
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Dec-2016****Subject: Planning Application 2016/90357 Erection of 2 semi-detached houses with parking provision and private drive adj 64, Wharf Street, Savile Town, Dewsbury, WF12 9AU****APPLICANT**

Mr N Patel

DATE VALID

03-Feb-2016

TARGET DATE

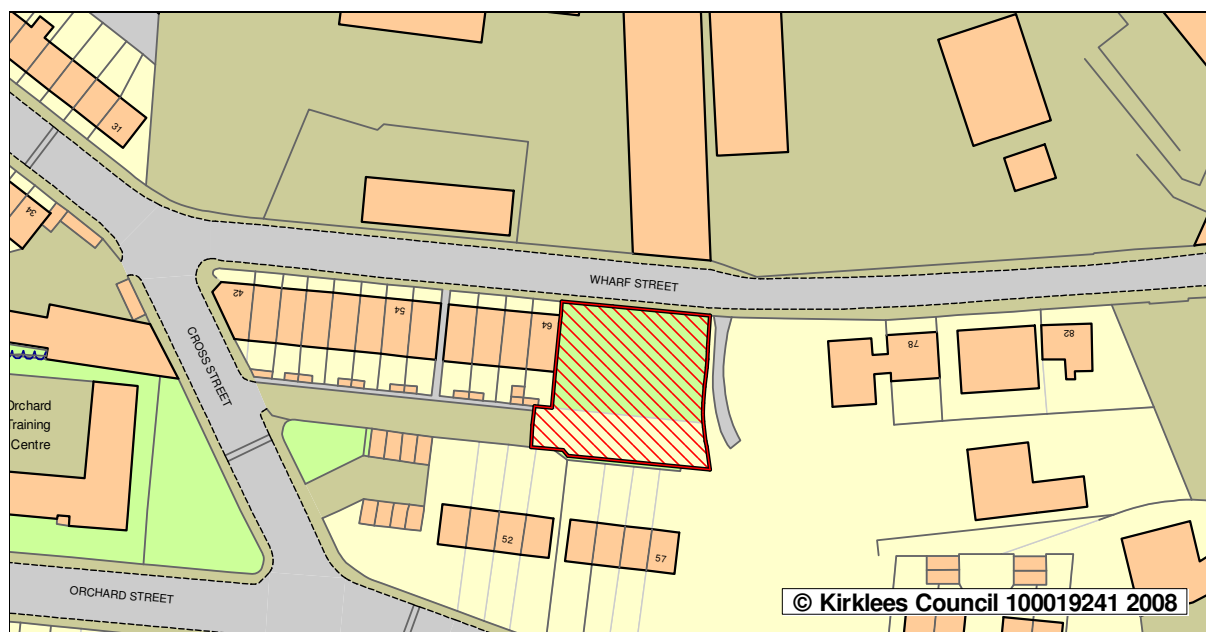
30-Mar-2016

EXTENSION EXPIRY DATE

02-Sep-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:
Dewsbury South Ward

NO

Ward Members consulted
(referred to in report)

RECOMMENDATION: Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee).

1.0 INTRODUCTION:

- 1.1 This application has been brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's scheme of delegation due to the level of representation received.
- 1.2 The erection of a two semi-detached dwellings on this site is considered to meet policy guidelines and in spite of objections, the benefit of locating residential development in this sustainable location would outweigh the loss of the site in terms of any ecological or visual impacts.
- 1.3 The design, scale, and layout of the proposed new dwellings are considered, by officers, to be acceptable and furthermore, the dwellings have been designed so that it would have no undue detrimental impact on the amenity of any adjoining occupants. The development is considered to be in accordance with Unitary Development Plan policies and the aims of the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms a fairly square area of, what appears to be derelict land located adjacent to number 64 Wharf Street. The land has a gradual slope up the rear of the site. It is unclear what the site has been used for previously although aerial photographs show an area of open space with some trees/shrubs. It would not appear to have accommodated any building. The site has been fenced off and largely been cleared although there is evidence of fly tipping. The site has a negative impact on the street scene and character of the area.

- 2.2 The area is mixed in character with dwellings to the South of Wharf Street and commercial /industrial uses to the North facing the site. The buildings immediately surrounding the site are constructed of natural and artificial stone and slate although there are some red brick industrial buildings in vicinity. The heights and scale vary from single storey buildings to larger three storey buildings.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of two 2.5 storey semi-detached dwellings that include accommodation in the roof space. The properties are orientated perpendicular to Wharf Street and centrally located to the site providing 5 bedroomed accommodation. The footprint of Plot 1 measures just over 10 m by 10 m and Plot 2 9.9m x 10.1m therefore both relatively square. The buildings have a pitched roof and a maximum height to the eaves of 6.5 metres and to the ridge 10.5 metres.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Application 2009/93433 - The application relates to the erection of four townhouses accessed from Wharf Street. The dwellings proposed were 3 storeys in height, with a split level between the front and rear of the site, with integral garages at ground floor level on the Wharf Street frontage. The height of the block is at 11.7m. This application was granted planning approval on 10 December 2012.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 No pre-application discussions regarding the details of submission have taken place.
- 5.2 During the course of the application, amended plans were submitted in order to address the consultation response received from the Environment Agency in addition to officer concerns regarding the scale of the development originally submitted which was 3 storeys in height.
- 5.3 The buildings would be constructed from artificial stone but officers are continuing discussions with the applicant regarding the possibility of using natural stone, the outcome of these discussions will be brought to Committee in the update.

