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:	**2023/60/91796/W**
Site Address:	land off, Olney Street, Slaithwaite, Huddersfield, HD7 5EG
Description:	Outline application for demolition of garages and erection of one dwelling
Recommending Officer:	William Simcock

DECISION - REFUSED

I hereby authorise the refusal 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: 04-Sep-2023

Officer Report – 2023/91796
Land off Olney Street, Slaithwaite

Site Description

The site, on the northern side of Olney Street, comprises two small sectional garages with pitched roofs and some untended and overgrown land in front, sloping gently down to meet the highway. To the west is a larger free-standing garage and to the east further garage plots.

The site is on the edge of the built-up part of Slaithwaite, with land to the north and east used as allotments, and further residential development to the west and south.

Description of Proposal

The proposal is for outline permission for the erection of a single detached dwelling, with all matters reserved. The applicant has however submitted an indicative layout and scale/appearance. These show a two-storey house with a rectangular footprint, approximately 6.5m by 5.5m, set back an average of 1.5m from the highway with a rear garden of 6.5m depth and a driveway for two cars on the western side.

History of negotiations/amendments received

None.

Relevant Planning History

2020/90406 – Outline application for demolition of garages and erection of detached dwelling. Withdrawn.

2021/94410 – Outline application for residential development (with all matters reserved). Refused, appeal dismissed. Reason for refusal:

1. The proposed residential development, in relation to plot size and taking into account its relationship with surrounding development, would represent a cramped and contrived form of development constituting an overdevelopment of the site. It would fail to add to the overall quality of the area or result in a scheme that is visually attractive. Therefore, the development would be contrary to Policy LP24 of the Kirklees Local Plan, Principles 2, 5 and 6 of the Councils Housebuilder Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

An indicative layout plan was supplied.

Representations

Final publicity date expires: 31-Jul-2023. Publicity was by neighbour notification letter only thereby fulfilling the requirements of the Development Management Procedure Order.

Two representations were made, both objections. Summary of concerns:

- Original reasons for refusal have not been addressed;
- The building would look out of place and sandwiched between existing garages, and would also be closer to the highway, and not in keeping with prevailing style of development;
- Fails to maintain 2m gap before shared boundary as required by HDG;
- Overlooking especially from upstairs windows;
- Parking spaces fall short of required dimensions;
- The proposed dwelling would remove parking provision and add more vehicles to a heavily congested road and would make it impossible for large vehicles to turn;
- It is not clear whether it is drawn to scale, meets national space standards;
- It includes land not owned by the applicant;
- Loss of distant views.

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 Development Management – Were consulted but did not issue a response within the time available. The indicative access is from Olney Street.

The following teams and services were consulted on the 2021 application:

KC Environmental Health – No objections subject to conditions;

KC Highways Development Management – No objections subject to further details / conditions.

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 within a Strategic Green Infrastructure Corridor on the Kirklees Local Plan and adjoins a Local Wildlife Site and Wildlife Habitat Network.

It is considered that the scale and nature of the development does not raise access or Equality Act considerations.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 33:** Trees

Supplementary Planning Documents:

- KC Highways Design Guide 2019
- Housebuilders Design Guide Supplementary Planning Document, 2021 (HGD SPD)
- Open Space Supplementary Planning Document
- Biodiversity Net Gain Technical Advice Note
- Climate Change Guidance for Planning Applications

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity (including any heritage considerations)
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters – e.g. trees/ecology (e.g. bats)
5) Representations
6) Conclusion

1 – Principle of development: Policy LP1 of the Local Plan 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 NPPF. LP1 goes on further to stating that:

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

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years' supply of deliverable housing sites against their housing requirement. The latest published five-year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.

The Housing Delivery Test results are directly linked to part of the five-year housing land supply calculation. The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's 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 69 of the NPPF recognises that “small and medium sized sites can make an important 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”.

Although the Local Planning Authority can demonstrate a five-year land supply at the present time (5.17 years), it is noted that the development of this plot would be contribute to the housing supply in the district. The provision of housing needs to be balanced against all policies and material planning considerations considered below.

The site lies within land designated Strategic Green Infrastructure Network. Under Policy LP31, development proposals should ensure:

i. The function and connectivity of the green infrastructure network is retained or replaced;
i. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate;
ii. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
iii. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The proposal will be further assessed according to the following policies:

- LP7 - encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and appropriate housing densities to ensure that land is used efficiently.
- LP11 – Housing must aim to provide a mix in terms of size and tenure.
- LP21 – that proposals must ensure the safe and efficient flow of traffic and safe access.
- LP22 – appropriate parking to be provided given the type of development and the accessibility of the site.
- LP24 – the form, scale, layout and details of development must respect and enhance the character of the townscape and landscape, provide a high standard of amenity for future and neighbouring occupiers including appropriate distances between buildings and a high level of sustainability.
- LP28 – Sustainable urban drainage systems to be used where possible.
- LP30 – Development to incorporate biodiversity enhancement measures.

