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**Report of the Head of Development Management**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Jan-2017**

**Subject: Planning Application 2016/93365 Reserved matters application pursuant to outline permission 2014/91533 for erection of 30 dwellings Land off, St Mary's Avenue, Netherthong, Holmfirth, HD9 3XN**

**APPLICANT**

Howard Gray

**DATE VALID**

04-Oct-2016

**TARGET DATE**

03-Jan-2017

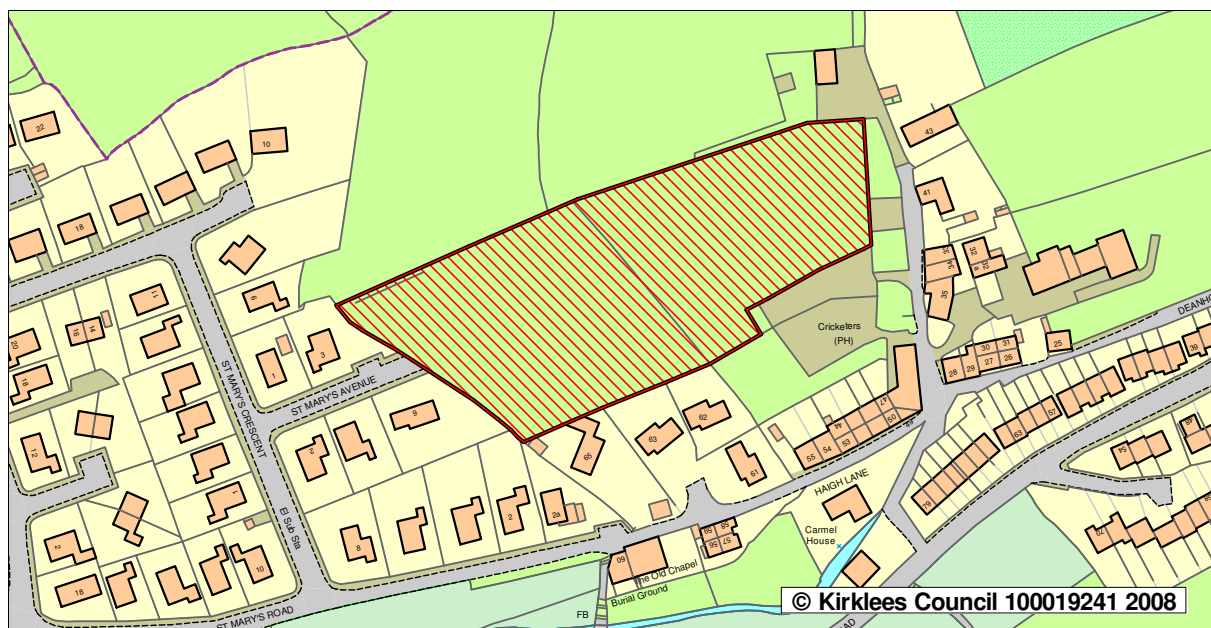
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Holme Valley South**

Y

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE 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 issue the decision.**

