
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/91356 Erection of 2 detached dwellings (within a Conservation Area) adj 141, Church Street, Netherthong, Holmfirth, HD9 3EA

APPLICANT

Mr & Mrs Farmiloe

DATE VALID

29-Apr-2016

TARGET DATE

24-Jun-2016

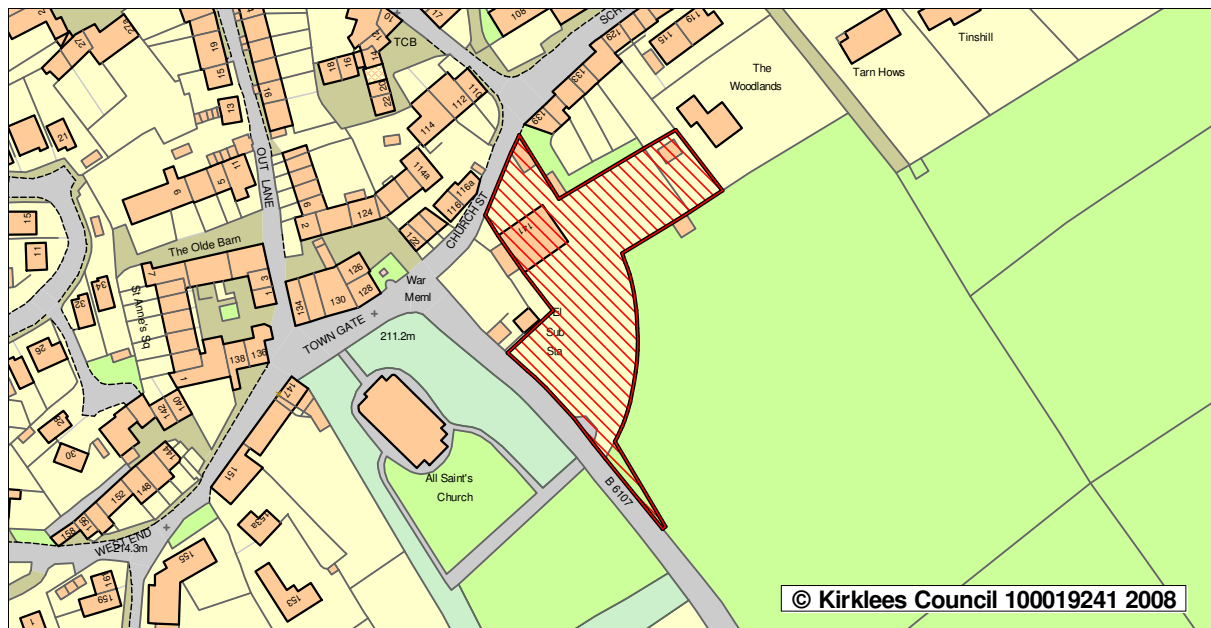
EXTENSION EXPIRY DATE

17-Mar-2017

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: Holme Valley South

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Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1. The application seeks approval for the erection of two detached dwellings within the curtilage of 141 Church Street at Netherthong. The principle of housing development is considered to be acceptable on this unallocated site. The proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area. It is considered the public benefits of housing development, at a time when the Council is unable to demonstrate a five year housing supply, weigh in favour of the development. The proposal would not have a detrimental impact on the setting of the grade II listed 141a Church Street, or the setting of neighbouring listed buildings 131-135 School Street. There would be no detrimental impact on highway safety or residential amenity.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises the rear garden area of 141 Church Street at Netherthong. Within the site is an area of amenity grassland and a vegetable plot, with a greenhouse at the north-eastern end of the garden. Access into the site is via an existing vehicular and pedestrian entrance off New Road. There is a group of mature trees along the eastern boundary protected by a group Tree Preservation Order, together with two trees located centrally within the site which are also protected by a Tree Preservation Order.

2.2 The site is bordered by the rear of neighbouring properties off Church Street and School Street to the north, by neighbouring property "The Woodlands" to the east, by undeveloped green belt land to the south and by New Road to the west.