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).

- 6.2 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 D2 – Land with no notation
BE1 – Design Principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
T19 – Parking standards
G6 – Land contamination
H1 – Housing needs of the district

Supplementary Planning Guidance / Documents:

- 6.3 None relevant

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 8 - Promoting healthy communities
Chapter 11 - Conserving and enhancing the natural environment
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been re-advertised following the submission of amended plans. A letter and petition containing 27 & 22 signatures has been received.
- 7.2 Representations summarised as follows:
- Loss of light
 - Loss of privacy/overlooking
 - Flood Risk
 - Loss of view

- Aesthetic/Out of character
- Access
- Violation Human Rights
- Voyeurism

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency: No objections subject to conditions

K.C. Highways Development Management: No objections

8.2 Non-statutory:

KC Environmental Health: No objections subject to conditions

KC Flood Management & Drainage: No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

10.2 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:

- *‘approving development proposals that accord with the development plan without delay; and*

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *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; or*
 - *Specific policies in this Framework indicate development should be restricted.'*
- 10.3 Footnote 9 lists examples where specific policies within the Framework indicate that development should be restricted. The examples include land designated as Green Belt and Local Green Space. The application site does not fall into either of these categories.
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.

Urban Design issues

- 10.5 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.6 The application site is a redundant area of land that is fenced off but has an unkempt appearance and therefore, in the opinion of officers, currently detracts from the character and appearance of the area. The development of the site would contribute more positively to the area by improving the general character in addition to replacing a derelict piece of land with two dwellings.
- 10.7 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflects the identity of local surroundings and materials. The nature of existing residential development that surrounds the site is mixed in character, with no single style or design of property taking precedent in the area. The dwellings to the east are large in terms of footprint and height.
- 10.8 The previously approved scheme was for a row of four 3 storey terraced properties that followed a similar layout to the dwellings to the west albeit at a greater height. This scheme reduces the density and scale of existing surrounding development thereby, in the view of officers, improving the contribution that the scheme makes in terms of design whilst reducing the impact on surrounding occupants.

- 10.9 The layout has been designed taking into account both existing occupants surrounding the site and also the future occupants of the dwellings proposed. The orientation is partly as a result of this and improving the outlook of the proposed dwellings as well as the orientation of the neighbouring dwelling, no.76/78. In addition, the orientation of the buildings has been influenced by the confines of the site. The site is not considered sufficiently wide enough to accommodate two large houses and side driveways/off street parking without the need for retaining walls. The agent considered basement parking to allow for a street frontage, however, this would have resulted in a height increase which Officers were concerned about. In addition the agent had to take on board other requirements such as the gradient of slopes/ramps in addition to the required flood risk build level. The neighbouring dwelling (number 76) is also orientated so that its gable end runs adjacent to Wharf Street. It is of simple form with windows in the end. The gable of Plot 2 has been designed to provide interest and presence within the street scene and as such, in the view of officers, would not detract from it. A small stone wall along the frontage would also soften the appearance and, apart from a break for accesses, would form a continuation of the wall fronting no. 76.
- 10.10 Taking into account the site topography and restrictions, in addition to the negative impact that the site currently has, it is considered, on balance, that the development proposed is acceptable from a visual amenity perspective and is in accordance with Policies BE1, BE2 and D2 of the UDP as well as the aims of chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.11 In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.
- 10.12 The two properties are located perpendicular to Wharf Street meaning that their main aspect is towards no. 76 Wharf Street with the rear elevation to no. 64. By orientating the building the outlook of future occupants is improved; avoiding facing a mixture of industrial units.
- 10.13 The front elevation and habitable room windows of both properties overlook the proposed driveway/access that leads to Plot 1. Beyond this is an access into land associated with no. 76. The land is not considered as private amenity space as it forms the access into the neighbouring area and is visible from Wharf Street. As such, the distance achieved is considered sufficient and would not result in any loss of privacy. There are reasonably large areas of garden between the dwellings proposed and the existing amenity space of no. 64 to the rear. This is an adequate distance so as to avoid any loss of privacy

to the occupants of no. 64. The gable of Plot 1 faces existing properties located on Orchard Street. The distance to the rear elevation of the original dwelling house is just less than 15 metres however the existing extension reduces the space between to 11.5 metres. There are no habitable room windows proposed in the gable end at first or second floor level, as such there would be no loss of privacy to the occupants of any of the properties along Orchard Street. The slight shortfall in distance is compensated by the topography of the site as the proposed dwellings are naturally set down thereby mitigating any potential loss of amenity from being overbearing.

