an outlook being well above the internal ground level. Nonetheless it is also proposed to require a condition for details of hard/soft boundary treatment along the north boundary, which will assist in screening, but to avoid an overbearing impact in its own right.

Consideration must also be given to the amenity of future occupiers. In terms of size, the units comply with the technical housing standard's recommended minimum of 2b3p single storey dwellings (officers consider the 2nd bedroom to

be a single, by virtue of its size). All habitable rooms would be served by windows that provide an outlook and natural light.

Regarding the outlook, the rear windows of all the units would face 1.8m high fencing at close proximity, with a minimum separation of 4.2m (Plot 1) and increasing to 10.2m (plot 4). While certain units have a short distance to their fencing, it is not considered to be unreasonably so and would overlook the private land associated with the dwellings. The fencing will ensure privacy from residents to the rear, while the front habitable room windows, which include the living room, would have a long distance view of the site's landscaped area and then over the dwellings to the north, into the valley. Related, certain plots would have small garden sizes. Of particular note are plots 01 and 09. The LP does not have set standards for garden sizes; an assessment of what is reasonable is required, which requires consideration of established sizes of dwellings in the surrounding areas. It is noted that numerous dwellings in the area have no private garden space at all, sharing open areas. The site does provide a limited area of shared land; this, plus the benefit of providing some private garden in an area where this is not necessarily the norm, is on balance acceptable. For other units, the garden sizes are considered commensurate to the size of the dwellings.

In terms of privacy, each unit has a side facing window in the gable. This is too high to provide an outlook and will be simply a source of light. Permitted Development rights are to be removed for new side windows, to prevent harmful overlooking. Habitable room windows on the front/rear would not cause invasive overlooking of neighbouring dwellings or gardens. Gardens are to be separated by 0.8m high fencing. This would not provide privacy within gardens, being principally for demarcation. Again looking to the surrounding area, shared outdoor areas are common and this would continue the established characteristic of the area. Furthermore, it is felt that the openness offered by the low fencing is of greater benefit than privacy in relation to amenity; should residents want greater privacy, taller fencing can be erected under Permitted Development.

Subject to the listed conditions, officers conclude that the development would not harm the amenity of neighbouring residents. Furthermore future occupiers are considered, on balance, to retain an acceptable standard of amenity. Therefore the proposal is deemed to comply with the aims and objectives of LP24 and Chapter 12 of the NPPF.

4 – Impact on highway safety

The application is supported by a Travel Plan and Transport Assessment. This includes traffic generation details, with a 2-way trip rate of 0.8 being applied; this rate is deemed appropriate by officers. This equates to 8 two way movements in both the am and pm peaks attributed to the development, which is considered by officers to have a negligible impact upon the highway network.

Regarding the access road, initial concerns were held over the narrowness of the access and whether it could be built to an adoptable standard. This led to discussions between officers, Highways DM, S38 and the applicant. The applicant will need to continue negotiations with S38 to provide sufficient details for adoption, but sufficient details on the access and internal layout arrangements have been provided for planning purposes at this time; nonetheless a condition would be sought for full technical details to be provided prior to development commencing.

The proposed road is to be a shared surface, with a pavement along the south boundary of the carriageway, which connects to an existing footpath and is welcomed to enhance connectivity. The pavement would partly be formed with retaining walls adjacent to the proposed carriageway. There would also be retaining walls serving parking spaces and the road to the north edge. Therefore a further condition is to be imposed, requiring full technical details of the retaining walls to be provided and implemented appropriately.

It is noted that visibility splays have not been shown, however given the 2.8m wide footway on Fernside Avenue and the straightness of the street, officers are satisfied that appropriate sightlines are achievable. As the sightlines overlook the adopted Highway, a condition for their protection is not considered necessary.

The internal turning head is acceptable for a K.C. refuse vehicle. Waste storage locations are shown and deemed appropriate for Highway purposes, although waste collection areas are not indicated. To avoid the need for residents to place bins on the Highway on collection day (exacerbated by the retaining walls adjacent to certain units), a condition is to be imposed for details of a waste collection point.

It is unknown at this time whether parking will be shared or allocated per unit. 12 parking spaces are to be provided, securable via condition, which would equate to one space each, plus two visitor parking spaces. The LP has not set parking standards for residential development, with officers typically seeking 2 to 3 bedroom dwellings within Kirklees having 2 off-street car parking spaces. Conversely, new 1-2 bedroom apartments typically provided 1 space. As small two-bed bungalows, to operate as social housing, officers are satisfied that one space per dwelling and two guest parking spaces is, on balance, appropriate for this specific development. This is giving weight to the nearby local amenities and frequent public transport links into Huddersfield Town Centre.

As a major residential scheme, officers would seek a construction management plan via condition to ensure appropriate arrangements are in place during the construction period.

In conclusion, officers are satisfied that the proposal would not harm the safe and efficient operation of the Highway, in accordance with LP21 and LP22 of the Kirklees Local Plan.

5 – Other matters

5.1 – Air quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm.