2.3 The site is unallocated on the Unitary Development Plan Proposals map. It is however included within the Netherthong Conservation Area which extends from the north of the village and includes 141 and 141a Church Street and its amenity spaces. Land to the south of the application site is not included within the Conservation Area. The nearest listed buildings include 128 Towngate to the west of the site, and 131-135 School Street to the east of the site.

3.0 PROPOSAL:

3.1 The application seeks approval for the erection of two detached dwellings within the curtilage of 141 Church Street.

3.2 The proposed dwellings would be positioned to the south-east of the existing dwelling on an area of grassed amenity space and vegetable plot. The dwellings would be positioned 5 metres away from the southern boundary with private amenity spaces to the rear, and a private driveway / off-street parking area between the dwellings and the northern boundary of the site.

3.3 The proposed dwellings would be two storeys in scale. The proposed construction materials include natural coursed stone and natural stone slates and their design incorporates a high degree of glazing on the rear (southern) elevation.

3.3 Access is proposed via the existing vehicular access off New Road. It is proposed to extend the existing private driveway into the north of the site to provide a shared access and off-street parking. To replace the existing parking of 141 Church Street, it is also proposed to construct a new driveway on part of the garden to the rear of this property.

4.0 RELEVANT PLANNING HISTORY:

4.1 2015/93291 – Change of use of dwelling (C3) to hotel use (C1) (Listed Building within a Conservation Area) - Withdrawn

4.2 2015/93274 – Listed Building Consent for change of use from a dwelling (C3a) to hotel use (C1) (within a Conservation Area) – Withdrawn

4.3 2016/91343 – Erection of attached dwelling and erection of extensions and alterations to existing dwelling (Listed Building)

4.4 2016/91344 – Listed Building Consent for erection of attached dwelling and erection of extensions and alterations to existing dwelling – pending

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers have negotiated with the applicant to secure:

- A reduction in the number of dwellings from 3 to 2
- Revisions to the siting of the dwellings to address the impact on the protected trees.

- Revisions to the scale and elevation treatment of the dwellings to address the impact on the Conservation Area.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 BE1 – Design principles
- BE2 – Quality of design
 - BE5 – Preservation/enhancement of conservation areas.
 - BE6 – Infill sites
 - BE12 – Space about buildings
 - T10 – Highway Safety
 - EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 Biodiversity Action Plan

National Planning Guidance:

- 6.4 Chapter 6 – Delivering a wide choice of high quality homes
 Chapter 7 – Requiring Good Design
 Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
 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 was advertised by neighbour letter, site notice and press notice expiring 10th June 2016. As a result of this publicity 20 objections have been received. A summary of the comments made is set out below:

7.2 Highway Safety

- Church Street is a walking route for Netherthong and Holmfirth High School. The roads in the village are narrow and heavily congested. Further congestion could endanger pedestrians.
- Concern about heavy traffic from new residents and construction. Few houses have off-road parking.
- Concern about damage to cars and increased obstruction and accidents. HGVs taking an incorrect 'sat-nav' route, reverse and cause damage.
- Concern about a danger to pupils with no pavements and blind bends
- Concern about congestion generated by delivery /building/construction traffic.
- The site is unsustainable, provides poor visibility and adds to congestion.
- Church Street is narrow and restricted by residents cars. There are no buses on evenings or Sunday.
- Peak times extend beyond 8-9am and 5-6pm. Parents picking up children from the primary school park on New Road or Church St. during morning peak time and afternoon 3pm-3.45pm). difficult for buses and HGVs to move between parked cars and delivery vehicles
- Concern about the parking proposed, vehicles will park on New Road.
- Highway Services are accepting below standard visibility due to no reported injury accidents. Concern about risk of accidents.
- The development will add to existing parking problems.
- The transport system is operating at capacity.
- New Road is used for residents parking. It is hazardous to pedestrians, poorly lit due to parking.
- Access will be restricted due to parked cars onto a narrow, poorly lit frequently single lane. Pedestrians are not considered.
- The visibility splays are not sufficient on a road reduced to a single width. Highway Services have not monitored the road and are using poor data.
- Additional cars will mean access and egress is compromised.
- Cars parked New Road a single lane road, with no pavements/footpaths. gated entrance access is between parked cars – outwards into a narrow, poorly lit, already hazardous section of road.
- The 308 bus service is a slow service. The last bus to Netherthong from Huddersfield is 17:25; a deterrent for commuters.
- Larger vehicles will require most of the road width to re-join the carriageway and hamper traffic flows.
- The number of trips is not accurate. The local school is at capacity and children will be transported to other schools, as well as other activities.
- Concern over the bin emptying point.
- Buses and lorries cannot pass along New Road because of congestion.
- Employment potential within the local area is limited to the lower wage scale, people who can afford these properties would have to commute.

