
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Apr-2017

Subject: Planning Application 2016/92830 Reserved matters application pursuant to permission 2015/92205 for outline application for erection of one dwelling Land off, Round Ings Road, Outlane, Huddersfield, HD3 3FQ

APPLICANT

E Barber, c/o agent

DATE VALID

15-Sep-2016

TARGET DATE

10-Nov-2016

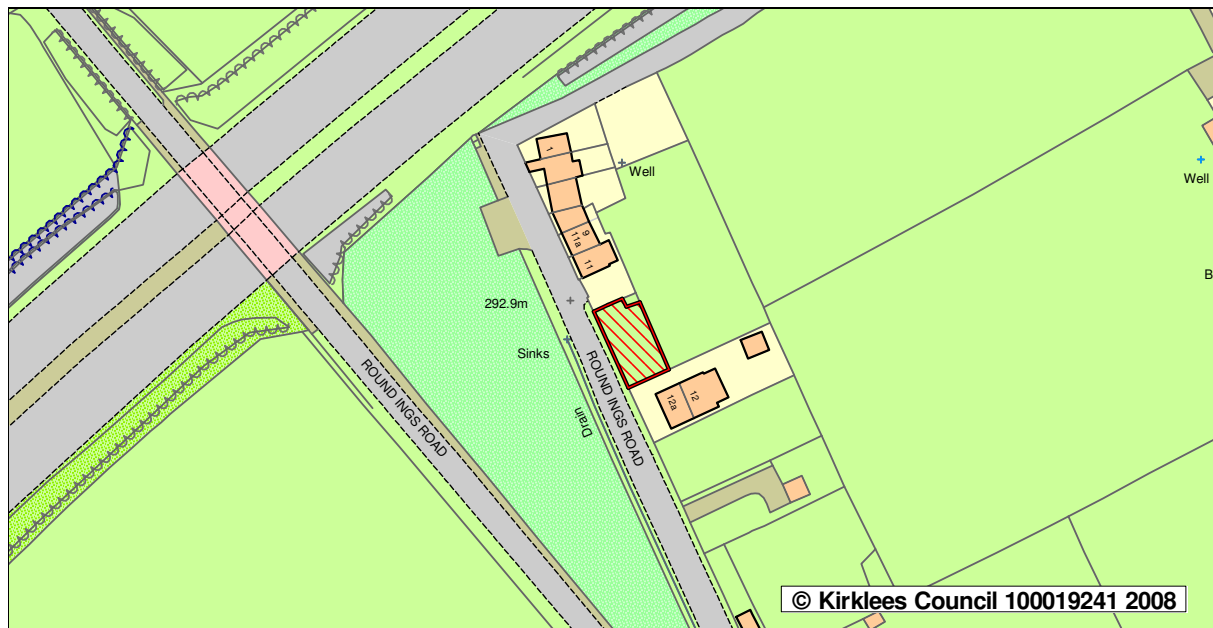
EXTENSION EXPIRY DATE

27-Apr-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: Colne Valley

No

Ward Members consulted

RECOMMENDATION:

Delegate approval of the reserved matters 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 committee following the approval of Outline Planning Permission by Huddersfield Planning Committee on 18th February 2016.
- 1.2 Members considered that the Outline Application represented limited infilling within a village/settlement and was therefore in accordance with Chapter 9 of the NPPF and Policy D13 of the UDP. However Members resolved that the reserved matters submission be brought to the committee for determination to consider detailed matters, including scale and appearance.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises a relatively flat, rectangular piece of undeveloped land between numbers 11 and 12/12a Round Ings Road, Outlane. This section of Road Ings Road forms a spur road off the main highway that connects to Horse Pond Lane.
- 2.2 There is a row of terraced properties towards the north of the site (1-11 Round Ings Road) and a former Baptist Meeting House that has been converted to residential use to the south of the site (12/12a Round Ings Road). There is open land to the east (rear) and a small area of woodland to the west on the opposite side of the road. The site is close to the M62 motorway.
- 2.3 The site is located within the Green Belt, as defined on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL

- 3.1 This is a reserved matters submission following the approval of outline planning permission reference 2015/92205 for erection of 1 dwelling. Outline permission was granted with all matters reserved. All matters, access, appearance, landscaping, layout and scale, have been applied for.
- 3.2 The dwelling is to be two storeys in height with a footprint of 84.0m². It is to have four bedrooms, with habitable rooms within the roof space. External walls are to be faced in natural stone, with natural slates on the gabled roof. Openings are proposed on the front, rear and north facing side elevation. Rooflights are also proposed.
- 3.3 Access is to be taken directly from Round Ings Road with two off-road parking spaces provided. They are to be surfaced in a permeable material. Remaining land within the plot is to be laid to lawn, and used as garden. The site's existing retaining wall to the site's north, east and south boundary is to remain.