**1.0 INTRODUCTION:**

- 1.1 The proposals are brought forward to the Sub Committee for determination in accordance with the Council's Scheme of Delegation because of the significant volume of objections received.
- 1.2 The principle of residential development was established by outline planning permission 2014/91533 with access to the site via a continuation of St Mary's Avenue approved as part of the consent. The current application is now seeking approval of the reserved matters i.e. the layout, scale, appearance and landscaping of the site.
- 1.3 The number of dwellings was not specified under the outline application although supporting information showed a site layout of 34 dwellings for illustrative purposes and the highways assessment allowed for this number of dwellings. The layout as currently proposed provides a total of 30 dwellings.
- 1.4 A separate application to discharge conditions relating to the provision of affordable housing and public open space on the outline permission is currently being considered by the council (reference 2016/94029).
- 1.5 It is proposed that six of the proposed units would be affordable (plots 1-6). This equates to 20% of the total number of units which is in accordance with the interim affordable housing policy.
- 1.6 An off-site POS contribution is proposed for the development. Based on the 30 dwellings as proposed, the contribution has been provisionally calculated as £79,350 and the applicant has agreed in principle to pay this figure. The money would most likely be used at either Netherthong play area or Oldfield recreation ground.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a site of approximately one hectare bounded by open fields to the north and dwellings off St Mary's Avenue to the west. The southern boundary abuts dwellings on St Mary's Road and Haigh Lane. The western boundary approaches an access road serving further properties off St Mary's Road. The eastern boundary abuts car parks to the Cricketers Public House and the Cider Press Café, however the site does not have a frontage to that road.
- 2.2 The Netherthong /Deanhouse Conservation Area lies to the south and east of the site and abuts a section of the site's southern boundary.
- 2.3 Public footpath Hol/25/10 shares the access road to the east continuing to Honley and Oldfield. The site is crossed by a 'line of tread' from the end of St Mary's Avenue in a north easterly direction, however this is not a definitive right of way.
- 2.4 Dwellings on St Mary's Avenue, St Mary's Crescent and St Mary's Road comprise dormer bungalows principally faced in brick with concrete roof tiles. The area to the south-east at Deanhouse comprises older, traditional vernacular stone buildings.
- 2.5 The site is grassland and scrub with sporadic semi-mature trees and drystone boundary walls. The levels drop down on either side of a central ridge with a shallow drop down to Deanhouse to the east.

## **3.0 PROPOSAL:**

- 3.1 Reserved matters submission seeking approval of the appearance, landscaping, layout and scale of development pursuant to outline permission 2014/91533 for erection of residential development.
- 3.2 Access to the site via an extension of St Mary's Avenue was approved under the outline consent.
- 3.3 The layout provides for 30 dwellings comprising of 24 detached dwellings, one pair of semi-detached houses and a row of four terraced dwellings.
- 3.4 An access road dissects the site and leads to a turning head in the eastern part of the site. There is linear development along the northern side of the access road, a cluster of properties around the turning head and a group of six dwellings served off a short cul-de-sac on the southern side of the access road with a small number of houses to either side.

- 3.5 All of the dwellings are proposed to be two storeys in height and the appearance of the properties is typical estate type housing with gable frontages and bay windows a common feature. Six of the properties are constructed of natural stone with the remainder being artificial stone or artificial stone with render. Artificial slate is proposed to the roofs.
- 3.6 External boundary treatment mainly comprises of a mixture of timber fencing or artificial stone walling with fencing. Part of the southern boundary will retain an existing drystone wall with new planting adjacent.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2013/93271 - Outline application for erection of residential development Refused & appeal upheld
- 4.2 2014/91533 - Outline application for erection of residential development - Approved
- 4.3 2016/94029 - Discharge conditions 5 (affordable housing) and 6 (public open space) on previous permission 2014/91533 for outline application for erection of residential development – Undetermined

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Negotiations were undertaken during the course of the application in order to secure amendments that would improve the appearance, layout and landscaping of the development. These negotiations took into account the main comments made on the application by councillors Sims and Patrick at a ward councillor briefing meeting; this was particularly in respect of the density of development, design and materials, separation distances and boundary treatment.
- 5.2 As a result of the negotiations the scheme has been revised. The main changes are:
- Plots 1-4 re-orientated
  - Spacing between plots 4-14 increased to 2m
  - Plot 15 re-orientated to front onto the street (and consequent re-siting of plot 14)
  - Use of natural stone on plots 16-21 (adjacent to Conservation Area)
  - Additional planting within the western part of the site
  - Provision made for a potential future footpath link to the south east corner of the site
- 5.3 The applicant has considered reducing the number of dwellings on the site but has advised that reducing the number of dwellings may affect the viability of the scheme and is likely to impact on S106 contributions. The applicant also considers that the proposed density represents an efficient use of land at a time when Kirklees does not have a five year housing land supply and that the layout/density is in keeping with the character of the area. The applicant considers that the design of the houses is appropriate given the scale of the development and the site's wider context.

## 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 (saved 2007) remains the statutory Development Plan for Kirklees.

