

**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: 2020/62/90245/E

Site Address: 15, Quarryside Road, Mirfield, WF14 9QG

Description: Demolition of existing dwelling and erection of 2 semi-detached dwellings

Recommending Officer: Liz Chippendale

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.

Rebecca Drake

AUTHORISED OFFICER

Date: 24-Apr-2020

Site Description

The application previously held a pebble-dash finish, two storey detached dwelling with gable frontage and pitched tiled roof on land which is unallocated within the Kirklees Local Plan. The property had a detached garage within an enclosed garden to both the front and rear with a driveway access directly from Quarryside Road.

The site is located in a predominantly residential area with a mixture of build types and materials within the local area.

At the time of the site visit the dwelling has been demolished and site cleared pursuant to planning permission 2019/90240 for the demolition of the dwelling and erection of a pair of semi-detached dwellings.

Description of Proposal

Planning permission is sought for the demolition of the detached two storey dwelling and the erection of a pair of two storey semi-detached, four bedroom dwellings with associated parking.

It is noted that at the time of the site visit the existing dwelling had already been demolished pursuant to permission 2019/90240.

The dwellings will offer an entrance porch, lounge, kitchen/diner at ground floor with three bedrooms and bathroom at first floor and a further 1 no. bedroom within the roof space.

The proposed dwellings would be two storeys at a ridge height of 8.5m and eaves height of 5.10m. There is a single storey porch to the front and single storey projection to the rear. The total width of the 2no. dwellings is 14.8m.

The front elevation would hold an entrance porch with equally spaced windows at both ground and first floor. The roof form holds 3 no. roof lights. Within the rear elevation are bi-fold doors at ground floor with roof lights within the roof form of the single storey element. A further 7 no. roof lights are held within the rear roof form.

The dwelling adjacent to 17 Quarryside Road has a raised platform at a height of 0.45m which extends 1.7m with 3 steps down to a grassed area. The dwelling adjacent to 13 Quarryside Road has a raised platform adjacent to the rear elevation at a height of 1.2m and width of 4.1m which is set in 4.6m from the shared boundary.

The front of dwelling will provide 3 no. parking spaces for each of the dwellings.

The proposed materials for the dwellings is natural stone with natural blue slate/concrete interlocking roof tiles.

History of negotiations/amendments received

The applicant was approached to submit an amended plan to show the bin storage at the site; a construction management plan; road surface report and validation report. The applicant submitted the documents following comments from the consultees and to avoid the requirement for pre-commencement conditions.

Relevant Planning History

2019/93026	Discharge conditions 3, 5, 6, 12 on previous permission 2019/90240 for demolition of dwelling and erection of semi-detached dwellings Approved
2019/90240	Demolition of dwelling and erection of semi-detached dwellings Full conditional permission
2018/20516	Pre-app enquiry for the demolition of dwelling and the erection of 2 no. dwellings Positive formal response

Representations

Final publicity date Expires: 23.03.2020

Mirfield Town Council – No comment

Four representations were received as a result of the public consultation period. A summary of the comments received is set out below:

- The development is taking up the snicket which runs from the quarry to Quarryside Road.
- The parking spaces are now right up to the road edge which could cause problems when reversing.
- The size of the semi-detached dwellings appears to be getting bigger. All other properties on the road have good space between them.
- Digging has started on the site with no decision on the application
- They have not taken notice of the previously approved construction management plan.
- To move the dwellings further into the site is unacceptable.
- The dwellings will have a significant impact on the reduction of daylight to habitable windows
- The 2m fence should not be accepted due to further loss of light and impact on hedge.
- Concerns of parking encroaching onto the busy single track road as school parking in a morning already makes the road very busy.

Consultation Responses

K C Highways Development Management – *No objection*

K C Environmental Health – *No objection*

The Coal Authority – *No objection*

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

The site is Unallocated within the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP1 – Presumption in favour of sustainable development
- LP 2 – Place-shaping
- LP 21 – Highway Safety and Access
- LP 22 – Parking
- LP 24 – Design
- LP 52 – Protection and improvement of environmental quality
- LP 53 – 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 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 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance/documents:

Highways Design Guide Supplementary Planning Document

Assessment

Principle of Development

Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.

The application has no specific allocation within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Planning permission was approved for the application site with reference 2019/90240. This application comprises amendments to the approved dwellings being applied for under this application which include the reduction of the width of the dwellings, placement of the dwellings slightly further into the site and amendments to the raised platforms to the rear, which the applicant states are in response to further site measuring.

Impact on visual amenity

Policy LP24 states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).

The site is bordered by residential development, with neighbouring properties comprising of a mix of detached and semi-detached constructed from a range of materials and designs. The proposal seeks permission to erect a pair of semi-detached dwellings on the site with associated parking which is similar to an approved scheme under permission 2019/90240.

The scale and design of the proposed dwellings is considered to be acceptable in this location where there is evidence of a range of built form within the street scene. The dwellings are proposed following the build pattern of neighbouring properties.