4.0 RELEVANT PLANNING HISTORY

4.1 The site

90/03364: Outline application for erection of dwelling – Refused

2013/93105: Outline application for erection of one dwelling – Refused (Dismissed at appeal)

2015/92205: Outline application for single dwelling – Conditional Outline Permission

4.2 Site adjacent

The surrounding area has no relevant planning history.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Initial concerns were held over the proposal's scale, appearance and layout. The size of the dwelling was considered harmful to the openness and character of the Green Belt, harmful to the amenity of neighbouring residents and harmful to highway safety. Design features, such as a roof terrace, were considered incongruous to the context of the site and the wider surroundings.
- 5.2 During ongoing negotiations various iterations of the design have been considered. The scheme now brought to committee has been reduced in scale, the layout and roofing material amended and the appearance redesigned.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

6.2 The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D13** – Infill development in the Green Belt
- **BE1** – Design Principles
- **BE2** – Quality of design
- **BE11** – Materials
- **BE12** – Space about buildings
- **EP4** – Noise sensitive development
- **T10** – Highway safety

6.4 National Planning Guidance

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 9** – Protecting Green Belt land
- **Chapter 11** – Conserving the natural environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised by a site notice at the site and letters to neighbouring dwellings. This is in line with the Council's adopted Statement of Community Involvement. The end date for publicity is 14th April 2017. Representations received following the publication of the agenda will be reported to members in the update.

7.2 Seven representations have been received from three local residents. No representations have been received in support. The below is a summary of the concerns raised;

- The design, and use of blue concrete tiles, is not in keeping with the surrounding dwellings. It should be set further back in the site.
- No.11 has a septic tank/cesspool in close proximity to the boundary, where the proposed package treatment plant is to be located. Concerns are held that the proposed digging to fit the package treatment plant could damage the septic tank/cesspool. Residents are under the impression that there is a minimum distance for positioning dwellings near the septic tank/cesspool.
- Concerns that the plan showing the culvert is not correct and the general accuracy of the plan. Harm to the culvert could lead to local flooding.
- Size of the dwelling dominates the site and is overdevelopment.
- Concerns of overlooking towards neighbouring dwellings.
- Concerns of the dwelling causing an overbearing impact upon no.12.
- Concerns over vehicle visibility not being sufficient.
- Insufficient parking for the scale of the dwelling.

8.0 CONSULTATION RESPONSES

8.1 Non-statutory

- K.C. Drainage: No objection.
- K.C. Environmental Health: No objection subject to conditions.

9.0 MAIN ISSUES

- Assessment of the reserved matters as follows:
 - Impact on visual amenity, including the openness of the Green Belt
 - Impact on residential amenity
 - Impact on highway safety
 - Other considerations
 - Representations

10.0 APPRAISAL

Impact on visual amenity, including the openness of the Green Belt

10.1 While the principle of development within the Green Belt is established, consideration must be given to the proposal's impact on the character of the Green Belt. The Green Belt is characterised by its openness and permanence. Thought must also be given to the proposal's impact upon the local built environment, giving consideration to Policies BE1, BE, BE11 and BE12 of the Unitary Development Plan and Chapter 7 of the National Planning Policy Framework.