### 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about dwellings  
BE23 – Crime prevention  
D2 – General development principles  
G6 – Land contamination  
NE9 – Retention of mature trees  
H1 – Housing needs of the district  
H18 – Provision of open space  
T10 – Highway Safety  
T19 – Parking Standards  
EP11 – Ecological landscaping

### 6.3 Supplementary Planning Guidance / Documents:

K.C. Supplementary Planning Document (SPD2) – 'Affordable Housing'  
Interim affordable housing policy (December 2016)

### 6.4 National Planning Guidance:

6.4.1 The following parts of the NPPF are relevant:

Core planning principles:  
Chapter 4: Promoting Sustainable Transport  
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 12: Conserving and enhancing the historic environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised by press advert, site notices and neighbour notification letters.
- 7.2 A total of 51 representations have been received. The main concerns are summarised as follows:

### Visual amenity and character:

- Overdevelopment
- Density not in keeping with surroundings
- Location of property types and size of gardens not in keeping with surroundings
- Design not in keeping
- Detrimental impact on quiet, rural character
- Harmful impact on Conservation Area
- Eyesore
- Screening on boundaries needed

### Highways:

- Detrimental impact on highway safety
- Traffic and congestion
- Cumulative impact of this and other developments in the area
- Concerns with emergency vehicle access
- Local road network inadequate to sustain the development
- No visitor parking spaces provided
- Development reliant on private car
- Inaccessible/unsustainable location
- Garages not big enough and will lead to on-street parking
- Impact on parking in Netherthong village and St Mary's estate

### Residential amenity:

- Loss of light/overshadowing
- Loss of privacy/overlooking
- Loss of outlook

### Flood risk & drainage:

- Increased risk of flooding and drainage problems

### Other matters:

- Increased pressure on local facilities and services including the local school which is oversubscribed
- Loss of green/recreation space/loss of footpaths
- Impact on wildlife
- Disruption from construction

- On site POS should be provided
- Plot 29 will prevent maintenance to an adjacent gable wall

**Jason McCartney MP:**

*"I am writing to place on record my objection to the above application. Whilst outlining planning exists on this site I have serious concerns for the number of houses planned on this application. I hope this application is looked at in committee so that all views can be considered. My principle objections are*

- 1. 30 more houses will be in reality 60 more cars passing through the narrow country lanes of an already congested village. The road infrastructure is just not there to sustain such a number of additional vehicles.*
- 2. The village school is oversubscribed with no space to extend the buildings. The facilities are just not there to support the additional school places required of so many more families.*
- 3. The visual amenity of this area will be spoiled by such a densely planned development on the edge of a conservation area.*

*I hope these views are taken into account so a more suitable and sustainable plan is brought forward for this site."*

**Holme Valley Parish Council:**

*"Object to the application on the grounds of:*

- 1) Over-intensification of the site.*
  - 2) A better mix of properties would be preferred i.e. 1, 2 and 2.5 (cot) bed houses and too many 4 bed properties would be inappropriate.*
  - 3) Concerns regarding sewerage, drainage and footpaths.*
- It would be sensible for provision to be made for a pedestrian access to the nearby public house and for community access/dog walkers etc."*

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

KC Highways Development Management – No objections in principle although the internal garage dimensions on two of the property types are substandard and parking for plots 2 and 3 is not overly convenient which could result in residents preferring to park on street.

**8.2 Non-statutory:**

KC Landscaping – Planting of native trees and shrubs should be incorporated into the layout to provide green corridors and enhance biodiversity. Sympathetic design required to preserve and preferably enhance landscape setting. Space for screen planting on boundary of plot 29 and existing adjacent dwelling is needed.

KC Conservation & Design - Amendments have gone some way to towards addressing initial concerns with layout and design

