

**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:** 2020/62/92670/W

**Site Address:** Land Adj, 1, Heaton Park Villas, Huddersfield,  
Gledholt, HD1 4HJ

**Description:** Erection of dwelling with integral apartment and  
associated works

**Recommending Officer:** Emma Thompson

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date: 21-Dec-2020**

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## **Site Description**

Land adjacent 1 Heaton Park Villas, Gledholt, Huddersfield

The application site includes an area of land located within the south east corner of an existing residential development.

The access road is in situ serving the partially completed development of currently 6 detached dwellings and a swimming pool.

The site slopes to a significantly lower level than the road sloping in a southerly direction. Existing residential properties on Heaton Road are set above the site dropping to the corner where there is a small pond and flat roofed swimming pool building.

Gated access to the site exists with a gated entrance. The internal driveway terminates with a turning area.

The surrounding area is predominantly residential within reasonable proximity to Huddersfield Town Centre.

## **Description of Proposal**

Erection of detached dwelling with integral garage

The application is submitted in full for the erection of a detached dwelling with integral garage at ground floor level.

The accommodation is set over four floors using the topography of the site.

Ground floor (shown as 0) provides: garage kitchen/diner, utility, pantry, cloakroom/toilet.

The upper floor (shown as +1) includes: Bedroom and ensuite plus dressing, study, bathroom, 2 further double bedrooms and a kitchen/diner with living accommodation and balcony in addition to sunroom.

The lower floor ( -1) shows: 3 double bedrooms each with ensuite and linen store.

The lower basement level ( -2) includes a cinema room, garden room, store and sauna plus plant and wc.

The dwelling is shown as constructed to the existing swimming pool with link to it and incorporates an integral "apartment" which is accessed via the main entrance and second internal staircase.

The footprint of the lower two floors of the development is roughly square measuring just over 11 metres, the upper floors shown at the higher ground level is wider at approximately 21 metres. There is a significance difference in height levels from where the development meets the upper area of land dropping to the existing swimming pool.

Materials of construction include facing in render and coursed sandstone with membrane roof and aluminium windows and doors. Boundary treatments to be dry stone walls, timber fences and, render to the sides/rear and blue slate roof.

Access is proposed from the existing along the eastern boundary to the integral garage.

### **History of negotiations/amendments received**

None required

### **Relevant Planning History**

2011/91844 – Erection of 2 dwellings and access - approved

2010/91615 - Erection of 2 dwellings with garages (Modified Proposal) – approved

2009/92347 – Erection of dwellings – approved

2006/91360 – Erection of 2 no dwellings with garages (Amended House Types) (Plots 4 and 7) – Approved

2005/94635 – Demolition of existing dwelling and reserved matters application for erection of 8 no. dwellings with garages, access road and landscaping approved

2004/95584 – outline application for residential development approved

### **Representations**

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters.

Final publicity date Expires: 8<sup>th</sup> October 2020 – no representations received

### **Consultation Responses**

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways: No objections.

- KC Trees: Informal discussion – no objections.
- KC LLFA: Object seeking further information.
- KC Environmental Services – recommend condition regarding electric vehicle charging point and condition/footnote re construction times.

## **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

### **Kirklees Local Plan (LP):**

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP7** – Efficient and effective use of land and buildings
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP33** – Trees
- **LP35** – Biodiversity and geodiversity

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 5 – Delivering a sufficient supply of homes
- Chapter 12 – Achieving well-design places
- Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

### **Principle**

This application follows a long succession of proposals for development of this site, the most recent being for the erection of 2 detached dwellings. The principle of some form of residential development of the site is therefore well

established. This application proposes an alternative scheme for the erection of a single dwelling with integral apartment is assessed below.

**Principle:**

The site is without notation on the Kirklees Local Plan. Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, Paragraph 11 of the NPPF sets out what this means for decision taking as follows:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Furthermore Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. It is stipulated that the development should continue to contribute to the area’s prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). The development of the site for a single dwelling would make a modest contribution to the supply of housing where there currently is an overall insufficient supply.

In the recently adopted Kirklees Local Plan the Council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Kirklees Local Plan was adopted within the last 5 years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27<sup>th</sup> February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1<sup>st</sup> April 2013). The delivery of residential development of the site would be in accordance with Policy LP11 of the Kirklees Local Plan.

Chapter 5 of the NPPF clearly identifies that Local Planning Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that “small and medium sized sites can make a contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites Local Planning Authorities should.....support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

The development site forms a small area of land tucked into the south eastern corner of an existing gated development within a residential area. There is a history of approvals for development of this corner with permissions implemented.

Although the Local Planning Authority can demonstrate a five year land supply the development of this small site, for one dwelling with apartment, would contribute to housing delivery and as such can be supported.

#### **Visual amenity issues:**

New development should sit comfortably within its surroundings and respect the prevailing pattern of existing responding to local character and design standards. Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The application shows a large detached dwelling of similar footprint to existing dwellings within the site albeit it is attached to the existing swimming pool building and therefore appearing greater.