- 10.2 Following amendments which reduced the scale of the dwelling officers consider that the size of the dwelling is acceptable, taking into account the scale of the site and the neighbouring dwellings. It is considered that the scale of the proposed dwelling forms a natural progression in size and layout between the terrace row to the north and the original chapel (now nos.12 and 12a Round Ings Road) to the south. It is therefore considered that the proposal's scale and layout would not cause undue harm to the openness of the Green Belt.
- 10.3 Regarding general appearance and the built environment, the site is between a converted chapel and terrace row. There is not considered to be a prevailing design to the immediate area. Nevertheless the appearance of the proposed dwelling is considered to suitably harmonise within the streetscene, which includes adopting design features from neighbouring buildings. The scale of the dwelling, which has been previously assessed as acceptable within the Green Belt, is also considered acceptable from a built environment perspective.
- 10.4 The proposed dwelling is to be faced in natural stone and 'natural slates', which is acceptable in principle; to ensure suitable samples are used a condition can be imposed requiring samples to be submitted. The architectural design, fenestration and overall appearance are considered to harmonise with that of the surrounding built environment. Proposed features such as rooflights and bi-folding doors are not common in the area; however these are typical features on modern dwellings and are not considered materially harmful to visual amenity. Given this the appearance of the proposed dwelling is considered acceptable.
- 10.5 Externally the remaining land is to be laid to lawn, being used as garden space. The exception to this is two parking spaces, to the dwelling's south, to be surfaced in permeable materials. The existing boundary wall is approximately 1.0m high drystone wall: this is to be retained. These landscaping details are considered acceptable and would harmonise, in general, with neighbouring dwellings.
- 10.6 It is concluded that the layout, scale, appearance and landscaping of the dwelling will not appear incongruous within its setting and will not cause harm to the Green Belt. It is therefore considered that the proposal complies with Policy D13, BE1, BE2, BE11 and BE12 of the UDP and Chapters 7 and 9 of the National Planning Policy Framework.

Impact on residential amenity

Amenity of neighbouring residents

- 10.7 To the north of the site is no.11 Round Ings Road. No.11 has two non-habitable room windows on the side elevation facing towards the proposed dwelling. This is at a distance of 14.9m. Given this distance and that the windows in question serve non-habitable rooms the layout, scale and appearance of the dwelling is not anticipated to cause material harm through

overshadowing, overbearing or loss of outlook to the occupiers of no.11. No.11's habitable room windows on the front and rear elevation will have no view towards the proposed dwelling.

- 10.8 At ground floor level the proposed dwelling has a glazed bi-folding door facing towards no.11. At 14.9m this is in compliance with Policy BE12(ii), which requires a minimum distance of 12.0m between habitable and non-habitable room windows. It is noted that the window will overlook no.11's land at a distance of 6.4m. However the land is principally a driveway; overlooking of a driveway is not considered to cause material harm to the amenity of occupiers.
- 10.9 To the site's south are nos.12 and 12a Round Ings Road. Each has habitable room windows facing north, which will have a view of the proposed dwelling. The closest window, serving 12a, has a distance of 8.2m from the dwelling and would have a direct view of the proposed dwelling's south gable. This is not in accordance with Policy BE12. However the window is a secondary window to the room; while there will be overbearing caused upon the window, it is not considered to amount to material harm to occupiers' amenity.
- 10.10. The remaining windows within the north elevation of nos. 12 and 12A Round Ings Road would also be within 12.0m of the dwelling. However they have an increasingly oblique view of the proposed dwelling. In assessing the impact on nos.12 and 12a it must be acknowledged that most planning approvals are likely to interfere to some extent with an adjoining occupier's enjoyment of their property. However the test is whether this is proportionate balancing the rights of the developer to develop and the rights of those affected by the development. Due to the windows facing towards the site any development of the site would impact on the amenity of the adjacent occupiers. Given the oblique arrangement and that the principal view of the windows, to the north-east over open field, is not to change, on balance it is considered that the proposal would not cause material harm to the occupiers of nos.12 and 12a.
- 10.11 Given the above it is considered, on balance, that the detail of reserved matters submitted would not result in material harm to the amenity of surrounding residents. It is concluded that the proposal complies with Paragraph 17 of the NPPF in regards to neighbouring residents' amenity.

Amenity of future occupiers

- 10.12 The dwelling is considered to be a suitable size for the number of bedrooms proposed. All necessary services and amenities are provided. Each habitable room is served by a window which will provide sufficient outlook and natural light. It is noted that the garden size is relatively small in scale. However this is in keeping with the relative garden sizes of other dwellings on Round Ings Road. Given the rural location of the site a small garden is not considered materially harmful.

- 10.13 The site is 65.0m from the M62 Motorway, a noise pollutant. The outline planning permission required, via condition, that layout and appearance reserved matters include a noise report establishing the impact of the M62 and methods of mitigating the impact. A noise report has been provided and reviewed by Environmental Health, who supports the findings. They request that a condition be imposed, requiring that the proposed recommendations be implemented, which is considered acceptable.
- 10.14 Subject to the detailed condition the proposal is deemed to comply with Paragraph 17 of the National Planning Policy Framework in regards to amenity of future occupiers.