The ridge height of the proposed dwellings corresponds with neighbouring properties and is considered to sit well within the plot.

The bi-fold doors within the rear elevation are a feature not evident within the street scene. However, as the doors are within the rear elevation there is no impact on visual amenity from the street scene and as such the feature is considered to be acceptable.

The proposed materials of coursed natural stone with natural blue slate/concrete tiled roof were previously approved under application 2019/93026. A condition would be attached for the dwellings to be constructed using these approved materials.

In all, the proposal is considered acceptable from a visual amenity perspective, in accordance with Kirklees Local Plan policy LP 24 and chapter 12 of the NPPF.

Impact on residential amenity

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The closest properties to the application site are 13 Quarryside Road to the East; 17 Quarryside Road to the West and 14 Quarryside Road to the North.

With respect of 13 Quarryside Road, a two storey detached dwelling located to the East of the application site. There would be a separation distance of 3.5m between the proposed dwellings and the neighbouring property. The neighbouring dwelling has a habitable room window at first floor level which serves a bedroom. This window is the only window serving that bedroom. Notwithstanding this, there is an existing relationship between this window and the original detached dwelling and the previously approved dwelling under application 2019/90240, and an assessment has to be made with regard to the impact of the proposed development on this window over and above the existing situation.

The neighbouring dwelling has a further first floor bedroom window within its side elevation following the approval of an application for a two storey rear extension (2003/90147). The original permission for that extension demonstrated that this would be a high cill window in order to limit the impact of overlooking on 15 Quarryside Road. It appears however that the window fitted does not accord with that condition and is in fact a full size window. In any case, this is considered to be secondary since the main window serving this room is located to the rear elevation.

The sole window serving the bedroom at No.13 will be impacted to a degree by the proposed dwellings. However, as the window is set within the original dwelling of the neighbouring property there was an existing relationship with the original two storey dwelling. Whilst the distance between the side

elevation of No.13 and the side elevation of the proposed development would be less than that which originally existed with the original dwelling (4.6m), due to the orientation of No.13 to the North east of the proposed development, any impact of over shadowing will be limited to late evening. Finally, the redevelopment of the site, improvement to visual amenity and net increase in the number of dwellings which would contribute to housing supply is considered to outweigh the limited harm set out above. On this basis, the resultant impact is therefore not considered to be significantly detrimental to warrant a reason for refusal in this case.

The windows within the ground floor side elevation of No.13 are secondary windows to a dining room. As such there would be a limited impact on the level of over shadowing in this respect.

The area of raised patio is set in from the shared boundary with this property and the impact from this is considered acceptable. In addition to this, 2m high boundary treatment is proposed in order to increase the privacy of the neighbouring property from within the garden area. This can be supported.

17 Quarryside Road is a two storey, detached dwelling located to the West of the application site. The dwelling is set a slightly higher land level than the application site. There are no windows proposed within the side elevations which would impact on overlooking. The window serving the bathroom at first floor level would be acceptable so long as obscure glazing was fitted. Whilst under this application the dwellings would be repositioned within the site, it is not considered that the dwellings would result in a significant overbearing or overshadowing impact on this neighbour. The area of raised patio to the rear is considered acceptable and plans indicate that the existing boundary treatment will remain which is considered sufficient.

14 Quarryside Road is a detached two storey dwelling set to the North of the application site and separated by Quarryside Road. Due to the relationship and separation of the dwellings there would be considered to be no impact on residential amenity as a result of the proposed development.

In light of the above, it is considered that on balance there would not be a significant detrimental impact on the residential amenity of neighbouring properties over and above the existing level, in accordance with the aims of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Impact on highway safety

The NPPF states that all new development should be assessed in terms of their impact on the existing transport infrastructure, impacts on the safety of users and the impact if encouraging sustainable transport modes. Kirklees Local Plan policy 21 sets out the matters against which new development will be assessed in terms of highway safety.

This application is for the demolition of a detached dwelling and the erection of two semi-detached dwellings on Quarryside Road, Mirfield. Quarryside Road is an unadopted and unsurfaced road of approximately 5.5m width with no footways and limited street lighting. The closest adopted highway is Nab Lane, approximately 95m north of the proposal site

The application is for two 4 no. bedroom dwellings which would require 3 no. off road parking spaces each. The current proposals are similar to those approved under permission 2019/90240.

Due to the restricted access available to the site and the narrow width of Quarryside Road it was requested that a construction access management plan be submitted (which provides details of the types and frequency of vehicles to be used for the demolition and construction of the proposed dwellings and their proposed routes from the principle highway). A construction access management plan dated March 2019 was submitted and considered to be acceptable by Kirklees Highways DM.

Quarryside has recently been surfaced. The applicants therefore submitted a road condition survey to the road survey prior to the construction work commencing. The applicants agree within the survey to reinstate any damage that occurred to the road surface as a result of the development works which will be secured by condition.