The dwelling is shown tucked into the south eastern corner where there is extensive history of approved development. The most recent for 2 detached dwellings, this application proposes a single building.

It is located in a similar position to previously approved schemes being very similar in scale and design to that approved under the 2005 submission for reserved matters. The dwelling shows a driveway and parking to the north. Being located on a steeply sloping site the dwelling proposed is set over 4 floors with accommodation appearing as two storey at access level dropping with two lower levels. The swimming pool is incorporated into the development. The scale and mass is similar to existing development and would not appear incongruous.

The design is akin to those already within the site being more contemporary than those in the wider area. It is considered acceptable in this context and will sit comfortably within the ‘street’. The modified proposal would improve this corner which has been in an unkempt state for a number of years.

The development shows good design which is a key aspect of sustainable development. The erection of a dwelling will improve the overall area creating a better environment. Planning decisions should ensure that developments are visually attractive, sympathetic to local character and history and establish a strong sense of place (paragraph 127). Policy LP24 reiterates these points adding that the form, layout and details should respect and enhance townscape. It is considered the proposed development meets these aims.

The development is sympathetic to the immediate local character and integrates well with its surroundings, being reflective of the general design in the immediate vicinity of this gated development. It ensures that the development contributes positively to the local character reflecting aspects of the residential form of the area.

Being completed of materials to match buildings in the immediate area it is considered the development will blend well with its surroundings. It is considered that the development would meet the aims of chapter 12 of the NPPF by contributing positively to the surrounding area and would also be in accordance with Kirklees Local Plan Policies LP2 and LP24.

### **Residential Amenity**

Policy LP24 is relevant when assessing the impact of development. Proposals should promote good design, providing a good standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances for between buildings.

The location of the building proposed is such that it is tucked into the south eastern corner being set over a number of levels similar to existing development. The scale of the footprint and associated layout retains space thereby reducing any potential impact on adjoining occupants. Being juxtaposed to the nearest properties any impact is minimised.

Habitable room windows, in the main, are located in the front and rear elevations with secondary and non-habitable to the sides. It is a common characteristic of nearby existing development that windows are accommodated in the side elevations of the dwellings. Due to the change in levels windows shown in the lower levels of the development will not unduly impact on any adjoining neighbour.

Due to the topography of the site, location of the windows and relationship to existing dwellings it is not considered that the introduction of residential development will result in a material loss of privacy. The eastern gable is located in close proximity to adjoining land and contains no habitable room windows. Those in the principal elevation are set a sufficient distance from the dwelling to the north so as to avoid any loss of amenity or privacy. Due to the angle the dwelling is set and relationship to the existing property to the west there will be no loss of privacy.

The topography of the site, positioning and space retained, in addition to the retention of trees, prevents a loss of amenity to any adjoining occupants to the east. Being at a scale similar to existing, the buildings and due to the location within the plot the proposed dwelling will not be overbearing. The development will be naturally stepped down within the plot. The building will sit comfortably within the site without undue detriment to adjoining occupants. Due to the space remaining and proximity to neighbouring properties it is not considered necessary to remove Permitted Development rights for extensions.

It is not considered that the scale, layout and design will result in any material loss of amenity to any existing occupants. The dwelling includes ample amenity space for both existing and future occupants. It is considered that the scale, design and layout of development accords with the aims of policy LP24 (b) and (c) of the Kirklees Local Plan in terms of residential amenity and as such is acceptable.

### **Highways:**

This application seeks approval to the erection of a detached dwelling with integral apartment and associated works at land adjacent to 1, Heaton Park Villas, Huddersfield, Gledholt.

In 2005, planning approval was granted to demolish an existing house and to replace it with eight new houses with access from Heaton Road. One of the houses was designed so that it was attached to the original swimming pool building which was to be retained. Application number 2005/94635.

The proposals were subsequently modified and two of the houses were effectively amalgamated to create a single dwelling, meaning that the total number of houses was reduced to seven. Six of the houses were built and have been occupied since their completion. The house that was to be attached to the swimming pool was never built.

In 2011 & 2010 applications were approved for the substitution of that house with two separate dwellings, thereby increasing the number of dwellings back to eight. Neither of those houses were built and that approval has lapsed.

This proposal is for a 6 bedroomed detached house with integral double garage with access onto Heaton Road via a shared private driveway. Additional off-street parking is provided on the driveway leading up to the proposed house.

Sufficient off-street parking is proposed.

Consultation has been carried out with Highways Development Management who consider the principle of development to be acceptable.

The details, with the inclusion of conditions, are considered acceptable from a highway safety and efficiency perspective, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan. The conditions include the use of

permeable surfacing for the driveway. This would also mitigate against flood risk from an increase in surface water run-off in accordance with Chapter 14 of the NPPF.

**Other:**

*Trees:*

There are a number of mature trees to the boundary of the site. Having discussed the proposals with the arboricultural officer, following their concerns, there are no concerns regarding the development proposed due to the existing ongoing works within the site and relationship to existing trees.

