
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Dec-2016****Subject: Planning Application 2016/91777 Erection of 5 dwellings adj 3, Field Head, Shepley, Huddersfield, HD8 8DR****APPLICANT**Jason Ownsworth, Worth
Homes (Yorkshire) Ltd,
c/o agent**DATE VALID**

01-Jun-2016

TARGET DATE

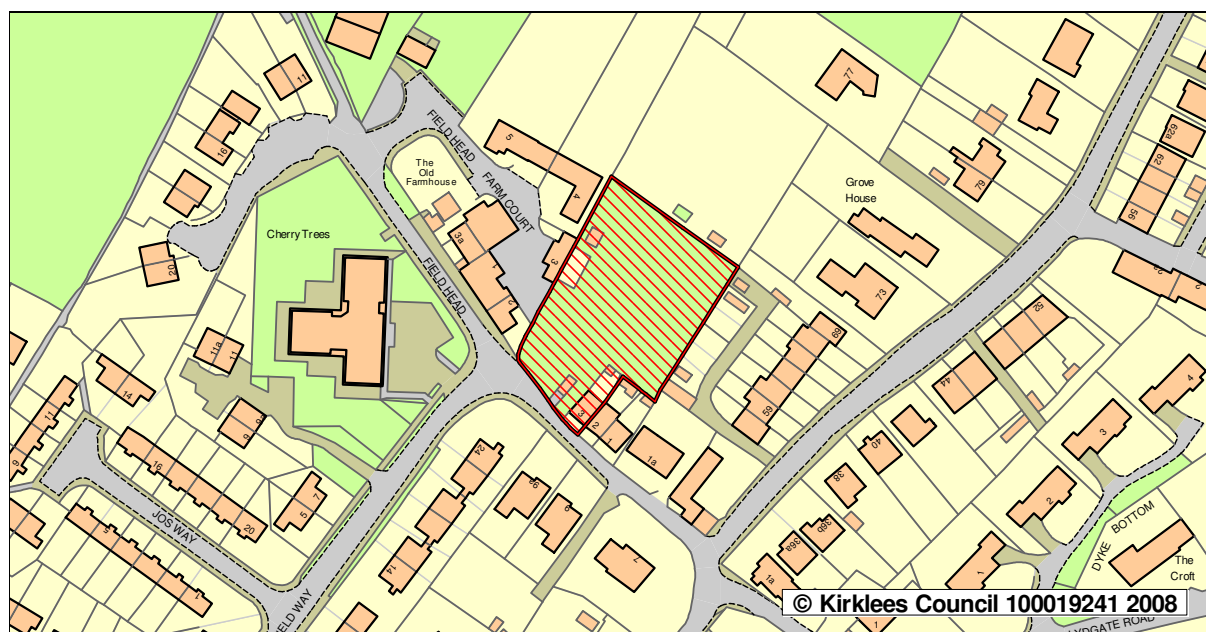
27-Jul-2016

EXTENSION EXPIRY DATE

17-Oct-2016

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected:

Kirkburton

N

Ward Members consulted
(referred to in report)

RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to:-

1. Await the final amended plan publicity period, which is 12 December 2016.

2. Resolve any outstanding issues relating to drainage.

Provided that no new material considerations are raised that have not already been addressed, issue the decision notice.

1.0 INTRODUCTION:

- 1.1 The application is brought before the Heavy Woollen Planning Committee as the application represents a departure from the Development Plan. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The principle of residential development has previously been established on this site through the granting of outline planning permission for the erection five dwellings (under application reference 2014/90136). Although reserved matters have not been submitted, the outline permission remains extant. The principle of residential development is therefore acceptable.
- 1.3 Negotiations have taken place during the course of the application which has resulted in a scheme that is acceptable to officers from a visual and residential amenity perspective. Furthermore, highway issues have also been resolved.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a 0.24 hectare field with a frontage to Long Lane between No.3 Field Head and No.2 Field Head Farm Court at Shepley. The site is bounded by open land to the north-east, by the rear of domestic garages associated with properties off Station Road to the south-east, by the rear of residential properties off Field Head to the south-west and by

residential properties at Field Head Farm Court to the north-west. The site is accessed via an existing vehicular access adjacent to No.3 Field Head.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of five detached dwellings. The access would be positioned centrally within the site with two plots (1 and 5) in the western portion of the site and three (plots 2-4) in the eastern portion.
- 3.2 The proposals also include a replacement garage for No.3 Field Head. A bin collection point is proposed adjacent to the access on the footway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2014/90136 – Outline application for erection of 5 dwellings – Conditional Outline Permission