7.3 Visual Amenity / Heritage Concerns

- 141 and its walled garden and orchard marks the beginning of the conservation area. No grade 2 listed buildings to the north are seen from New Road. The house, 135, 133 and 131 School Street and the trees are seen across the valley. The garden provides a boundary between the open fields and conservation area and enhances the houses character. The garden is an integral part of the history.
- The design of the dwellings does not represent the character of the village. The 3D visual distorts the scale.
- Concern about extensive use of glass and aluminium, the design does not fit alongside listed buildings. The development will stand out from New Road, the public footpath and across the valley.
- Concern the proposal will not blend in with the village and spoil views, cut out light, and lose a sense of space
- The properties will be a blot on landscape, the design is modern and out of keeping.
- Properties on Church Street need to be conserved.
- The proposal would be out of keeping with neighbouring properties, particularly those with narrow weavers' windows.
- Aluminium window frames are not sympathetic. The style of windows does not fit with the dominant style in the village.
- Heritage statement fails to note 131 School Street is a Grade 2 listed building.
- Overdevelopment. One or two properties would be preferable.
- No connection made between listed buildings within the curtilage of Holmleigh (141A Church Street). Widening of gate will expose the site.
- Housing density in the village is high, the plot provides a much needed space.
- 141 is an imposing property at the entrance to the village, Planning Act 1990 requires councils to 'have special regard to the desirability of preserving the building or its setting'. The garden is part of the history of the house.

7.4 Amenity Concerns

- The proposal does not meet the requirements of policy BE12.
- The dwellings would block sun light to the ground floors of No's 131-135 sit lower than the northern boundary wall.

7.5 Ecological Concerns

- The garden supports nesting birds, hedgehogs and bats. A bat survey needs to be undertaken.
- The loss of mature apple trees has not been considered.
- 2 mature Elms (T8 and T9) extend into the area of build. Concern about interference with roots and crown spread. The house structures may be compromised.
- Hedgerow dividing the garden/orchard from the Woodlands. Elm (T11) need space to develop. The build will be compromised by T11's spread and roots.
- Existing boundary walls within the walled garden/orchard site.

- Within the proposed development site is a wall dividing part of the garden to the east from the other two thirds of the orchard garden
- T19 Oak in field south of the entrance. Wall proposed be lowered and re-aligned to enable widening of gated entrance and extension of sight lines. 2 trees next to T19 which will also be affected.
- 2 trees behind gateposts T20 Sycamore and T21 Beech (copper beech). Only two trees are found to be 'damaged' to warrant felling. Arboricultural report suggests loss of T20, and proposal will prejudice safe retention of T21.
- Significant impact on Woodlands property making trees covered by Tree Protection Orders, also be too close to properties and driveway and could easily be damaged.

7.6 Other Concerns

- Concern about noise, dirt and dust, disturbing peace of small village.
- The school is over-subscribed and impossible to expand.
- A change of use from stables to garage on the north east side of Holmleigh needs to be declared.
- No evidence the sewer system can accommodate waste water. A previous application for a single storey dwelling was refused on inadequacy of existing sewer system.
- Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.
- Question whether the grade 2 listing of 131 School Street extends to the acquired land, particularly boundary walls. Listed building consent will need to be applied for.