## 9.0 MAIN ISSUES

- Layout
- Scale
- Appearance
- Landscaping
- Representations

## 10.0 APPRAISAL

### Layout

- 10.1 The proposed layout provides 30 dwellings which are predominantly detached (24 no.) with a small number of terraced (4 no.) and semi-detached houses (2 no.) located in the northwest corner of the site.
- 10.2 There is a linear row of development along the northern flank of the access road, a cluster of properties set around the turning head and a group of six dwellings served off a short cul-de-sac on the southern side of the access road with houses to the east and west of the cul-de-sac fronting onto the access road.
- 10.3 The character of the surrounding area is mixed with relatively spacious 1960s detached dormer bungalows lying to the west, a variety of traditional stone-built properties to the east and a small number of more modern detached houses to the south. The areas to the south and east fall within the Netherthong/Deanhouse Conservation Area. To the north of the site is open land and the Cider Press.
- 10.4 The density of development equates to 28.5 dwellings per hectare. By way of context, this is below the 30 dwellings per hectare minimum requirement in the emerging Local Plan (Policy DLP6). The NPPF also states that planning decisions should aim to ensure that the potential of a site to accommodate development is optimised. The proposed layout represents an efficient use of land to meet future housing needs at a time when the Council is unable to demonstrate a 5 year supply of land for housing. Taking these factors into account and considering the mixed character of the surrounding area the proposed density and the type of residential development proposed are considered to be acceptable.
- 10.5 The layout has been amended to enable a more spacious form of development to be provided and to enhance the overall appearance of the scheme. For example, separation distances between plots 4-14 have been increased to 2m, plots 1-4 have been re-orientated so that they continue the linear form of development along the northern side of the access road which has allowed the design of the terrace to be improved and plot 15 has also



been re-orientated so that it fronts onto the street in order to give it a stronger presence within the streetscene.

- 10.6 The amendments to the layout are considered to make it acceptable in terms of its impact on the visual amenity and character of the area, including the setting of the adjacent Conservation Area. As such the application is considered to comply with Policies BE1 and BE2 of the UDP and guidance in the NPPF.
- 10.7 The layout satisfies the council's space about buildings policy (BE12) in respect of separation distances between windows within the proposed dwellings and windows within existing properties surrounding the site and are considered to be acceptable. Separation distances between the proposed buildings and adjacent undeveloped land, including neighbouring gardens, are also considered to be acceptable.
- 10.8 Separation distances internal to the site generally meet Policy BE12 standards although there are a small number of instances where a slight shortfall occurs in relation to proposed dwelling to proposed dwelling. Nevertheless, it is considered that in these instances the development would still provide an acceptable standard of amenity for future occupiers.
- 10.9 The parking area for plots 1-3 that is adjacent to 3 St Mary's Avenue is unlikely to have any significant implications for the amenity of this neighbouring property. Details of how the parking area will be constructed relative to no.3 have been requested from the applicant.
- 10.10 Overall officers are satisfied that the development would not prejudice the residential amenity of existing and future occupiers.
- 10.11 In highway safety terms the layout is considered to be acceptable although officers have sought an amendment to the parking for plots 2 and 3. It is considered that a single parking space should be provided to the front of these dwellings with a second place within the parking courtyard to the west (rather than both parking spaces being located within the courtyard). Whilst this will increase the visual prominence of parking along the street frontage and slightly reduce the scope for landscaping in this part of the site, it is considered that having a parking space to the front of these dwellings is likely to reduce the likelihood of on-street parking. An amended plan is awaited.
- 10.12 The level of parking access the site for the dwellings is considered to be acceptable.
- 10.13 Dedicated visitor parking is not provided although officers are satisfied that this can be safely accommodated on street on this development.
- 10.14 The proposal would not prejudice highway safety and is considered to comply with Policy T10.

10.15 The site layout has been amended to include a footway up to the boundary with the adjacent land associated with the Cricketers public house (in front of plot 20). It is not within the applicant's gift to provide a formal link to this land and consequently allow a connection to be made between the development and the facilities and services within the village. The layout does however safeguard the provision of a link in the future should access over third party land be secured. This enhances the sustainability of the development.

Scale:

10.16 All of the proposed dwellings are two storeys in height and development at this scale would be in keeping with the character of the surrounding area.

10.17 The scale of development is considered to be acceptable in terms of the impact on surrounding properties having regard to the topography of the area and separation distances.

10.18 In respect of 'scale' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Appearance:

10.19 The appearance of the properties is typical estate type housing with gable frontages and bay windows a common feature. The applicant has sought to simplify the appearance of the dwellings by incorporating pitched roofs across the whole development rather than having a mixture of pitched and hipped roofs. As previously identified, the surrounding area has a mixed character and it is considered that the general design of the proposed houses is therefore acceptable in this location.

10.20 Six of the properties are constructed of natural stone with the remainder being artificial stone or artificial stone with render. Artificial slate is proposed to the roofs.

10.21 Plots 16-21 are constructed of natural stone and lie in the western part of the site adjacent to the Conservation Area boundary. The use of natural stone will help the development to harmonise with the Conservation Area. The use of artificial stone and render on the remainder of the development is considered to be acceptable. The layout allows for a natural transition between the use of artificial stone and natural stone within the site because the natural stone properties are grouped around the turning head. It is to be noted that plots 24 and 29 are also adjacent to the Conservation Area boundary but it is considered that artificial stone would be appropriate here in order to enable consistency within the material palette in relation to neighbouring plots. The artificial stone and artificial slate tile as proposed within the application are considered to be of an acceptable quality.

- 10.22 The re-orientation of plots 1-4 has resulted in an improved design for this part of the site by addressing an unsatisfactory relationship between plot 1 and the remainder of the terrace. Furthermore, plot 1 has active elevations towards the site entrance with principal elevations for plots 2-4 onto the street which gives these properties a strong presence when entering the site.
- 10.23 In respect of 'appearance' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Landscaping:

- 10.24 The proposed development provides some tree planting within the front gardens of a number of plots which helps to soften the appearance of the development and mitigate the visual impact of the off-street parking.
- 10.25 Planting to the boundaries is reasonably limited although additional shrub/tree planting has been incorporated along the northern part of the western boundary and hedge planting is proposed along a section of the southern boundary.
- 10.26 The use of native species of plants for the planting will enhance the biodiversity of the development and this can be conditioned.
- 10.27 External boundary treatment mainly comprises of a mixture of timber fencing or artificial stone walling with fencing. Drystone walling to the western and southern boundaries will remain with either timber fencing or hedge planting alongside.
- 10.28 An artificial stone wall with timber fence panels is proposed to the eastern boundary. It is considered that a natural stone wall would be more appropriate for this boundary given that it is adjacent to the Conservation Area and considering that the proposed and existing dwellings adjacent to the boundary are natural stone. It is considered that this should continue along parts of the northern and southern boundaries adjacent to plots 16, 19 and 20 to enclose this part of the site before transitioning to timber fencing. This has been requested from the applicant and an amended plan is awaited.
- 10.29 Part of the southern boundary will retain an existing drystone wall with new hedge planting adjacent; this is to the side of plots 24 and 29 which adjoin the Conservation Area boundary. The boundary proposals would preserve the character of this area and also provide privacy for neighbouring occupiers.
- 10.30 The timber fencing that is proposed to the western boundary and for plots 1-15 on the northern boundary is considered to be acceptable and would not significantly harm the visual amenity of the area.
- 10.31 Within the site, where rear gardens adjoin the access road (plots 21, 26 & 27) the boundary treatment is artificial stone walling with timber fencing to give a more attractive appearance to the streetscene.

10.32 The site does not provide any public open space but a contribution in lieu of this is to be provided for off-site provision.

Representations:

10.33 51 representations have been received. A number of the issues raised relate to the principle of developing the land for housing. The principle of development has already been established under the outline consent and as such these matters are not material to the assessment of the reserved matters.

10.34 A significant proportion of the objections cite highways concerns, especially in the context of the number of dwellings proposed. Access was approved under the outline consent and an assessment was made on the basis of there being up to 34 dwellings on the site. As the layout is for fewer dwellings the proposed density of development does not alter the original highway assessment.

10.35 Issues with the density and appearance of the development have been addressed within this report and the representations do not raise any other issues that would materially alter the assessment of this application.

**11.0 CONCLUSION**

11.1 The density of the development is considered to be acceptable having regard to the need to make efficient use of land and at a time of housing shortage. Furthermore the scheme provides an acceptable layout and design which would not unduly harm the visual amenity or character of the area and would preserve the setting of the adjacent Netherthong/Deanhouse Conservation Area.

11.2 The layout and landscaping of the site are such that the amenity of neighbouring occupiers would be preserved and the site also provides adequate parking and turning facilities such that highway safety would not be unduly prejudiced.

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

1. Development in accordance with approved plans
2. Native species of planting
3. Minimum boundary hedge height adj. plots 24 and 29

**Background Papers:**

Application and history files.

2016/93365

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93365>

2013/93271 (outline planning permission refused and appeal upheld)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f93271>

2014/91533 (outline planning permission related to the reserved matters now applied for)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f91533>

Certificate of Ownership – Not required.