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**Report of the Head of Development Management**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Apr-2017**

**Subject: Planning Application 2016/94061 Erection of two dwellings Land at Old Lane/ Taylor Lane, Scapegoat, Huddersfield, HD7**

**APPLICANT**

Briestone Ltd

**DATE VALID**

02-Dec-2016

**TARGET DATE**

27-Jan-2017

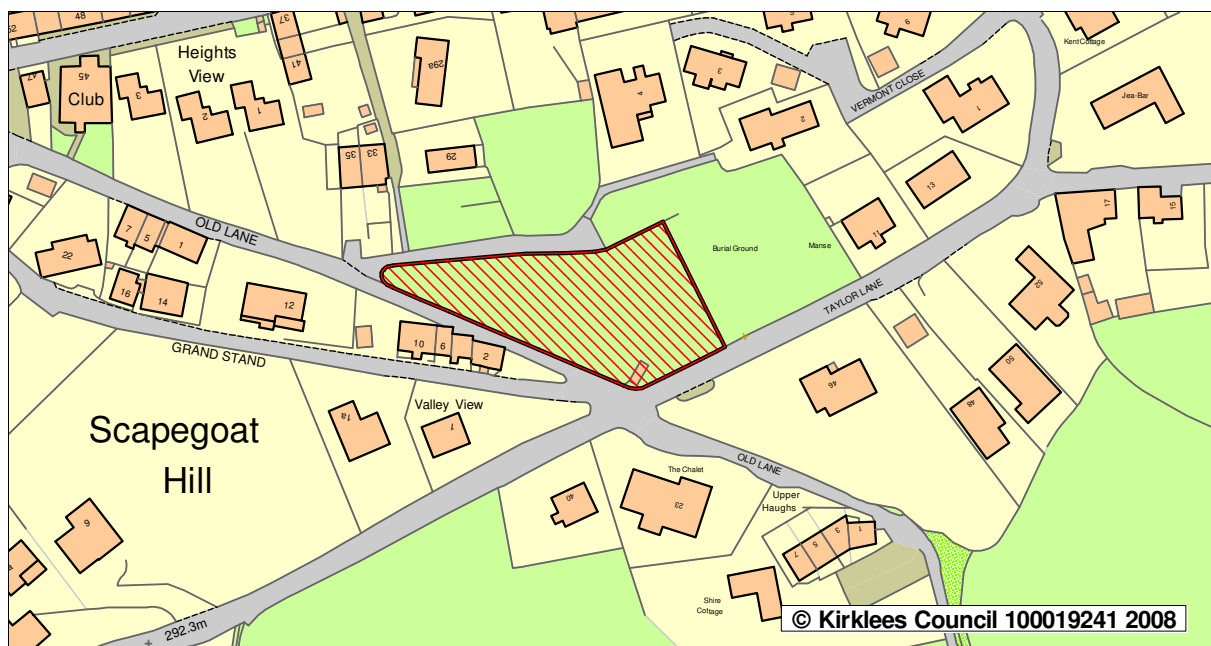
**EXTENSION EXPIRY DATE**

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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: Colne Valley**

Yes

Ward Members consulted  
(referred to in report)

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**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 is brought to Sub Committee at the request of Cllr Nicola Turner who states:

“I have concerns about the highway access to the site and would be requesting a committee decision”

1.2 The chair of sub-committee has confirmed that Cllr Turner’s reason for making this request is valid having regard to the Councillors’ Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site is of irregular shape and consists of overgrown shrubbery. Majority of land within the site slopes steeply down towards Old Lane and Taylor Lane in the southern direction. These roads run parallel with the south east and south west boundaries of the site, with residential properties beyond. East of the site is a burial ground. The site is separated from elevated land and the garden areas of properties to the north by a stone wall and an informal access/track beyond the stone wall

**3.0 PROPOSAL:**

3.1 The application is for the erection of two detached dwellings with integral garages to be served off individual drives onto Old Lane. The proposals would also include widening, in part of both Old Lane (approx. 35m in length ) and Taylor Lane (12m in length) by removing the existing boundary walls and providing a 600mm margin to the site entrances. The proposals would result in significant excavation works to accommodate the dwellings to be set into

the site. Parking, turning areas and provision for bin storage would be provided on site.

