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Shepley S73 Covering Letter 050424.doc



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Dear Sir / Madam

SECTION 73 APPLICATION TO VARY CONDITIONS OF APPLICATION 2020/62/93358/E FOR ERECTION OF 52 DWELLINGS AT LAND EAST OF ABBEY ROAD, SHEPLEY, HUDDERSFIELD, HD8 8FG

Please find attached completed forms and supporting information in support of a Section 73 application for variation of the approved drawings and conditions 2 and 28 concerning application 2020/62/93358/E for erection of 52 dwellings at Land East of Abbey Road, Shepley, Huddersfield, HD8 8FG. The application is submitted on behalf of our client, Yorkshire Country Properties, who are the freeholder of the site.

In support of the application, the following documents have been submitted:

- Application form, signed and duly completed;
- 0108 P4 Proposed Site Plan;
- 0111 P4 Proposed Materials;
- 0001 P2 House Amendments;
- 0100 P1 House Type D
- 0100 P2 House Type D1
- 0100 P3 House Type D2
- 0100 P3 House Type U
- 0100 P3 House Type C
- 0100 P2 House Type Y
- 0100 P3 House Type B1
- 0100 P2 Twin Garage
- 0100 P2 Single Garage
- 0100 P2 House Type C1
- 0100 P2 House Type L2 Floor Plans
- 0101 P2 House Type L2 Elevations
- 0100 P2 House Type R
- 0101 P2 House Type V
- 0100 P1 House Type W Floor Plans
- 0101 P1 House Type W Elevations
- 0100 House Type R1
- 0100 House Type B2;
- 1021 Enclosures plan;
- 1020 Open space plan;
- 1022 Electric vehicle charging points;
- S73 – E19/7465/001_03 Engineering Feasibility;

- SHP2 MAT/24 Samples of materials;
- Schedule of materials; and
- this Covering Letter.

The application fee has been paid in advance of the Council receiving the application.

Variations Being Sought to the Approved Application

The Decision Notice includes a number of conditions This application seeks to vary the wording of conditions 2 and 28. The changes being sought and the reasons for the changes are set out below.

Condition 2

Condition 2 requires that the development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in the Decision Notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Changes to the approved layout are proposed through this application, which means that the applicant wishes to supersede the approved drawings with those accompanying this application. Decision notice referenced 2020/62/93358/E lists the approved drawings, and so this application is intended to replace the following approved drawings with the enclosed information:

Approved Drawings (Ref: 2020/62/93358/E)	Submitted Drawing to Supersede Previously Approved
Planning Layout – Phase 2 1914-SI-22 L	0108 P4 Proposed Site Plan
Proposed Site / Block Layout – Phase 1 & 3 Composite Layout 1914-MP-01P	[To be omitted, as it is superfluous and repeats information shown on other drawings]
Shepley House Type Booklet 1914-HT-02 D	0100 P1 House Type D 0100 P2 House Type D1 0100 P3 House Type D2 0100 P3 House Type U 0100 P3 House Type C 0100 P2 House Type Y 0100 P3 House Type B1 0100 P2 Twin Garage 0100 P2 Single Garage 0100 P2 House Type C1 0100 P2 House Type L2 Floor Plans 0101 P2 House Type L2 Elevations 0100 P2 House Type R 0101 P2 House Type V 0100 P1 House Type W Floor Plans 0101 P1 House Type W Elevations 0100 House Type R1 0100 House Type B2
Enclosures Plan – Phase 2 1914-SI-23 H	1021 Enclosures plan
Open Space Plan 1914-MP-26 J	1020 Open space plan
1914-SI-27A - ELECTRIC VEHICLE CHARGING POINT	1022 Electric vehicle charging points
Engineering Feasibility – Phase 2 (as amended) Haigh Huddleston and Associates, E19/7465/001_02D	

Since planning permission was granted for application 2020/62/93358/E, various circumstances have changed that now mean it is necessary to seek alterations to the site layout.

Firstly, following the granting of the planning permission, Northern Power Grid have imposed a requirement regarding the siting of a pole towards the north east of the site where an easement is necessary to allow access. The need to accommodate a pole and easement with access have meant the position of the houses along the easter boundary have had to be moved, adjacent to “The Knowle”.

Secondly, the proposed layout of the approved application was not informed by a full and detailed topographical survey across the whole site. Whilst some information was available for spot levels around the perimeter, the interior of the site had not been fully surveyed. Consequently, a detailed survey, along with detailed engineering design has uncovered that the original layout would either lead to technical issues or else result in adverse impacts on amenity. Consequently, it has been necessary to alter the alignment of the interior loop road and look at the position of the houses again.