It is unknown at this time whether the proposed parking is to be allocated per dwelling or shared unallocated. Therefore a condition is to be imposed stating the required provision for each situation. The purpose of this is to promote modes of transport with low impact on air quality.

5.2 – Ecology and Trees

The site hosts numerous trees. However, upon review by K.C. Trees, officers are satisfied that none are worthy of a TPO given their state of health and young age.

The site is considered to be of limited ecological value. K.C. Ecology and officers are satisfied that the development would not harm local ecology. However, applications should result in a net gain for ecological enhancements. On this subject, K.C. Ecology state;

A biodiversity net gain is feasible as there is a significant amount of existing vegetation to be retained, which could be enhanced. The use of habitat boxes will also be a useful addition. A condition for an ecological Design Strategy has been suggested below to secure mitigation and enhancement.

Officers support the above assessment and seek to impose such a condition, to comply with the aims and objectives of LP30 and Chapter 15 of the NPPF.

5.3 – Contamination

As a major residential scheme with gardens, on a former garage site, Officers and K.C. Environmental Health require survey work to investigate contaminants on site. This is to comply with the aims and objectives of LP53 and Chapter 15.

5.4 – Planning contributions

The scale of the proposal does not necessitate either an affordable housing or education contribution. It is however noted that the proposal it intended to be social housing.

The proposal does however trigger a requirement for Public Open Space (POS) and a Local Area of Play (LAP), in required by LP63. None is to be provided on site, therefore a financial off-site contribution has been agreed.

An off-site contribution is considered reasonable, given the restrictive nature of the site and the need to improve open space in the wider area. This is to be secured via a S106 agreement, to ensure compliance with LP63.

The S106 Agreement, and allied S111a, are signed and dated the 21st of June, 2019.

5.5 – Drainage

The site is within Flood Zone 1. Waste drainage is to be via public sewer, which is acceptable.

Regarding surface water, soakaways have been discounted due to the site's proximity to steep banking and there are no nearby watercourses to discharge to. Therefore surface water is accepted to be discharged to the combined sewer.

Concerns have been expressed by the LLFA over the submitted surface water drainage strategy. This relates to the discharge rate and the size/location/type of attenuation tank(s) to be installed, along with the layout of the site. At this time, alternative solutions can be envisioned although these will require further assessment and drafting. Following discussions between the applicant and agent, the use of a pre-commencement condition has been agreed for submission of a full detailed drainage strategy. Subject to this condition resulting in the submission of an appropriate strategy, officers are satisfied that the proposal complies with the aims and objectives of LP28 of the LP and Chapter 14 of the NPPF.

5.6 – Permitted development

The above assessment is based on the submitted plans. Post development, the proposed units would benefit from Permitted Development rights. It is considered that further built development of this site could cause a cramped appearance. Furthermore, given the small size of the units and their relative proximity to neighbouring dwellings, extensions and outbuildings are likely to impede upon residential amenity. Finally, additional floor space / bedrooms, would increase demand for parking.

Therefore it is considered reasonable and necessary to remove PD rights for outbuildings and extensions, to comply with LP21, LP24 and Chapter 12.

6 – Representations

- Concerns of land slippage, including being caused by cars and their weight parking adjacent to the banking, towards the dwellings to the north.

Response: A condition is to be imposed requiring details of retaining walls being submitted, and approved, by the LPA. When received they will be

reviewed by K.C. Highways (structures), to ensure an appropriate relationship between the highway and the land to the north.

- There is no fencing along the north boundary to create a division between the proposed dwellings and the private dwellings.
- The bin stores of plots 9 and 10 would be prominently visible to the dwellings adjacent to them.
- Question over the proposed planting and works to vegetation, with a desire for no more planting along the north boundary that could cause overshadowing.
- Concerns of overlooking and loss of privacy from Plots 7 to 10.

Response: This is noted. A condition is proposed for a hard and soft landscape strategy, with a particular focus sought on the north boundary. However, officers are satisfied that the proposal would not cause material harm to the amenity of neighbouring residents through overlooking, overbearing or overshadowing.

- Concerns that the development would lead to noise, air and general pollution to nearby dwellings.

Response: As a residential scheme, noise pollution and general pollution is not anticipated. Due to the small scale of the scheme, electric vehicle charging points are proposed to combat air pollution.

- Plots 7 to 10 are squeezed in compared to the others.
- These units are taller than existing bungalow and have a first floor window that looks like a monolith.
- The design is not sympathetic to the local area.

Response: Plots 7 – 10 are noted to be more closely spaced to the site's boundaries. Nonetheless, on balance, they are not anticipated to appear cramped and the overall layout would have an acceptable impact on visual amenity.

The inclusion of the front canopy is an architectural design choice and is considered acceptable in the context of this development which sits in an isolated location away from any road frontage

- Previous schemes have been for retirement bungalows, while this is pure social housing.

Response: The site has no known planning history. It is unclear what this relates to.

- The proposal will devalue local housing.

Response: This is not a material planning consideration.