- 3.2 It is proposed to externally finish the dwellings in natural stone with slate roofs. A 3m wide landscape buffer along with a 1.5m wide access from Taylor Lane to allow easier access to the burial ground is also proposed between plot 1 and the burial ground.
- 3.3 An existing telegraph pole at the junction with Old Lane and Taylor Lane would be need to be relocated/sited. This would be the responsibility of the developer/applicant outside the scope of this planning application.

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

- 4.1 2015/92476 – erection of three detached dwellings – Pending decision

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

- 5.1 06/04/17 – location plan with amended red line  
10/02/17 – plot 2 amended reduced in massing & additional sections provided  
07/02/17 – sight lines included, resiting of external bin storage areas & external staircase (set back into site)

#### **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.

The site is unallocated on the UDP Proposals Map.

- 6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:  
D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
BE11 – Materials  
BE12 – Space about buildings

T10 – Highway safety  
EP11 – Ecological landscaping

### 6.3 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

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:**

A total of thirteen representations are received. A summary of the concerns raised are set out below:

#### **Highway issues:**

- No provision of footways /lighting raising risks to pedestrians
- highway safety from increased volumes of traffic on narrow substandard highway infrastructure in area
- concerns over construction and building merchants vehicles using surrounding highway and accessing site
- Proposed access too close to existing junction between Old Lane and Taylor Lane.

#### **Visual amenity/character of area:**

- The development would remove this natural, open area, thus reducing the amount of green open spaces around our property.
- The scale and siting would have a significant negative impact from a visual perspective and dominate the surrounding area.
- The dry stone wall should be protected as part of our local heritage.
- Will over power nearby cottages on Grandstand
- The proposals would have a negative impact on nearby area of the green belt

#### **Drainage:**

- Proposals do not address current drainage issues in the area which will be increased by additional hard standing areas in site
- flood issues and increase in surface water in area

#### **Residential amenity:**

- headlights shining into the rear of no. 10 Grandstand
- concerned about the stability of sloping site
- Structural integrity of dry stone wall of Old Lane and damage to neighbouring property

**Other issues:**

- not affordable homes
- includes a public footpath and land that is used by local residents
- Why is there a need to create a new access to the graveyard
- Existing garage is used not derelict
- Not sustainable development
- majority of the site is designated as burial ground.
- Inaccurate information in ecological report submitted
- invasive plant species on site  
Loss of green area and wildlife

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

K.C. Highways Development Management - support revised plans subject to conditions.

K.C Conservation & Design – verbal comments, support proposals

**8.2 Non-statutory:**

K.C. Environment Officer – support subject to mitigation/enhancement measures

**9.0 MAIN ISSUES**

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

**10.0 APPRAISAL**

**10.1 Principle of development**

10.2 The NPPF states that there is a presumption in favour of sustainable development which for decision-taking means ‘approving development proposals that accord with the development plan without delay’. The application seeks demolition of a small garage and erection of 2 detached dwellings on a site which is principally ‘greenfield’ except for the footprint of the garage building using the definition set out in the NPPF.

10.3 The council cannot currently demonstrate a 5 year supply of deliverable housing sites. In these circumstances the NPPF states that “relevant policies for the supply of housing should not be considered up-to-date”. Paragraph 14 states that where “relevant policies are out of date” planning permission

should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in this Framework indicate development should be restricted”.

10.4 It is therefore considered that, unless it is judged that there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits, the development proposal should be approved.

10.5 The application site is located in an area that is unallocated under the Kirklees Unitary Development Plan. As such policy D2 is relevant to any proposals on the site and with this policy in mind, the proposed development in principle, would appear to be acceptable, subject to there being no undue harm caused to visual or residential amenity, highway safety, the environment or other similar considerations. These considerations will be assessed below.