The site is classed as “previously developed” within the meaning of the NPPF and . This does not however imply that a development making “efficient use” of land will necessarily be acceptable – this will be assessed having regard to its compatibility with local character (see part 2 below).

2 –Impact on visual amenity: The proposal will be considered having regard to the aims of LP24a, and also those of the Housebuilders’ Design Guide, in particular:

> Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
> Principle 5 – Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas.

The development proposed for the site is outline with all matters reserved. The illustrative plans and elevations may however help to provide an indication of whether the site can be developed in such a way as would respect the character of the townscape.

In assessing the previous application, officers concluded that there were concerns with the layout proposed and given the limited size of the plot, especially taking into account the need to provide functional parking spaces and the 2m footway requested by the Highway Officer which would reduce further the developable area of the plot, it was considered at the time that alternative layouts would raise similar concerns. In particular the indicative layout submitted as part of that application was considered to be too close to the north-eastern boundary (0.25m) and would only provide 3.5m depth of amenity space.

The Inspector, in dismissing the previous appeal, made the following observations:

- The land slopes quite steeply to the East of the site and allotments occupy the land to the North. In view of the existing single storey garaging on site and adjacent, an open feel is preserved and there is an outlook to the hills beyond.

- The eastern elevation is very close to the site boundary.

- In view of the relatively small size of the plot proposed and the requirement for a 2m footpath to be provided at the front of the property, it is difficult to envisage a layout for a dwelling that could be arranged other than as shown.

- The plot is considerably smaller than those nearby and with the need to accommodate parking, outdoor space and the dwelling itself, this would result in a cramped appearance which would conflict with the guidance in the Council's Housebuilder Design Guide (SPD).

The current indicative plans show the internal layout of the site significantly changed from the previous proposal. The proposed dwelling has been brought further forward which allows for a larger rear garden but reduced front garden. The plans do not acknowledge any need to provide a new footway but there is in fact an existing footway outside the site boundary, which would presumably be retained unchanged except for the need to provide a footway crossing.

Olney Street does not display a strongly consistent pattern or grain of development. The southern frontage of the street is dominated by a terraced row (13-29), an apartment building which was formerly a church, and a shorter terrace towards the western end of the street, all of which are built on or very close to the highway boundary. On the northern side of the street is some early 20th Century housing built on small plots in the form of semi-detached houses and a short terrace, with a small development of Council bungalows further east arranged in a C-shaped setting enclosing a landscaped area. On the opposite side of Olney Street is a short row of detached houses with front and rear gardens which present a frontage to Crimble Bank.

The site and its immediate neighbouring plots consist of free-standing garages and associated land, with allotments to the rear and to the east. The proposed development would therefore inevitably result in the extension of built development into a part of Olney Street that presently lacks any substantial and permanent built development. Furthermore, it is noted that despite Olney Street showing a general tendency towards high-density development, development on the southern side of the street, which the proposal would directly face, consists of individually-designed houses on relatively large plots and which are set back substantially from the highway boundary both to the north and south.

Whilst it would not result in the loss of important views, but would result in a loss of outlook to the hills as recognised by the Inspector and would front on to the highway, thereby fulfilling at least some of the aims of Principle 5 of the SPD, it is considered that in this setting, the proposed dwelling would result in a cramped and contrived appearance that would fail to respect the character of the townscape or landscape. The size of the plot would require a two-storey dwelling which – on the context of garages and bungalow – would look out of place.

This assessment has been informed by the site layout plan and elevations, which remain indicative, but it remains officers' view that the site is not capable of accommodating a dwelling in such a way as to be compatible with local character.

The proposal would therefore not accord with the aims of LP24a or part 2 of the Housebuilders' Design Guide SPD. It would also be contrary to Policies in Chapter 12 of the NPPF.

3 – Impact on residential amenity: The following principles within the Housebuilder Design Guide are of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light, having regard to the following standards:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

Principle 16 – all new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).

Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

The illustrative floorplans show a dwelling with approximately 60sqm internal area which is above the minimum required (for a single-bedroom dwelling) under the Nationally-Described Space Standards. Based on the indicative plans, it is considered that it would be possible for a development to incorporate a suitable amount of amenity space to serve the needs of future occupants.

Based on the relationship of the plot with surrounding development it is considered that there would be no difficulty in designing a dwelling that would comply with the recommended 21m separation distances. Whilst such a dwelling might not achieve the recommended separation distance with respect to neighbouring undeveloped land, it is noted that the land

immediately to the rear is designated urban green space and is therefore unlikely to have development potential.

It is considered that a development could be designed in such a way as to provide an acceptable standard of living for future occupants whilst not harming the amenities of neighbouring properties, thereby according with the aims of LP24(b) and the principles within the SPD listed above.

4 – Impact on highway safety: The Highway Officer's comments on the 2021 application were as follows:

1. A concern regarding this proposal could have been the impact of the loss of the existing garage parking and the potential for parking to be displaced onto Olney Street. However, following a site visits the garages appear derelict and unused with overgrown vegetation to their frontage.