Thirdly, it was realised that the gardens of some of the houses were disproportionately small to the size of the houses and so the alteration to the layout allows for the house and garden sizes to be better proportioned so as to provide a better standard of amenity.

Fourthly, sales of properties on other sites owned by Yorkshire Country Properties have found that certain house types are taking time to sell, whereas other house types are proving to be more popular. This application therefore seeks to alter the mix of house types. Interestingly, the intention is not to increase the number of four and five bedroom dwellings, as the overall number of larger properties is to be reduced. Instead, this application seeks to increase the number of three bedroom houses, which are proving to be popular.

Additionally, this application seeks to change all the one bedroom terraced houses to two bedroom semi detached houses. It is proving that the one bedroom houses are unpopular due to the limited living space and lack of second bedroom for working from home, children or simply storage. It is expected that the additional bedroom will improve the offer for the social housing occupants.

It is worth noting that Kirklees Council’s Affordable Housing and Housing Mix SPD (March, 2023) does not distinguish between one and two bed dwellings insofar as determining an acceptable affordable housing mix. Therefore, the proposed changes to the layout and housing types are considered to offer social benefits for the occupants whilst maintaining the provision of smaller affordable housing units in accordance with policy LP11.

It is also worth noting that previously all the affordable houses were grouped together, but the changes to the layout now mean the affordable houses are to be spread across the site, which accords with the social objectives of creating mixed communities.

Finally, further reasons for the revisions to the site layout include: alteration roof orientation to accommodate the most effective orientation for the newly incorporated PV (solar) panels; to improve solar gain and thermal properties of the dwellings to comply with the most up to date Building Regulations which has necessitated a revisiting of orientations and gross internal floor area of the dwellings.

Collectively, the various reasons mentioned have necessitated a revision of the site layout, as shown on the enclosed drawings.

Condition 28

Under the current approval, Condition 28 specifically refers to the materials being “natural” stone and “natural” slate. This application therefore intends to seek a variation to the approved materials by removing reference to “natural” to allow for the introduction of render, reconstituted stone and artificial slate, alongside the use of natural stone.

We therefore wish Condition 28 to be reworded to state “28. Prior to development commencing on the superstructure of any dwelling hereby approved details and samples of all external materials to be used shall be left on site for the inspection and approval in writing of the Local Planning Authority. The submitted details shall include ~~natural~~ stone and / or render for the walls of the dwellings hereby approved, and ~~natural~~ slate for the roofs. No materials other than those approved in accordance with this condition shall be used.”

By removing the word “natural”, the condition will instead simply refer to ‘stone’ and ‘slate’ thereby capturing both natural or reconstituted stone, as well as both natural slate roof tiles and slate effect tiles.

To this end, enclosed with the application are samples of the materials being proposed, a schedule of the materials and a drawing showing which houses are to be finished with the proposed palette of materials. The drawing illustrates in purple which dwellings are to be of the previously approved stone; in blue which dwellings are to be of the newly proposed art stone, and; in green which dwellings are to be of art stone with render. Additionally, dwellings have been marked that are to be of the newly proposed slate effect roof tiles.

There are a number of reasons for the change to the approved materials, which stem from concerns raised by the Council’s Conservation and Design Officer in respect to application 2022/44/90471/E. Initially, the Conservation Officer expressed concerns relating to the use of tumbled dyed natural stone due to the amount of black and its consequential visual impact. This led to the applicant looking to source an alternative in order to overcome the concerns raised. Artstone has been settled upon as an acceptable alternative insofar as it is capable of achieving a satisfactory aesthetic. We understand that Artstone has been approved elsewhere within Kirklees and should therefore address the concern regarding the amount of black within the colouring of the stone.

The reason for the change to the approved roofing material is that the slate effect roof tiles are better suited for the fixing of PV (solar) panels. Solar panels are being integrated into the site in response to the changes to Building Regulations, which now require installation of renewable technology. The variation from natural to artificial is therefore intended to maintain the approved visual appearance of the roofs, but allow for the practical requirements of construction and ongoing maintenance.

The proposed slate effect tiles are of a dark grey colour, and similar to the previously approved slate. The aesthetic difference between artificial and natural is not considered to amount to a material difference on its own, but it was sensible to include the change within this application rather than a separate non-material amendments application. Consequently, the proposed change accords in the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 23 of the National Planning Policy Framework.

Next Steps

If you require any further information or clarification in order to validate or determine the application then please do not hesitate to contact me.

I look forward to receiving an acknowledgement of receipt of this application at your earliest convenience.

Yours faithfully

Kathryn Jukes BA (Hons) DipTP MRTPI
Director