#### 10.6 Urban Design issues

10.7 In addition to Policy D2 of the UDP, Policies BE1 and BE2 of the UDP highlight the importance of achieving good design which is also a main objective set out in chapter 7 of the NPPF, entitled “requiring good design” and is a key component of the core planning principles. Paragraph 56 states that “it is important to plan positively for the achievement of high quality and inclusive design for all developments, including individual buildings, public and private spaces and wider area development schemes”. Paragraph 58 emphasises that decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings.....

10.8 The site is currently overgrown with shrubbery and other than a single garage in the southern corner, the site does not appear to be used for any other purpose. The context in which this site lies is evident of dwellings consisting of traditional stone terraced properties as well as dwellings of more contemporary design and large scale, set into hillsides and topography of land.

10.9 The proposed dwellings would be set back into the site and take access off Old Lane. The design is one of a contemporary style yet taking the traditional approach by using natural stone and slate roofs for external facing materials. In terms of scale the dwellings would be large and provide accommodation over three floors including rooms in the roof space. However as demonstrated in the sections provided it is considered the dwellings, in the siting, scale and massing as now revised, have been designed to respect the surrounding land levels. The proposed dwellings and rear gardens would be cut into the existing embankment and represent three storeys in height to the front with a basement level for garaging. The dwellings would be viewed against the backdrop of the existing embankment/ land to the north.

- 10.10 In terms of design, each dwelling would be bespoke in character and would clearly be seen from the road side. Only the roof line of plot one would project beyond the height of the existing wall to the north, which currently separates the application site from elevated land to the north. The existing ground levels will be dug out to create level vehicular access to the front onto Old Lane. In order to create the visibility splay the existing retaining stone wall along the site frontage will need to be repositioned and set back into the site. This together with retention of some of the existing land profile along the site frontage, adjacent to Old Lane would thereby retain the existing character (stone wall and graded banking) of the site. Officers are of the opinion the scope of works proposed would not unduly harm the visual amenity of the area, subject to a condition requiring alterations to wall along frontage to be natural stone to match the existing wall.
- 10.11 To summarise, Officers are of the opinion the proposals have been designed to respond well to the local character and would integrate sympathetically to the visual amenity of the area. Whilst the proposal is for two substantial detached dwellings, the siting of the dwellings and topography of the area mitigates their scale and consequently they would not appear as an incongruous addition to the street scene and are considered acceptable and would accord with Policies D2, BE1, BE2 of the UDP and advice within the NPPF.
- 10.12 Residential Amenity
- 10.13 In addition to Policy D2 of the UDP, Policy BE12 also applies and sets out recommended distances that should be achieved between existing and proposed dwellings.
- 10.14 The difference in levels and separation distances between the proposed dwellings would ensure that the amenity of the future residents would not be prejudiced. Both plots provide an acceptable standard of amenity for future occupiers including adequate amenity space. The proposals satisfy Policies BE12 and D2 of the UDP and guidance in the NPPF.
- 10.15 Highway issues  
Policy T10 of the UDP states that new development should not materially add to any highway safety implications.
- 10.16 Highway Officers on initial assessment advised:  
“The site is situated north of the junction of Old Lane and Taylor Lane; both Old Lane and Taylor Lane are subject to a 30-mph speed limit and have street lighting along their length.
- 10.17 The development consists of the erection of 2 dwellings with 8 associated vehicle parking spaces including internal double garages. Improvements to the roads have also been proposed by the applicant. In regards to the road improvements it has been proposed that Old Lane is widened along the full frontage of the development to a width of 4.8m and includes a 600mm margin, this is seen as acceptable and necessary from a highways point of

view. Taylor Lane is also proposed to be widened along the front of the site to a width of 5m with a 600mm margin. Waste collection points have also been shown on the plans. In regards to parking the correct number of vehicle parking spaces has been provided which comply within recommended standards”.

10.18 In response to this, the plans have been amended to provide the required sightlines from both plots by setting back the proposed retaining walls along Old Lane. In addition finished ground levels have been indicated on the revised plan with a maximum centre line gradient being 1 in 8. With this and an adequate level of on-site parking, turning and bin storage areas for both proposed dwellings, Highway Officers support the proposals subject to conditions as set out at the end of this assessment.