Impact on highway safety

- 10.15 Two off-road parking spaces are proposed. This is below the maximum number of spaces required for a dwelling of this size within Policy T19 of the UDP. However given the low density of dwellings along Round Ings Road it is considered that there is capacity for on-street parking without impacting on the safe and efficient use of the highway.
- 10.16 Vehicles will be required to reverse onto or off Round Ings Road as there is no on-site turning. Furthermore there are restricted sightlines to the north of Round Ings Road. Nevertheless given that Round Ings Road is a relatively lightly trafficked residential road, with low travel speeds, on balance it is not considered that the proposal would lead to a harmful impact upon the safe and efficient operation of the Highway.
- 10.17 Given the above circumstances the proposal, in particular the access arrangements, is considered to comply with Policy T10 of the Unitary Development Plan.

Other considerations

Biodiversity impact

- 10.18 It was identified at outline stage that the proposal could lead to a loss of habitat for local species. The outline permission therefore included a condition requiring the 'appearance' reserved matter to include details of one bird box to be installed on site. This has been done, and the bird box is considered acceptable for the purpose of the condition. The proposal is therefore considered to comply with Chapter 11 of the National Planning Policy Framework in regards to ecological impact.

Surface and foul drainage

- 10.19 The outline permission was granted with a condition requiring that details of foul drainage be provided prior to development commencing. These have been provided as part of the reserved matters. A Packaged Sewage Treatment Plant is proposed. Environmental Health has confirmed that the

model and proposed location are acceptable. The use of the proposed unit can be enforced via by condition, if minded to approve.

- 10.20 Council records indicate that a culverted watercourse runs underneath the northern end of the site. The outline permission included a condition requiring a detailed survey of the culvert be included within the layout reserved matters application. This has been done and Strategic Drainage does not object to the proposed dwelling's layout to the identified location of the culvert. Full details of site drainage were conditioned to be submitted prior to development commencing at outline stage.

Representations

10.21 Seven letters of objection have been received. Below are the issues which have been raised that have not been addressed within this assessment.

- The design, and use of blue concrete tiles, is not in keeping with the surrounding dwellings. It should be set further back in the site.

Response: During the course of negotiations the roof material has been amended to natural slates, to match the neighbours. Also the dwelling has been moved further back into the site.

- No.11 has a septic tank/cesspool in close proximity to the boundary, where the proposed package treatment plant is to be located. Concerns are held that the proposed digging to fit the package treatment plant could damage the septic tank/cesspool. Residents are under the impression that there is a minimum distance for positioning dwellings near the septic tank/cesspool.
- Concerns that the plan showing the culvert is not correct and the general accuracy of the plan. Harm to the culvert could lead to local flooding.

Response: No.11's septic tank/cesspool is within their land. The proposed package treatment plant is to be within the application site. Officers do not consider that the installation of the package treatment plant would inevitably harm the neighbouring septic tank/cesspool. Should the development need access to no.11's land, it would be a private legal matter between the involved parties.

No evidence has been provided to dispute the shown course of the culvert. K.C. Strategic Drainage does not object to the proximity of the building to the culvert.

11.0 CONCLUSION

- 11.1 The site benefits from outline permission for one dwelling with all matters reserved. The proposal is submitted seeking approval of all reserved matters; appearance, layout, scale, landscaping and access. Following initial concerns over the proposal's impact on the Green Belt and neighbouring dwellings the development officers negotiated to reduce the mass and scale of the dwelling.

11.2 It is considered that the amended scheme would not cause harm to the character of the Green Belt and would visually harmonise with the existing built environment. On balance it is not considered that the proposal would cause material harm to the amenity of nearby residents . Officers consider that the submitted details on appearance, layout, scale, landscaping and access are acceptable and will enable this outline permission for residential development to be brought forward at this time.

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. Samples of materials to be provided
3. Packaged sewage treatment plant to be installed and operated as approved
4. Development to be done in accordance with approved Noise Report

Note: Management of culvert advice

Note: app should be read in conjunction with outline permission

Background Papers

Previous Planning Applications and history files as noted above under section 4.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92830>

Certificate of Ownership: Certificate of Ownership is not provided at Reserved Matters. Certificate A was signed, by the agent, for the associated outline application, 2015/ 92205