7 – 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

Application Number: 2019/90502

Decision Authorisation: Delegated Powers

Officer Recommendation: Grant Conditional Permission

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the submitted plans, development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development and the approved drainage scheme shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage is provided to serve the development, in the interests of amenity and environmental wellbeing, to accord with LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition given the importance and need to incorporate an appropriate drainage solution into the initial construction stages.

4. No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access to an acceptable standard is available for the development, in the interest of highway safety and efficiency, to comply with the aims and objectives of LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the detailed works can be incorporated into the initial construction stages.

5. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls/ structures near or abutting highway, to include the land to the north of the proposed access road/parking spaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be brought into use until the approved works have been constructed. The said works shall be retained throughout the life time of the development.

Reason: To ensure that suitable access to an acceptable standard is available for the development, in the interest of highway safety and efficiency, in recognition of the difference in levels between the site and the land to the north to comply with the aims and objectives of LP21 and LP24(b) of the Kirklees Local Plan. This is a pre-commencement condition to ensure the detailed works can be incorporated into the initial construction stages.

6. Development shall not commence 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, but not be limited to;

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

Reason: to ensure a scheme includes measures that avoid impacts to protected species, provides mitigation for the ecological effects and provides a net biodiversity gain in line with Policy LP30. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

7. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-

commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 7, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition due to the need to identify contaminants prior to disruption and given the importance of protecting human health.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To validate that unacceptable risks to human health and the environment have been identified and removed, in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

12. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

Reason: In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

13. Prior to the hereby approved dwellings being occupied, the proposed boundary treatment, as detailed on plans ref. 'GA101 Rev. D' and 'GA104 Rev. B' shall be erected. Thereafter the 'High Safety Guard Rail' shall be retained.

Reason: In the interest of securing a visually appropriate layout, the amenity of future occupiers and safe relationship to the highway, in accordance with policies LP21 and LP24 of Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

14. Prior to the hereby approved dwellings being first brought into use the following electric vehicle charging points shall be provided:

- a) One electric vehicle charging for each residential unit with a dedicated parking space, or
- b) One electric vehicle charging point for every five unallocated parking spaces.

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The provided electric vehicle charging points shall be retained thereafter.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

15. Prior to the hereby approved dwellings being occupied, the areas to be used by vehicles and/or pedestrians shall be surfaced and drained in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 specified on the listed plans.

Reason: In the interests of highway safety and to mitigate the potential for flood risk and to comply with Policy LP21 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site which would detract from the visual and residential amenity of the development, so as to comply with the aims and objectives of LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

17. Notwithstanding the submitted plans, prior to the hereby approved dwellings being occupied details of a waste collection point, accessible from the highway, shall be submitted to, and approved in writing by, the Local Planning Authority. The waste collection point shall be implemented prior to the dwellings being brought into use and shall thereafter be retained.

Reason: In the interest of amenity and highway efficiency, to allow residents a convenient and safe place to deposit waste for collection without block either the highway or pavement, to comply with the aims and objectives of LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

18. Prior to the occupation of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. The hard landscape proposals shall be retained for the lifetime of the development.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 the side elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the

construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	GA 100		18.02.2019
Block Plan (Layout)	GA 101	Rev. D	19.03.2019
Proposed Floor Plans	GA 102	Rev. B	19.03.2019
Proposed Elevations	GA 103	Rev. C	19.03.2019
Proposed Elevations	GA 104	Rev. B	19.03.2019
Proposed Site Sections	GA 105		18.02.2019
Proposed Elevations	3D Render		19.03.2019
Block Plan (Access)	1901501	Rev. B	04.06.2019
Block Plan (Access)	1901503	Rev. B	04.06.2019
Block Plan (Topographical Survey)	1027 – 103 _ 2D	Rev. A	18.02.2019
Supporting Information	Design and Access Statement		18.02.2019
Supporting Information	Ecological Impact Assessment		28.02.2019
Supporting Information	Stage 1 Road Safety Audit		25.03.2019
Supporting Information	Transport Assessment		25.03.2019
Supporting Information	Travel Plan		25.03.2019
Supporting Information (illustrative purposes only)	Surface Water Management Report	Rev. A	21.05.2019
Supporting Information (Drainage Layout) (illustrative purposes only)	474/01(DR)100	P.01	13.05.2019
Supporting Information (Drainage Layout) (illustrative purposes only)	Soak-away Location Plan		26.04.2019
Supporting Information (Drainage) (illustrative purposes only)	Soak-away Test Results (1 of 3)		26.04.2019
Supporting Information (Drainage) (illustrative purposes only)	Soak-away Test Results (2 of 3)		26.04.2019
Supporting Information	Soak-away Test Results (3 of 3)		26.04.2019

Plan Type	Reference	Version	Date Received
(Drainage) (illustrative purposes only)	3)		

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 Planning 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.

Discussions took place relating to the scale of the dwellings and their respective gardens, the drainage of the site and the design of the highway. These led to various amendments and alterations which were assessed to be acceptable. A final drainage scheme has not been provided, however, the use of a pre-commencement condition requiring the submission of a detailed strategy has been agreed. Written agreement to the use of other pre-commencement conditions has been obtained on behalf of the applicant

Report Dated: 21.06.2019