10.19 To summarise, the proposals, as revised, are considered acceptable from a highway perspective, and would accord with Policies D2 and T10 of the UDP.

10.20 Drainage issues

The application form states that surface water will be discharged to the mains sewer and soakaways with foul drainage to mains.

10.21 Drainage officers advise whilst there are no known re-emergence issues in the immediate area soakaways are likely to be appropriate in this location. However, in this instance and in the interest of public health and flood risk details for both foul and surface water drainage would need to be approved prior to occupation on any allied building regulation application, therefore it would not be necessary to impose any conditions relating to drainage on this planning application.

10.22 Representations

**Highway issues:**

- No provision of footways /lighting raising risks to pedestrians
- highway safety from increased volumes of traffic on narrow substandard highway infrastructure in area
- concerns over construction and building merchants vehicles using surrounding highway and accessing site
- Proposed access too close to existing junction between Old Lane and Taylor Lane.

**Response:** The proposals include localised road widening which would increase the radii of the junction between Taylor Lane and Old Lane. The proposals have been assessed by Highway Officers who, subject to these works and conditions, support the scheme. A condition to require details of construction vehicle parking and materials can be included on the decision notice. In light of the proposed highway works and on site provision for parking and appropriate visibility sight lines it is considered the proposals can be served by the existing highway infrastructure without creating or materially adding to highway safety issues.



**Visual amenity/character of area:**

- The development would remove this natural, open area, thus reducing the amount of green open spaces around our property.
- The scale and siting would have a significant negative impact from a visual perspective and dominate the surrounding area.
- The dry stone wall should be protected as part of our local heritage.
- Will over power nearby cottages on Grandstand
- The proposals would have a negative impact on nearby area of the green belt

**Response:** addressed in the assessment above. Given the proposed siting and juxtaposition with properties to the west along Old Lane/ Grandstand together with the proposed finished ground levels, officers are of the opinion the proposed dwellings would not appear overbearing or create an oppressive dominance to these neighbouring properties or appear incongruous given the wider character of the area.

**Drainage:**

- Proposals do not address current drainage issues in the area which will be increased by additional hard standing areas in site
- flood issues and increase in surface water in area

**Response:** to be considered by relevant authorities through building regulations

**Residential amenity:**

- headlights shining into the rear of no. 10 Grandstand  
Response: Old Lane is an existing road used by vehicles, which no. 10 Grandstand sits along. This property has minimal openings in the elevations facing Old Lane. The proposals would not create or materially add to the impact on this property from car headlights using an existing road.
- concerned about the stability of sloping site
- Structural integrity of dry stone wall of Old Lane and damage to neighbouring property

**Response:** Structural stability issues relating retaining walls adjacent to public highways is considered in the assessment above. The developer/applicant also has the liability and responsibility to ensure development within the site is designed appropriately to prevent unacceptable risks from land instability in accordance with chapter 11 of the NPPF

**Other issues:**

- not affordable homes

**Response:** It is acknowledged that the proposed dwellings are large and would not be considered 'affordable'. This is not a material consideration in the assessment of the application and the scale of development, two dwellings, would not trigger a requirement for an affordable housing contribution.

- includes a public footpath and land that is used by local residents  
**Response:** there is no definitive public right of way within the application red line.
- Why is there a need to create a new access to the graveyard  
**Response:** Clarity is sought from the agent on this issue and the requirement for this new access. Should this be deemed unnecessary, this can be omitted from the proposals by an appropriately worded condition.
- Existing garage is used not derelict  
**Response:** noted
- Not sustainable development  
**Response:** See assessment above, the development is considered sustainable.
- Majority of the site is designated as burial ground.  
**Response:** This is noted. However, the proposals appear to be restricted to an area of land which is unused and appears to be sold separate to the burial ground adjacent to the eastern boundary
- Inaccurate information in ecological report submitted
- invasive plant species on site
- Loss of green area and wildlife  
**Response:** Whilst, the Council's Ecology Officer raises no objections to the proposals, a revised reptile method statement shall be conditioned along with mitigation measures. See assessment above.