It is therefore considered that the proposed development, subject to the addition of the above condition, is acceptable from a highway safety and efficiency perspective, in accordance with Policy LP21 of the Kirklees Local Plan.

Environmental Health

The site has been identified as potentially contaminated land due to the proximity to a former quarry. The applicants have submitted a Phase 1 and Phase 2 reports (G19278) and a validation report (C425/19/E/633-Rev 1) which are considered to be acceptable.

The development has been assessed in accordance with the West Yorkshire Low Emission Strategy planning guidance. A condition is required for the installation of 1 vehicle charging point per dwelling.

The Coal Authority

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards. The applicant has obtained appropriate and up-to-date coal mining information used within the submitted Coal Mining Risk Assessment (Geoinvestigate, 6 February 2018). The report identified that the site has been subject to past coal mining related activities and therefore recommended intrusive site investigation in order to determine the depth to coal seams and mine workings.

A Rotary borehole site investigation report (geo-investigate, September 2019) was submitted and considered to be acceptable under discharge of condition

application 2019/93026. On the grounds that no the report recommended for no site mitigation to be required, The Coal Authority have no objection to the development.

Representations

Four representations were received as a result of the public consultation period. However, in so far as they have not been addressed above:

- The development is taking up the snicket which runs from the quarry to Quarryside Road.
Response: The land is included within the red line boundary and the correct ownership certificates have been signed.
- The parking spaces are now right up to the road edge which could cause problems when reversing.
Response: The impact of the proposed development on highway safety is addressed fully in the above report
- The size of the semi-detached dwellings appears to be getting bigger. All other properties on the road have good space between them.
Response: The proposed dwellings are smaller than those approved under application 2019/90240. A full assessment of the impact on visual amenity is addressed above.
- Digging has started on the site with no decision on the application
Response: The site has a permission under 2019/90240
- They have not taken notice of the previously approved construction management plan.
Response: If the development is not constructed in accordance with the attached conditions please contact the planning enforcement team.
- To move the dwellings further into the site is unacceptable.
Response: A full assessment of the impact on visual and residential amenity is addressed above.
- The dwellings will have a significant impact on the reduction of daylight to habitable windows
Response: A full assessment of the impact on residential amenity is addressed above.
- The 2m fence should not be accepted due to further loss of light and impact on hedge.
Response: A full assessment of the impact on residential amenity is addressed above.
- Concerns of parking encroaching onto the busy single track road as school parking in a morning already makes the road very busy.
Response: The impact of the proposed development on highway safety is addressed fully in the above report

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2020/90245

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 LP21 and LP24 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. The dwellings hereby approved shall be constructed from Brockholes Dyed and tumbled stone and concrete tile roof. The development shall then be completed using the approved materials.

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

4. Prior to first occupation of the dwellings hereby approved an electric vehicle recharging point shall be installed for each dwelling. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the aims of Policy LP24 of the Kirklees Local Plan and the sustainability principles of the National Planning Policy Framework.

5. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created within the East and West elevations of the dwellings hereby approved.

Reason: So as not to detract from the amenities of future occupiers and neighbouring properties by reason of loss of privacy and to accord with Policy LP24 of the Kirklees Plan and the aims of the National Planning Policy Framework.

6. The development shall not be occupied until the window within the first floor of the east and west elevations of the dwellings hereby approved have been obscure glazed. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) the obscure glazing shall thereafter be retained.

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

7. The dwellings hereby approved shall not be occupied until the boundary treatment has been provided in accordance with the details shown on the approved plan. The development shall be thereafter retained in accordance with these details.

Reason: In the interest of visual and residential amenity and to accord with the aims of the Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. The development shall be carried out in full accordance with the agreed Construction Access Management plan (dated March 2019) and Highways condition survey (April 2020) throughout the period of construction of the development.

Reason: In the interests of highway safety and to accord with Policy LP 21 of the Kirklees Local Plan.

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 work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Geo-investigate Coal Mining Risk Assessment	G19043	-	27.01.2020
Letter to Kevin Ellam from Kate Burns – contaminated land	-	-	27.01.2020
Location plan	1005-LP-1	-	27.01.2020

Plan Type	Reference	Version	Date Received
General arrangement as proposed	1005-19	-	27.01.2020
Design and Access Statement	-	-	27.01.2020
Rotary borehole site investigation report	G19278	-	04.02.2020
Phase 2 soil contamination investigation report	G19278	-	04.02.2020
Phase 1 site investigation report	G19278	-	04.02.2020
Construction access management plan dated March 2020	-	-	19.03.2020
Proposed materials	-	-	04.02.2020
Bin storage	1005-20	-	11.03.2020
Phase 4 covering letter to Kevin Ellam	-	-	20.03.2020
Validation report	C425_19_E_R_Rev1	-	20.03.2020
Highways condition survey revised April 2020	-	-	21.04.2020
Highways condition survey revised April 2020 appendix B	-	-	21.04.2020

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 requested for a plan to be submitted showing bin collection points, a validation report, highway condition report and construction management plan.

Report Dated: 23.04.2020