As such the proposals are in accordance with Policy LP33.

*Ecology:*

Due to the undeveloped nature of the site and location of the pond the comments of the KC Biodiversity Officer have been sought. It is noted that the pond is to be retained post-development. The pond and watercourse should not be obstructed and due to the biodiversity value of the pond it should form a basis of biodiversity enhancement on the site. Given the proximity to the Kirklees Wildlife Habitat Network and Local Wildlife Site an Ecological Design strategy and lighting strategy should be submitted to ensure that the development provides a biodiversity net gain and doesn't impede the function of the adjacent habitats, these could be combined into one document upon submission. A condition is imposed in order to ensure a biodiversity net gain as required under LP 30 (ii) and (v).

*Drainage:*

The application has received comment from the Lead Local Flood Authority. These raise concerns regarding the presence of a watercourse flowing through the site. This can be seen outfalling into another watercourse in Gledholt Wood.

In order to address concerns they have recommended that a survey be carried out of the upstream and downstream condition of the watercourse and to depict its exact location. They have also noted that any building should not be within 3 metres of the watercourse. Further, where ornamental ponds are to remain or be refigured, an assessment of blockage scenarios of the downstream pipework is required to demonstrate that buildings would remain safe from flooding. Significant weight should be afforded to the history and existing redevelopment of the site. Whilst the concerns are noted it is not considered that the level of development proposed is proportionate to the recommendations. The site has a long history of development proposals that have been approved and implemented none of which required detailed evaluation. Affording weight to this history, and the fact that the house approved as part of the 2005 reserved matters could be built out (and this is closer to the west) it is not considered justified to seek further information. The site continues to be developed, this plot could continue to be developed under an earlier permission and works can continue to the pond/stream without the need for planning permission. On balance it is considered

unnecessary to require further information to be submitted. However, an advisory note is included for the applicant's attention.

#### *Climate Change*

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In order to provide mitigation the site should include measures to improve air quality set out below.

#### *Sustainable Transport:*

In order to mitigate impact on air quality and in accordance with the West Yorkshire Low Emissions Strategy Policies LP24 and LP51 of the Local Plan development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to this matter.

#### Pre-Commencement conditions

A draft list of conditions, including pre-commencement conditions was forwarded to the agent and agreed in writing.

#### **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:** 2020/92670

**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 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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

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

The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed ecological works.
- b. Location (shown on appropriate scale plans) of specific make and model, or design, of habitat boxes, such as bat boxes, bird boxes and hedgehog refuges. Habitat boxes to be integral to new structures where appropriate.
- c. Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d. Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e. Details of maintenance.

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

**Reason:** To ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with policy LP 30. This is pre-commencement to ensure detailed designs are available to enable implementation as part of the construction programme.

4. Prior to occupation, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- a. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**Reason:** To prevent significant loss or harm to biodiversity and to safeguard the function of the Kirklees Wildlife Habitat Network in line with Policy LP30.

5. The dwelling shall be externally faced in natural stone and render finish in accordance with the submitted details before first occupation and shall be retained thereafter.

**Reason:** In the interest of visual amenity and to ensure that the materials do not detract from the character of the area and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

6. Prior to the occupation of the dwelling, an electric vehicle recharging point shall be installed within the curtilage of the dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point shall thereafter be retained.

**Reason:** So as to promote infrastructure which encourages modes of transport with low impact on air quality as outlined within the Planning Practice Guidance, Policies LP24 and LP51 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy

7. The dwelling shall not be occupied until all areas of hardsurfacing on the approved site plan, including the access and driveway within the curtilage of the property, 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 2009 or as amended or any successor guidance. These areas shall be thereafter retained with a hardened and drained surface in accordance with the aforementioned guidance.

**Reason:** In the interests of amenity and mitigate flood risk in accordance with Policy LP24 of the Local Plan and Chapter 14 of the National Planning Policy Framework.

**NOTE:**

**Notwithstanding the previous development approved on the site it is recommended that a survey be carried out of the upstream and downstream condition of the watercourse crossing the site is undertaken to depict its exact location. It is recommended that any building should not be within 3 metres of the watercourse. Further, where ornamental ponds are to remain or be refigured, an assessment of blockage scenarios of the downstream pipework is recommended to demonstrate that buildings would remain safe from flooding.**

**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 (Kirklees Street Scene: 01484 221000) 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.

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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	20.014(9-)001		17 <sup>th</sup> August 2020
Plans and section	20.014(2-)001		17 <sup>th</sup> August 2020
Elevations	20.014(2-)002		17 <sup>th</sup> August 2020
Planning Statement			17 <sup>th</sup> August 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 agent provided amended plans following discussion with Officers in order to address concerns regarding design and context.

A draft list of conditions, including pre-commencement conditions, was forwarded to the agent and agreed in writing.

**Report Dated:**

18<sup>th</sup> December 2020