7.7 Holme Valley Parish Council comments – Object to the application on highways. Potential loss of TPO's. Dangerous due to lack of parking and existing parking on New Road. Over-intensification of the site and number of houses and design not in keeping with Conservation Area.

7.8 Amended plans which proposed the erection of two dwellings were re-advertised by neighbour letters. Correspondence was sent to neighbours originally consulted and to all interested parties for a period of 14 days expiring 23rd November. As a result of this publicity 16 representations have been received including 9 objections and 7 letters of support.

7.9 Points in support:

- An opportunity to make use of a small pocket of land to build well designed properties that will benefit and blend into the village. Thought has been given when designing the development to be sympathetic to nearby properties.
- The dwellings have been sympathetically designed to fit into the village.
- The development is in keeping with organic way in which the centre of the village has evolved.
- The dwellings have been sensitively arranged to be consistent in proportion and in their materials, echoing the local identity and fitting in with listed buildings.

- The houses are designed to provide privacy and open space.
- The proposal will address the under supply of housing in Netherthong and will provide much needed accommodation for families who will support local amenities.

7.10 Additional Points of Objection:

- There is little difference in the new plan. The dwellings are not in the building line of the existing properties. The proposal does not fit into the standards required in a Conservation Area
- The plan no longer sits together as a coherent design for such a prominent site.
- There is still proposed extensive use of glass in the new design which sets them apart from other surrounding buildings. The development will stand out from the rest of the village when viewed from New Road and the public footpath to the south of the development.
- The design of the proposed new builds are not in keeping with the conservation area
- In the 1970s permission was refused on the grounds that there is no sewer access.
- Mature hedges and trees have root protection orders which need to be observed.
- The proposed infill development would create an unnaturally straight line to the edge of the village / conservation area.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C Highway Services** – No objections

8.2 Non-statutory:

- **K.C Arboricultural Officer** – No objections
- **K.C Ecology** – No objections
- **Historic England** – **No objections in principle. Request further information is given to the fenestration detailing.**
- **K.C Conservation & Design** – **No objections**

9.0 MAIN ISSUES

- Principle of development
- Urban design / Heritage issues
- Residential amenity
- Landscape issues
- Highway issues

- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

- 10.11 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). The application site is located within the Netherthong Conservation Area, otherwise the site is unallocated on the Unitary Development Plan where Policy D2 applies. Policy D2 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]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.
- 10.12 With regard to developing the site for residential purposes, the Council’s deliverable land supply is below five years. In these circumstances, in accordance with the National Planning Policy Framework (NPPF) paragraph 49, “relevant policies for the supply of housing should not be considered up to date”. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14.
- 10.13 The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (para 8). NPPF stresses the presumption in favour of sustainable development. A proposal for two dwellings provides some economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage. The site is a green field site, however, although national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of housing development is considered to be acceptable, in accordance with the sustainability principles of the NPPF.

10.2 Urban Design / Heritage Matters

- 10.21 The application site comprises a Grade II listed, three storey, early/mid 18th century weavers cottage adjoining a substantial early 19th century dwelling with expansive domestic curtilage. This irregular shaped plot lies within the Netherthong Conservation Area and forms part of the eastern boundary with views over the Holme Valley. The site is surrounded by residential development to the north and east which includes the grade II listed properties at 131-135 School Street. Land to the south comprises undeveloped Green belt land where land levels fall away steeply.
- 10.22 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 10.23 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Policy BE6 stipulates that development on infills sites will not normally be permitted when it would adversely affect the character or appearance of a conservation area. A significant amount of concern has been raised in the representations received regarding the impact on the Netherthong Conservation Area and the setting of adjacent listed buildings. These concerns are précised in the representations section.
- 10.24 The initial proposal was for a development of three detached dwellings which together with their associated private amenity spaces and off-street parking areas would have represented a cramped form of development on this infill site. This would have amounted to an overdevelopment of the site contrary to policy D2 of the Unitary Development Plan.
- 10.25 In light of the initial concerns raised, amended plans have been secured proposing a scheme of two dwellings, which include a reduction in the footprint of development across the site. The proposed dwellings would be positioned five metres back from the southern boundary, and the reduction in footprint facilitates a more spacious layout with larger amenity spaces and greater distances between dwellings. The revised layout is considered to be able to be satisfactorily accommodated within this infill plot without amounting to a detrimental overdevelopment of the site.
- 10.26 The proposed layout would not meet all the requirements of Policy BE12 of the UDP. There would be less than 10.5 metres between a habitable room window of the new dwelling and the boundary of the undeveloped land to the south. The adjacent land is allocated as Green Belt where housing development represents inappropriate development. It is considered therefore that the proposed shortfall would be acceptable in this case, as the scheme would not prevent future development on this adjacent site.

