

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2023/61/93815/E

Site Address: adj, 137, Ravenshouse Road, Dewsbury Moor,
Dewsbury, WF13 3QT

Description: Reserved matters application pursuant to outline
permission 2023/90121 for erection of one dwelling

Recommending Officer: Nina Sayers

DECISION – APPROVAL OF RESERVED MATTERS

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.

Emma Thompson

AUTHORISED OFFICER

Date: 14-May-2024

Officer Report

Site Description

Adj, 137, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QT

The site comprises a predominantly grass covered plot of land, currently serving as amenity space for no. 137 Ravenshouse Road. 137 Ravenshouse Road is a two-storey semi-detached dwelling finished in red brick and pebbledash walls under a tiled roof. The site is located in a predominantly residential area with properties which are similar in design and size to no.137.

The site is unallocated within the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

This is a reserved matters application pursuant to outline planning approval 2023/90121 for residential development. Landscaping is the only matter for consideration with layout, scale, appearance and access all approved under the outline application.

The proposed plans show proposed parking to the front of the proposed and existing dwellings. To the front of the existing no.137 would be predominantly hardstanding for parking provision with some soft landscaping within the front garden of the property. The majority of the parking would be set behind the existing grass verge. To the front of the proposed dwelling is hardstanding for parking with a section of soft landscaping adjacent, located between the two properties.

History of negotiations/amendments received

Officers raised concerns regarding the large amount of hard landscaping proposed to the front of the dwellings. Amended plans were submitted which introduces more soft landscaping. This was considered acceptable.

Relevant Planning History

2013/91025 Erection of two storey side extension. Conditional full permission.
2021/94736 Prior notification for single storey rear extension. NANR
2021/94749 Certificate of lawfulness for proposed demolition of existing garage and erection of outbuilding. Opps Granted.
2023/90121 Outline application for residential development. Conditional outline permission.

Representations

This application was advertised by neighbour notification letter. Final publicity expired 04/03/2024.

No representations were received.

Consultation Responses

No consultees were considered necessary for this application.

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 on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 51** – Protection and Improvement of Local Air Quality
- **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 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 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 5** – Delivering a Sufficient Supply of Homes
- **Chapter 8** – Promoting Health and Safe Communities

- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).
- Kirklees Housebuilders Design Guide SPD (2021).

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of 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.

The site is not displayed as allocated on the KLP Policies Map. Policy 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 principle of erecting a new residential development on this site, including the layout, was assessed and considered acceptable under the outline application (2023/90121). This application considers landscaping reserved matters only to compliment the outline.

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

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed and beautiful places) whereby 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 134 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Relevant to this is the Kirklees Housebuilders Design Guide SPD, which aims to ensure future housing development is of high-quality design.

The appearance of the proposed dwellings, including the design, scale and layout have all been carefully considered and assessed under application 2023/90121. This application is a reserved matters application for landscaping only.

The proposed landscaping would include a large amount of hard landscaping. Following discussions with the agent, the amount of hardstanding has been reduced which is welcomed. To the front of the existing dwelling would be predominantly hardstanding. It is however noted that this would be required for vehicle access and the adjacent grass verge would remain between the property and the highway, maintaining some of the soft landscaping when viewed from the street scene.

The proposed dwelling would have a mixture of hard and soft landscaping which would not be dissimilar to other properties in the wider street scene. The proposed soft landscaping would create a visual break between hardstanding. The proposed amended scheme is considered appropriate in terms of design and would therefore comply with LP24 of the Kirklees Local Plan and the aims of the Housebuilders Design Guide SPD as well as Chapter 12 of the NPPF.

Taking this all into consideration, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, subject to conditions. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The impact of the proposal on residential amenity has been carefully considered and assessed under application 2023/90121. This application is a reserved matters application for landscaping only. The proposed landscaping scheme is not considered to impact on residential amenity.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

The proposed access and the impact on highway safety was carefully assessed and considered acceptable under application 2023/90121. This application is a reserved matters application for landscaping only and would

not change the proposed parking arrangement. It would be conditioned that the parking areas are finished in appropriate surfacing.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

Trees

Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity. The policy goes on to note that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

As outlined within the officers report for outline permission (2023/90121), whilst it is noted that there are trees adjacent to the site, which could be of significant value, there are no trees of significant value located within the site. The trees adjacent to the site are considered to be far enough from the proposals as to be unlikely to be significantly affected. KC Trees were informally consulted on outline application and had no objections to the scheme.

6 – Representations:

No representations were received.

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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/93815

Officer Recommendation: Approve

Conditions:

1. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 the aims of Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP30, LP47, LP52 and LP53 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide, and Chapter 2, 5, 9, 12 and 15 of the National Planning Policy Framework.

3. This Reserved Matters approval relates to development for which outline permission was granted under application reference 2023/90121 dated 26-JUL-2023. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

4. Before the development is first brought into use, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP22 of the Kirklees Local Plan.

NOTE Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays.

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) regarding 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: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Proposed Site/Scheme Plan	Sheet 3	Rev.A	26/04/2024

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 has, 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.

Officers raised concerns regarding the large amount of hard landscaping proposed to the front of the dwellings. Amended plans were submitted which introduces more soft landscaping. This was considered acceptable.

Report Dated: 13/05/2024