1. There is no kerbed footway to the site frontage and a 2.0m wide footway should therefore be shown to be provided.

2. The size of the parking spaces is too small at to 4.526 in width and 4.470m in depth. Parking spaces should be 3.2 m in width x 5.0m in length.

3. Bin collection points should be provided to enable bins to be presented on collection day without either obstructing the highway or proposed driveway.

The case officer, in assessing the application, concluded that the development of the site for one residential unit was acceptable subject to the above matters being addressed.

The indicative layout shows that two parking spaces can be provided within the curtilage and it is considered that the local highway network is capable of safely taking on the additional traffic generated. It is considered that the potential loss of existing parking opportunities, in view of the Highway Officer's previous comments, would not provide a sound reason for refusal. There is already a footway across the site; if improvements to this are deemed necessary including its width, this could be the subject of a condition if officers were minded to approve. There would also appear to be no difficulty in incorporating refuse storage and collection points into the scheme.

It is considered that subject to the above matters being addressed, the development would not give rise to any adverse effects upon the safe and convenient use of the highway and would accord with the aims of LP21-22.

5 – Other matters:

Climate Change:
On 12th 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.

The application has not been accompanied by a Climate Change Statement. The site is however considered to be in a moderately sustainable location, being 800m from the nearest bus stop with a frequent service to Huddersfield and 450m from the nearest train station.

Further measures to reduce the causes of climate change could be delivered by condition in the event of an approval, so as to support the aims of Policy LP24(d), Principle 18 of the Housebuilders' Design Guide SPD and Chapter 15 of the NPPF

Ecology:
The site is in the bat alert layer and Twite buffer zone. It does not have any evident habitat value in its present condition. In the event of officers being minded to approved, biodiversity net gain could be achieved by means of a condition. This would comply with the aims of Policy LP30, Principle 9 of the Housebuilders' Design Guide SPD and NPPF Chapter 15.

Drainage:
It is proposed that disposal of surface water will be either by main sewer or soakaway. Given that the proposal is for a single dwelling and is not in an area known to be vulnerable flooding, surface water drainage is not a serious concern in this instance.

6 – Representations: Concerns relating to visual amenity and highway safety have been examined in depth in the main part of the report but are summarised below with officer responses:

- Original reasons for refusal have not been addressed;
  Response: The indicative plans have been substantially changed but it is considered that the site is not capable of accommodating a dwelling in a satisfactory manner, for the reasons set out in part (2) of the Assessment.

- The building would look out of place and sandwiched between existing garages, and would also be closer to the highway, and not in keeping with prevailing style of development;

Response: This is accepted by officers.

- Fails to maintain 2m gap before shared boundary as required by HDG;
  Response: This principle only applies where there is a “regular street pattern” which is not the case here.

- Overlooking especially from upstairs windows;
  Response: It is considered that the erection of a dwelling would not give rise to an unacceptable degree of overlooking.

- Parking spaces fall short of required dimensions;
  Response: The parking spaces measure 9.75m in length at their mid-point. This falls marginally short of the 5.0m per space requested as standard, but 4.8m per parking space is generally judged to be acceptable. The layout, again, is indicative only, and changes could be made at the reserved matters stage.

- The proposed dwelling would remove parking provision and add more vehicles to a heavily congested road and would make it impossible for large vehicles to turn;
  Response: It is considered unlikely that the proposal would lead to further parking on the public highway.

- It is not clear whether it is drawn to scale, meets national space standards;
  Response: The plans are drawn at a scale of 1:100 and indicate it would be possible to design a dwelling meeting minimum space standards.

- It includes land not owned by the applicant;
  Response: The applicant has completed Certificate B on the application form indicating that notice has been served on one third party. The application is therefore presumed to be valid.

- Loss of distant views.
  Response: The obstruction to a private view 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 adverse impacts of granting permission would significantly and demonstrably

outweigh any benefits of the development when assessed against policies in the NPPF taken as a whole.

Recommendation – REFUSE OUTLINE PERMISSION

Decision Authorisation - Delegated Powers

Application Number: **2023/91796**

Officer Recommendation: REFUSE OUTLINE PERMISSION

Reason for refusal

It is considered that the erection of a dwelling on this site, on account of the small size of the plot, its close relationship with the site boundaries, and the character of its surroundings, in particular the relatively spacious and low-density housing directly opposite and the undeveloped land to the north, would amount to overdevelopment of the site and would have a cramped and contrived appearance that would fail to respect the character of the townscape and landscape. The proposal would therefore not accord with the aims of LP24a Kirklees Local Plan or Part 2 of the Housebuilders' Design Guide SPD. Furthermore it would be contrary to paragraphs 130 and 134 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			21-Jun-2023
Location and site plan as existing	OS4/P01		21-Jun-2023
Indicative plans and elevations as proposed	OS4/P02		21-Jun-2023
Design & access statement			21-Jun-2023

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 did not request amended plans or additional information since it was considered that the site is not suitable for residential development and the planning concerns therefore could not be overcome. The Agent was informed of the recommendation.

Report Dated: 4th September-2023