- 10.27 The proposal is assessed with regards to the impact upon the Netherthong Conservation Area. The Councils Conservation and Design section are satisfied that, whilst there would be some limited harm to the character of the conservation area from the positioning of the proposed dwellings, this can be justified in order to satisfy paragraphs 132 and 134 of the framework. They also consider the proposed development would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings, 131 & 141a Church Street & 131-135 School Street
- 10.28 Officers recognise that the scheme could be improved by positioning the dwellings so that they follow the established building line however, they note much of Netherthong's special character derives from its organic and haphazard form. They consider the proposed positioning of the dwellings is a response to the prevailing urban form of the village, which would serve to preserve its character and appearance. Furthermore, aligning the development with the established building line would cause conflict with the trees to the north of House Type A, which contribute positively to this part of the Netherthong Conservation Area, and would also result in bringing the development much closer to the grade II listed cottages on School Street.
- 10.29. Historic England welcomes the proposed revisions which retain a greater proportion of spaciousness. They consider the proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area, which should be weighed against the public benefits of the scheme. In weighting the heritage considerations in the planning balance, it is considered the benefits of providing housing at a time when the Council is unable to demonstrate a five year supply outweigh the limited harm in this case. It is considered that the requirements of the framework have been met.
- 10.30. In respect of design officers consider that size, scale, design and material palette would not cause undue harm to the setting of the neighbouring listed buildings and would not undermine the character of the Netherthong Conservation Area. Historic England note that further consideration could be given to simplifying the proposed fenestration on the south elevation of the dwellings. They suggest the number of apertures could be reduced with a greater proportion of masonry to glazing to reflect the vernacular of the wider conservation area.
- 10.31 There is a high degree of glazing proposed on the rear elevations, which provides a contemporary appearance, and takes advantage of the views to the south. Paragraph 60 of the NPPF stipulates that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The proposed dwellings would be located on the boundary of the conservation area, and due to land levels would be visible from views looking north outside of the Conservation Area. The degree of glazing has been reduced from the initial submission. Whilst Historic England suggests further consideration could be given to the fenestration detailing, it is considered the contemporary

approach does respond satisfactorily to the sensitive historic context, with an acceptable balance between solid and void.

10.3 Residential Amenity

10.31 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development 'The Woodlands' located to the east and no's 133-139 Church Street located to the north.

10.32 With respect to the impact on The Woodlands, House 'B' would be sited at a distance of 9 metres to this property. Taking into account that only part of the proposed dwelling would align with The Woodlands, and no habitable room windows are proposed on the side elevation it is considered there would be no loss of privacy. Due to the orientation of the dwellings to each other it is considered there would be no detrimental overbearing impact.

10.33 With respect to the impact on properties 133-139 Church Street there would be a distance of over 30 metres to these properties and there would be no loss of privacy. Land levels slope gently downwards away from the neighbouring listed properties 131-135 School Street. The proposed access and driveways would run to the rear of these properties. There would be a level of disturbance that does not currently exist from the comings and goings of occupants of the proposed two dwellings. However, it is considered that this would not have an undue impact on the residential amenity.

10.34 There would be no detrimental impact on residential amenity and the proposal would accord with policy D2 of the Unitary Development Plan.

10.4 Landscape issues

10.41 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by an Arboricultural Survey and Bat Report.