2001/90529 – Re-use, extension and adaptation of farm buildings to form 2 no dwellings and erection of 4 no dwellings with covered parking – Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure the following revisions:
- A reduction in the number of dwellings from six to five to address highway safety concerns (to provide sufficient space within the site to provide a suitable access) and to avoid an over-development of the site.
 - Revisions to the layout to improve the relationship of the siting of the dwellings to neighbouring properties.
 - Cross Sectional drawings to demonstrate the visual impact taking into account the differences in levels relative to the highway and the impact on neighbouring properties.
 - Revisions to the overall layout to achieve a scheme satisfactory from a highway safety perspective.

6.0 PLANNING POLICY:

- 6.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary

from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
D2 – Unallocated Land
H10 - Affordable housing
H12 – Arrangements for securing affordable housing
EP11 – Ecological landscaping
H18 – Public open space

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 National Planning Policy Framework.
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 11 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour letter, site notice and press notice. As a result of this publicity seven objections have been received.
- 7.2 The main concerns raised are summarised as follows:

Highway Safety

- The entry and exit does not provide adequate visibility and may causes hazards to people and traffic turning onto Field Head.
- Parking provision is inadequate, could lead to on-street parking, where there is an existing problem affecting traffic movements and pedestrian safety. Field Head is 4.5m wide, has one footpath to one side or none at all. The land behind has been highlighted for future development. The proposals will set the parameters for potential future development off Field Head which could exasperate access issues and on street parking.
- Access could be dangerous as a result of limited clear visibility splays along the highway and the proximity to the existing junction between Field Head and Field Way.
- There would be less than 20 metres visibility towards Station Road when exiting the site.

- Concern about increase in traffic and pedestrians walking to local amenities.

Residential Amenity

- Concern about a loss of privacy to 59 Station Road and overlooking of bedroom windows.
- No.63 has a home office in the garage with rear facing windows. Concerned about loss of light.
- Concern the rear wall of the new garage is too close to the garages of 57 station road.
- Concern about height of boundary treatment to plot 2 and loss of light to garages
- The dry stone wall to the back of neighbouring garages adds to the history of the area and biodiversity, and there should be a limit to the height of boundary fencing to prevent obscuring sunlight / light to the garages / gardens which are north west facing.

Visual Amenity

- The window design does not mirror adjacent housing which have 1 / 2 large windows paired. The set of 3 windows side by side is not in keeping within a Conservation Area.
- Neighbouring properties have brown or duck egg green upvc windows. The colour of the upvc needs clarifying
- The proposal is over-development
- Building materials should be natural stone, not reconstituted.

Drainage

- Concern about adequate gardens to reduce risk of surface flooding to surrounding properties.
- Has the applicant confirmed how foul drainage is to be dealt with?

Ecology

- The trees, hedgerow on the site should be retained / replaced as they support a large range of wildlife. Bats are seen in the area and there is a bird nesting site at 63 Station Road, Shepley.

Other Issues

- The site is Green Belt land and within a conservation area. Brownfield sites should be considered first.
- Smaller green spaces should be maintained to offset the sprawl of housing and keep the semi-rural feel.
- Would like to see the site developed for starter homes. The whole of the site should be used to build either semi-detached or terrace houses. This would help keep the young house buyer in the village. The village is being developed by developers who have no interest in the future of the village and it is becoming a transit (ie people come and go without putting anything into the village) and a dormitory for larger towns or cities

- The site layout drawing includes little information regarding surrounding buildings and the location plan doesn't show dwellings within Field Head Farm Court that sit adjacent to the sites northwest boundary.
- Would be useful if the applicant could include some surrounding context and provide site sections to indicate the scale relative to existing buildings. The houses at the far end will be significantly lower than the existing highway.

7.2 Kirkburton Parish Council – No comments received.

7.3 Following receipt of amended plans, further publicity has been carried out. The final date for comments is 12 December 2016. To date, no further comments have been received. Should any further comments be received, they will be reported in the Update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections, however there was initially concern raised that if the access road layout was approved it would prevent development on the adjoining site because the proposed access road cannot support additional residential access. Following receipt of amended plans, this matter has now been addressed and the proposals are considered acceptable from a highway safety perspective, subject to conditions.

8.2 Non-statutory:

K.C Environmental Services – No objection subject to a condition relating to the reporting of unexpected contamination and the provision of dedicated electric vehicle recharging point(s). A footnote relating to the hours of construction is also suggested.

K.C Flood Management – Further information relating to the discharge of surface water has been requested. This information is currently awaited.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated Provisional Open Land (POL) on the UDP proposals map. However, the principle of residential development, for 5 dwellings, has previously been established on the site under outline application reference 2014/90316, which was considered by the Heavy Woollen Planning Committee on 29 May 2014. The previous outline permission remains extant.
- 10.2 In light of the above, the principle of residential development is acceptable.

Urban Design issues

- 10.3 Policies BE1 and BE2 of the UDP are considerations in relation to design and layout. Chapter 7 of the NPPF also highlights the importance of 'requiring good design'.
- 10.4 In this instance, there is a mix of house types within the surrounding area, comprising of detached, semi-detached, and terraced two storey dwellings, as well as single storey brick-built bungalows.
- 10.5 As previously set out, the layout comprises of five detached dwellings, all being two stories in height. The proposed layout, scale, and overall design of the dwellings would, in the opinion of officers, be appropriate within the context of this residential area.
- 10.6 The levels of the site are below that of the adjacent highway, Field Head. Plot 1, due to its proposed position, would have a prominent impact within the street scene. During the course of the application, site sections were requested in order to demonstrate the relationship of the proposed dwelling within the street scene. This section does indicate that plot 1 would be higher than the neighbouring property to the north-west however, it is the view of officers that this relationship would not appear out of keeping when taking into account the various scale of development within the surrounding area. Furthermore, there would be a reasonable degree of separation retained between plot 1 and this neighbouring property.
- 10.7 The scale of the proposed dwellings would relate satisfactorily to the terraced properties located to the south of the proposed access into the site, nos. 2 and 3 Field Head, which are dominant, traditional two storey dwellings.
- 10.8 With regard to the design and fenestration detail, as previously set out, there are a mix of house types within the vicinity ranging from the farm conversion at Field Head Farm Court, the older persons bungalows opposite the site, traditional terraces to the south-east, and a pair of large, modern dwellings on the opposite side of Field Head. In light of this, it is the opinion of officers that the design and fenestration of the proposed dwellings is acceptable from a visual amenity perspective.

- 10.9 To summarise, the proposals are considered acceptable from a visual amenity perspective and would accord with the aims of policies BE1 and BE2 of the UDP as well as the aims of chapter 6 and 7 of the NPPF.

Residential Amenity

- 10.10 Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. In this instance, the nearest neighbouring properties which would be affected by the development are Nos.2, 3 and 4 Field Head Farm Court to the west, No.2 and 3 Field Head to the south, and No's 57-69 Station Road to the east. The relationship shall be assessed below:

10.11 No.2 Field Head Farm Court:

The main aspect to this dwelling faces into the court yard serving the properties at Field Head Farm Court. There are windows located in the side elevation of this property facing towards the application site. Plot 1 has been positioned so that there would be no direct relationship with these windows because it would be set further back into the site than no.2 Field Head Farm Court. It should however, be noted that plot 1 would be higher than the application site and, because it would be set further back from Field Head than no.2 Field Head Farm Court, there would be a degree of overshadowing to the main aspect of this dwelling. It is however, the view of officers that this relationship, because of the separation distance which would be retained, would be acceptable and would not be so dissimilar to existing relationships within the Courtyard.

10.12 No.3 Field Head Farm Court:

The main aspect of this dwelling once again faces into the courtyard, away from the application site. There is one window in the rear elevation of this existing dwelling which faces onto the application site. However, there would be no plots directly adjacent, with plot 2 being set some 22m away.

10.13 No.4 Field Head Farm Court:

The main aspects to this property face either into the courtyard (south) or onto fields to the north. Whilst there are some openings in the side elevation of this property facing onto the application site, they appear to serve non-habitable rooms.