#### 10.25 Planning obligations

None required as the site area and proposals are below the threshold for any planning obligations, such as affordable housing, POS and education contributions.

#### Other Matters

#### 10.26 **Electric vehicle charging point:**

Paragraph 109 of the NPPF states that "the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution" Therefore, on small new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

#### 10.27 **Impact on biodiversity and landscape:**

Chapter 11 of the NPPF relates to "conserving and enhancing the natural environment" and states under paragraph 109 that the "planning system should contribute to and enhance the natural and local environment" and that "local planning authorities should aim to conserve and enhance biodiversity"

10.28 The application is accompanied with an ecological report and reptile method statement. On assessment of these the Council's Ecology Officer states:

10.29 *"The ecology report fails to explicitly state the value of the habitats to be impacted, or the significance of ecological effects. However, due to the nature of the habitats and location of the site I am satisfied that the ecological effects of the proposed development can be fully mitigated subject to conditions.*

*With regards to the reptile method statement, the measures proposed are not proportional to the value of the site, the potential for direct impacts to reptiles, or the significance of impacts to any wider reptile population. The mitigation proposals, i.e. trapping effort, are based on assumptions that have not been verified through survey". The evidence presented within the ecological reports indicates that reptiles are either absent or present in low numbers".*

10.30 In light of this the Council's Ecology Officer raises no objections to the proposals subject to conditioning a revised reptile method statement to be submitted following the actions as set out in his advice dated 20/03/17. This requires stripping of vegetation amongst other actions. In addition an Ecological Design Strategy (EDS) addressing impact avoidance measures and enhancement measures including planting is also required. Suitably worded conditions to address the above issues could be included on the decision notice in accordance with the advice in the NPPF, should Members be supportive of the proposals.

10.31 Finally the proposals would include a landscape buffer along the eastern boundary. This can be conditioned to include planting to encourage ecological enhancement and biodiversity interests in the area, through the submission of a landscape scheme to be agreed in writing by the Local Planning Authority.

10.32 **Retaining walls:**

As states above the proposals to widen part of Old Lane and Taylor Lane would include the provision of new retaining walls along both these public highways. The onus is on the applicant /developer to ensure the proposals are constructed to ensure the structural integrity and stability of such structures and roads is not compromised as set out the advice within the NPPF and NPPG. In light of this, and given the retaining walls would be along public highways, the Local Planning Authority has a duty of care to the public and to ensure new retaining walls are designed appropriately to prevent unacceptable risks from land instability in accordance with chapter 11 of the NPPF. As such, it is prudent to ensure that the general design of the structures is suitable in the interests of highway safety. A condition is recommended in this regard along with an advisory note to make the developer aware of this responsibility and liability.

## 11.0 CONCLUSION

11.1 A very small part of the site constitutes brownfield land with the remainder being greenfield land. The principle of residential development as assessed above is acceptable. Furthermore, having regard to the pattern of existing

development in the area, representation received and the relevant provisions of the development plan and the National Planning Policy Framework, subject to conditions, the proposed scheme would be in accordance with the development plan as it is sustainable development, would not compromise the character of the area and would not have any significant adverse impacts neighbour amenity or highway safety.

11.2 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.

11.3 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**

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

1. 3 year time limit for commencement of development
2. Details of external materials to be approved
3. Parking & turning areas to be surfaced and retained
4. Details of a scheme for road widening at Old Lane and Taylor Lane
5. Schedule of means of access to the site for construction traffic
6. Access ramp to the car park not to exceed 1 in 8
7. Structural details/calculations relating to retaining walls/structures
8. Wall to site frontage to be faced in natural stone
9. Revised reptile method statement, ecological/ biodiversity enhancements
10. Landscape scheme to proposed buffer along eastern boundary
11. Potential omission of proposed pedestrian access to graveyard (agent to confirm, as set out in the appraisal above)
12. Electric vehicle charging point

### **Background Papers:**

Application and history files – as stated above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94061>

Certificate of Ownership

Certificate B signed by agent

**Notice served on Scapegoat Hill Baptist Church c/o John Stephenson**