10.42 There is a group of mature trees along the eastern boundary of the site which are protected by a group Tree Preservation Order, together with two trees located centrally within the site which are also protected by a Tree Preservation Order. The Council's arboricultural officer initially raised concerns regarding the proposed siting of the dwellings and the driveway in relation to the protected trees. An updated Arboricultural Report has been submitted to accompany the revised scheme for two dwellings. The arboricultural officer is satisfied that the proposal would now satisfactorily protect the mature trees within the site. This is subject to the development being carried out in accordance with the Arboricultural Impact Assessment and Method Statement. This can be addressed by condition.

- 10.43 With respect to the impact on protected species, the Council's ecologist has reviewed the bat survey dated August 2016. It is considered the proposals are unlikely to result in significant ecological impacts. There are no objections to the development, subject to conditions for the protection of trees (which may support roosting bats) being included in any permission. A condition is also suggested that all ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report.
- 10.44 With respect to landscaping, it is proposed to create individual soft landscaped areas to the rear and side of the dwellings together with a soft landscaped area underneath the protected trees. To accommodate the scheme a separate parking area for 141 Church Street and a turning area is proposed, however the scheme will retain sufficient soft landscaped areas within the wider site to avoid a detrimental impact on visual amenity.

10.5 Highway issues

- 10.51 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Significant concern has been raised in the representations received regarding highway safety. The comments raised are précised in the representations section above.
- 10.52 The development site is currently a residential garden and parking area associated with 141 Church Street. The site has direct access onto New Road (B6107) via an existing gated access. New Road has a narrow carriageway at this location with a footway on the opposite side to the existing entrance, which is un-segregated. This application is supported by a Highways Statement (HS) which has been prepared by PAH Highway consultants.
- 10.53 The HS has indicated that the proposed development would generate 2 additional trips onto the highway network during peak periods. Although Highway Services do not accept the trip generation rate used in the HS they do accept that the number of trips likely to be generated by the development would not have an adverse impact on highway capacity.
- 10.54 The application proposes to improve the existing gated access onto New Road to accommodate the additional movements generated by the development. These improvements include widening the entrance and the lowering of the boundary wall height to 900mm on both sides of the access. The HS promotes these improvements which would provide a visibility splay of 2 metres x 33 metres. Whilst Highway Services would not usually accept this size of visibility on a classified road, the entrance already exists with no reported injury accidents and the numbers of vehicle movements through it are likely to be low. Therefore Highway Services accept the below standard visibility at this access. The proposal is for two additional dwellings to be served off this existing vehicular access, and it is considered that the amount of movements through the site would be low and therefore it is reasonable to accept a lower standard of visibility in this case. As noted in the representations received, on-street parking reduces the width of the road and slow vehicular speeds.

10.55 Internally the proposed access road has the benefit of a turning head and the HS has provided swept path analysis which indicates that the site would be accessible for service and emergency vehicles. The private driveway would serve three dwellings which is below the number which requires it to be adopted therefore it would remain as a private driveway.

10.66 Parking provision as proposed is marginally below the Council's maximum parking standards for the existing dwelling, however additional vehicles could park on the proposed driveway and any overspill parking is unlikely to take place on the adopted highway network.

10.67 There are no objections to the proposal subject to the inclusion of conditions. These include appropriate surfacing and draining of areas to be used by vehicles, that no gates are proposed across the vehicular access from New Road, and the provision of sightlines of 2 metres x 33 metres along the site frontage onto New Road.

10.7 Representations

10.71 29 objections and 7 letters of support have been received. The comments made in the letters of support are préciséd in the representations section. In so far as the objections have not been addressed above:

10.72 Concern about noise, dirt and dust, disturbing peace of small village.

Response: The proposal is for noise sensitive development within an existing residential area and it is considered there would be no detrimental impact arising from noise disturbance. There will be a level of temporary disruption created during the construction phase. However, this is a normal part of the development process and is not a reason to refuse the application.