10.14 Nos. 2 and 3 Field Head:

A distance of just over 20m would be provided between the gable elevation of plot 2 and the rear of these properties which is considered acceptable. The detached garage to serve plot 2 would be some 12m from the rear elevation of no.2. There is an existing window in the gable of no.3 Field Head however, this does not appear to serve a habitable room and, due to the position of plot 1, which is set further back into the site, there would be no direct relationship. Furthermore a distance of some 13m would be provided.

10.15 Nos. 57-59 Station Road:

There would be a distance of over 30 metres to these properties. No.63 has stated that they have a home office in the garage with rear facing windows and are concerned about loss of light. The agent has asked to extend the section through the site to clearly show the relationship to neighbouring properties. It is the view of officers that this relationship is acceptable because a distance of approximately 10m would be retained between plot 3 and the existing garage.

10.16 Within the site:

The separation distance between the plots within the site is considered satisfactory and would result in a layout that would not be out of keeping with that of the surrounding area.

10.17 Overall

It is the view of officers that the layout has taken into consideration the siting of neighbouring properties and it is considered to be acceptable, complying with the aims of policy BE12 of the UDP. As such, from a residential amenity perspective, the proposals are considered satisfactory.

Landscape issues

10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

10.19 An ecological appraisal has been submitted with the application. This was undertaken in March 2014 as part of a previous outline application. It recommends that detailed ecological mitigation /enhancements should be incorporated into the layout and design, to include retention of hedgerows and trees within and adjacent to the site, a landscape design to retain and create features of ecological interest, production of a long term management plan to ensure the continuing ecological viability of these landscape features is maintained and incorporation of biodiversity features within the buildings.

10.20 In this instance, it is considered reasonable and pragmatic by officers to impose a landscaping condition to ensure that appropriate species are planted within the scheme in order to enhance the biodiversity of the site, in accordance with the aims of policy EP11 of the UDP and chapter 11 of the NPPF.

Housing issues

10.21 The site is located within a sustainable location within a predominantly residential area. The 2014 outline permission has already established the principle of residential development on this site.

Highway issues

- 10.22 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The application is supported by a Transport Statement by Paragon Highways.
- 10.23 Concerns have been raised in the representations received about adequate visibility, lack of sufficient parking, and an increase in traffic. Initial concerns were raised about the proposal for two access points onto Field Head. Taking into account the junction of Field Head Way and the proposed access points it would create 3 junctions in close proximity. The concern was that this would generate vehicle turning conflicts. Concerns were also raised about suitable visibility as the plans do not include finished levels for the proposed access road. Given the difference in levels between Field Head and the site, the access road is likely to approach Field Head on a gradient. As vehicles approach the junction they are at a lower level than Field Head therefore the required visibility cannot be achieved. Visibility at this point is further obstructed by the walls and gardens of No. 3 Field Head. Concerns were also raised that the parking provision is inadequate.
- 10.24 In response to the above concerns, amended plans have been received. The revised proposals now include a single point of access and a reduction in the number of dwellings down to five which are served by a shared private driveway. Each of the five dwellings has sufficient off-street parking and internal refuse vehicle turning, bin collection points, and visitor parking. The sight lines onto Field Head are in accordance with the previous outline approval.
- 10.25 The proposals are considered acceptable from a highways perspective and would not materially add to any highway safety implications. The proposals are considered to comply with the aims of Policy T10 of the UDP. Conditions are suggested to include the provision of visibility splays, turning facilities, and appropriate surfacing and draining.

Drainage issues

- 10.26 Consultation has been carried out with the Council's Flood Management team. Further information has been requested to be submitted in relation to the proposed discharge of surface water.
- 10.27 The results of soakaway testing have been submitted with the application which show that infiltration rates vary across the site. However, this information has not been transferred onto a proposed plan to demonstrate how the site could be drained via soakaway.
- 10.28 There is a public surface water sewer in Field Head but the site slopes away from the road and so it is unclear if a connection via gravity is possible. A proposal for a pumped surface water system would not be considered acceptable by officers.

- 10.29 In light of the above, negotiation has been on-going with the agent of the applicant. Officers are of the opinion that an acceptable scheme could be achieved on this site however, this information is required pre-determination (officers are not comfortable with recommending a condition relating to the submission of a surface water drainage scheme). As such, the recommendation reflects this.

Representations

- 10.30 Seven representations have been received. In so far as they are not addressed above.

- 10.31 Concern about a loss of privacy to 59 Station Road and overlooking of bedroom windows.

Response: This has been assessed in the 'residential amenity' section above.

- 10.32 No.63 has a home office in the garage with rear facing windows. Concerned about loss of light.

Response: This has been assessed in the 'residential amenity' section above.

- 10.33 Concern the rear wall of the new garage is too close to the garages of 57 Station Road.

Response: The garages do not form habitable accommodation as such, there is no guidance in regard to relevant 'space about buildings' with regard to the impact on residential amenity. With regard to the impact on the structure itself and any maintenance, this is a private legal matter.

- 10.34 Concern about height of boundary treatment to plot 2 and loss of light to garages.

Response: A condition relating to boundary treatments has been recommended.

- 10.35 The dry stone wall to the back of neighbouring garages adds to the history of the area and biodiversity, and there should be a limit to the height of boundary fencing to prevent obscuring sunlight / light to the garages / gardens which are north west facing.

Response: A condition relating to boundary treatments has been recommended.

- 10.36 Concern about adequate gardens to reduce risk of surface flooding to surrounding properties.

Response: This has been assessed in the 'drainage' section above.

- 10.37 Has the applicant confirmed how foul drainage is to be dealt with?

Response: This has been assessed in the 'drainage' section above.

10.38 The trees, hedgerow on the site should be retained / replaced as they support a large range of wildlife. Bats are seen in the area and there is a bird nesting site at 63 Station Road, Shepley.

Response: The principle of residential development has previously been established on the site. As set out above in the 'landscaping' section, a condition is recommended in relation to the submission of a landscaping scheme.

10.39 The site is Green Belt land and within a conservation area. Brownfield sites should be considered first.

Response: The site is allocated as Provisional Open Land on the UDP proposals map – it is not Green Belt and nor is it within a Conservation Area. Furthermore, as set out above, the principle of residential development has previously been established on this site.

10.40 Smaller green spaces should be maintained to offset the sprawl of housing and keep the semi-rural feel.

Response: See comments above. The principle of residential development has previously been confirmed on this site.

10.41 Would like to see the site developed for starter homes. The whole of the site should be used to build either semi-detached or terrace houses. This would help keep the young house buyer in the village. The village is being developed by developers who have no interest in the future of the village and it is becoming a transit (i.e. people come and go without putting anything into the village) and a dormitory for larger towns or cities.

Response: For the reasons set out in the 'visual amenity' section of this assessment, the design and scale of the dwellings are, in the view of officers, considered acceptable.

10.42 The site layout drawing includes little information regarding surrounding buildings and the location plan doesn't show dwellings within Field Head Farm Court that sit adjacent to the sites northwest boundary.

Response: It is the view of officers that sufficient information has been submitted as part of the application to be able to carry out a full assessment of the proposals. The relationship with surrounding properties is set out in the main assessment above.

10.43 Would be useful if the applicant could include some surrounding context and provide site sections to indicate the scale relative to existing buildings. The houses at the far end will be significantly lower than the existing highway.

Response: Further information has been received in relation to sections. This additional information is assessed in the main body of the report above.

Other Matters

10.44 Environmental Services raise no objections, subject to the reporting of any unexpected contamination. In the interests of sustainable transport, they advise that each dwelling with dedicated parking includes a charging point for low emission vehicles.

10.45 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, the principle of residential development on this site has previously been established following the granting of outline planning permission. This previous outline permission remains extant.

11.2 The proposal, following receipt of amended plans and subject to the inclusion of appropriate conditions, is considered, by officers, to be acceptable for the reasons set out in this assessment.

11.3 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.

11.4 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Standard time limit for implementation (3 years)
2. Development to be in accordance with approved plans
3. Samples of facing and roofing materials to be inspected and approved
4. Removal of permitted development rights for extensions or outbuildings
5. Provision of electric vehicle charging points
6. Landscaping scheme
7. Full detail of boundary treatments
8. Reporting of any unexpected contamination

Background Papers:

Application and history files.

Website link to the application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91777>

Certificate of Ownership – Certificate B signed.

Notice served on: Mr and Mrs Milner, 8 Cliff Side, Shepley.