- 10.14 As such, it is considered by officers, that the development would not result in any material harm to the amenity of nearby residents and an acceptable standard of amenity would be provided for the future occupants of the development thereby according with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP in terms of residential amenity.

Landscape issues

- 10.15 The application proposals incorporate small areas of landscaping to soften the development. It is considered these are sufficient to ensure the overall scheme contributes positively to visual amenity and also provides opportunities for wildlife.

Housing issues

- 10.16 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.17 The proposed site access for both dwellings would be onto Wharf Street; Wharf Street is subject to a 30-mph speed limit with street lighting along its length.
- 10.18 Sightlines from the proposed access onto Wharf Street are good in both directions.
- 10.19 Vehicle swept paths have been demonstrated to be in accordance with the correct standards on the proposed internal layout.
- 10.20 With regards to parking, the development is in a sustainable location with good access links to public transport and local facilities so dependence on car borne trips is potentially low. The existing properties on Wharf Street predominantly lack off street parking provision therefore any accessible off street parking associated with this development would be a benefit. The Councils parking standards for residential development are maximum standards as there is not likely to be an impact on road safety due to the proposed parking levels it is considered that two spaces per dwelling is acceptable in this instance.

- 10.21 To summarise, with the inclusion of appropriate conditions relating to the surfacing of the access road, the proposals would not materially add to any undue highway safety implications, complying with the aims of Policies T10 and T19 of the UDP.

Flood risk/drainage issues

- 10.22 The initial objections of the Environment Agency have been addressed with the submission of a Flood Risk Assessment with the inclusion of mitigation measures that include finished floor levels that ensure the site is developable without creating any issues of flood risk for future occupants or increasing the vulnerability of this in the vicinity. In addition it is noted that there are wider sustainability benefits to the community in terms of providing housing in addition to improving the character and amenity of the site and as such it is considered that the development is acceptable.
- 10.23 The Council's Flood Management & Drainage Team has confirmed that there is no objection to the disposal of surface water to the mains sewer due to the nature and scale of the proposal.
- 10.24 As such the proposals are considered to be in accordance with Chapter 10 of the National Planning Policy Framework.

Representations not covered above

- 10.24 Loss of light
Response: The height and scale of development has been significantly reduced since the original submission and is much reduced from application 2009/93433 that was approved in 2012. It is considered by officers that the layout of the development, which maintains space to boundaries, in addition to the height of the properties proposed and gradient of land, would not result in any detriment to adjoining occupants due to overshadowing.
- 10.25 Loss of privacy/overlooking
Response: Taking into account the location of development and the space that would be maintained around the dwellings proposed in addition to the positioning of windows, it is considered by officers that there would not be any overlooking of any adjacent private amenity space.
- 10.26 Flood Risk
Response: The application has been assessed in line with NPPF Chapter 10 and referred to the EA for consultation. They raise no objections to the proposed development subject to condition.
- 10.27 Loss of view
Response: This is not a material planning consideration.

10.28 Aesthetic/Out of character

Response: The revised scheme has been designed taking into account the gradient of the land and space within the site. The scale is appropriate when considering existing development and the character of each property is considered by officers to be in keeping with the area, which is quite mixed. It is not considered that the development would detract from the visual amenity of the area and is in accordance with relevant policies and the NPPF.

10.29 Access

Response: KC Highways DM have been consulted and raise no objections. The details provide adequate off street parking and access.

10.30 Violation Human Rights

Response: It is recognised that any development will, to some extent, interfere with a neighbour's enjoyment of their property; the question is whether this impact is proportionate or so significant so as to warrant a refusal. The rights of objectors also have to be balanced with the rights of an applicant to extend / alter their property or land. In this instance it is considered that the impact on the adjoining property is proportionate and would not materially harm the objectors' enjoyment of their property.

10.31 Voyeurism

Response: This is not a material planning consideration.

Other Matters

10.32 Sustainable transport:

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

11.0 CONCLUSION

11.1 The erection of two dwellings within the site is considered to meet policy guidelines and in spite of objections, the benefit of locating development in this sustainable location would outweigh the loss of the site in terms of any visual and ecological impacts.

11.2 The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.

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. 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. Time limit – 3 years
2. Plans to be approved
3. Finished Ground levels
4. Materials to be natural stone walling and marley modern tile roof: samples to be provided.
5. Removal of PD rights for extensions or insertion of windows
6. Laying out of areas to be used by vehicles.
7. Removal of permitted development rights for extensions.
8. Development to be carried out in accordance with Flood Risk Assessment and Mitigation.
9. Submission preliminary risk assessment
10. Scheme for provision of electric vehicle charging points

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%2f90357>

Certificate of Ownership – Certificate B signed: 2 February 2015
Notice served on: Mr M Aslan, 62 Senrab Street, London, E1 0QF