10.73 The school is over-subscribed and impossible to expand.

Response: Kirklees Council Policy Guidance "Providing for Education Needs Generated by New Housing Estates" states that the provision of additional school places will be a material consideration but the threshold for consideration is 25 dwellings. Therefore the demand or otherwise for school places cannot be taken into account in the assessment of the application.

10.74 A change of use from stables to garage on the north east side of Holmleigh needs to be declared.

Concern: This is not material to the assessment of this application.

10.75 Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.

Response: This is not a material planning consideration

10.76 Question whether the grade 2 listing of 131 School Street extends to the acquired land, particularly boundary walls. Listed building consent will need to be applied for.

Response: When 131 School Street was listed in 1983 the application site formed a part of the wider curtilage of the property. The removal of the boundary wall will required Listed Building Consent as at the date of listing, this wall (in its entirety) was a structure which was fixed to the listed building.

10.76 A change of use from stables to garage on the north east side of Holmleigh needs to be declared.

Response: This is not a material consideration to this application.

10.78 No evidence the sewer system can accommodate waste water. A previous application for a single storey dwelling was refused on inadequacy of existing sewer system.

Response: The proposal is to drain foul water to the mains sewer. This is a minor development for which Yorkshire Water is not a statutory consultee. The applicant will be required to discuss this matter with Yorkshire Water.

10.77 Covenant in title deed WYK922149 for plot of land behind 131 School Street to maintain a stone dry-wall or fence on the westerly side. The wall has not been accounted for.

Response: This is not a material planning consideration.

10.78 Holme Valley Parish Council commented on the original scheme. They objected on the grounds of highways safety and the potential loss of TPO's. They consider the proposal would be dangerous due to lack of parking and existing parking on New Road. They also raise concern that the proposal would represent an over-intensification of the site and that the number of houses and design is not in keeping with Conservation Area.

10.79 In response to this, the number of proposed dwellings has been reduced to two. It is considered this satisfactorily addresses the concerns regarding overdevelopment of the site. As noted in the report, it is considered the revised proposal would not have a detrimental impact on highway safety, or on the protected trees. It is considered that whilst the design of the dwellings would have a contemporary appearance, this would not undermine the character of the Netherthong Conservation Area, or have a detrimental impact on the setting of listed buildings.

Planning obligations

10.8 The proposal would not trigger the thresholds for any contributions.

Other Matters

10.9 In the interests of sustainable transport, charging plug-in points will be conditioned to be installed in the curtilage of each dwelling. This will accord with the sustainability objectives of the National Planning Policy Framework.

11.0 CONCLUSION

- 11.1 Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.
- 11.2 The proposal would result in minor harm to the significance of the character and appearance of the Netherthong Conservation Area, which should be weighed against the public benefits of the scheme. In weighting the heritage considerations in the planning balance, it is considered the benefits of providing housing at a time when the Council is unable to demonstrate a five year supply outweigh the limited harm in this case. It is considered that the requirements of the framework have been met. It is also considered the proposal, for an additional two dwellings, would not have a detrimental impact on highway safety and there would be no detrimental impact on residential amenity. It is considered, on balance, that the proposal would be acceptable.

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

1. Timeframe for development
2. Development to be in accordance with the approved plans
3. Surfacing and draining of the vehicle parking areas and driveways
4. No gates or barriers to be erected across the vehicular access from New Road
5. Sightlines of 2 metres x 33 metres along the site frontage onto New Road to be cleared of all obstructions to visibility exceeding 900mm in height above the level of the adjacent carriageway.
6. Development to be carried out in accordance with the Arboricultural Impact Assessment and Method Statement.
7. Details of any additional tree works not identified to be submitted for approval
8. Submission of written / photographic evidence to demonstrate that the arboricultural supervisions specified in 7.1 of the Arboricultural Method statement are undertaken.

9. Samples of facing and roofing materials
10. Details of boundary treatments
11. Removal of PD rights for extensions
12. Removal of PD rights for ancillary curtilage buildings
13. Provision of charging plug in points

Background Papers:

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91356>

Certificate of Ownership –Certificate A signed: