
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 20-Jul-2017

Subject: Planning Application 2016/92203 Demolition of existing dwelling and erection of 2 detached dwellings with integral garages 65, Colders Lane, Meltham, Holmfirth, HD9 5JL

APPLICANT

Colders Lane
Developments Ltd

DATE VALID

05-Jul-2016

TARGET DATE

30-Aug-2016

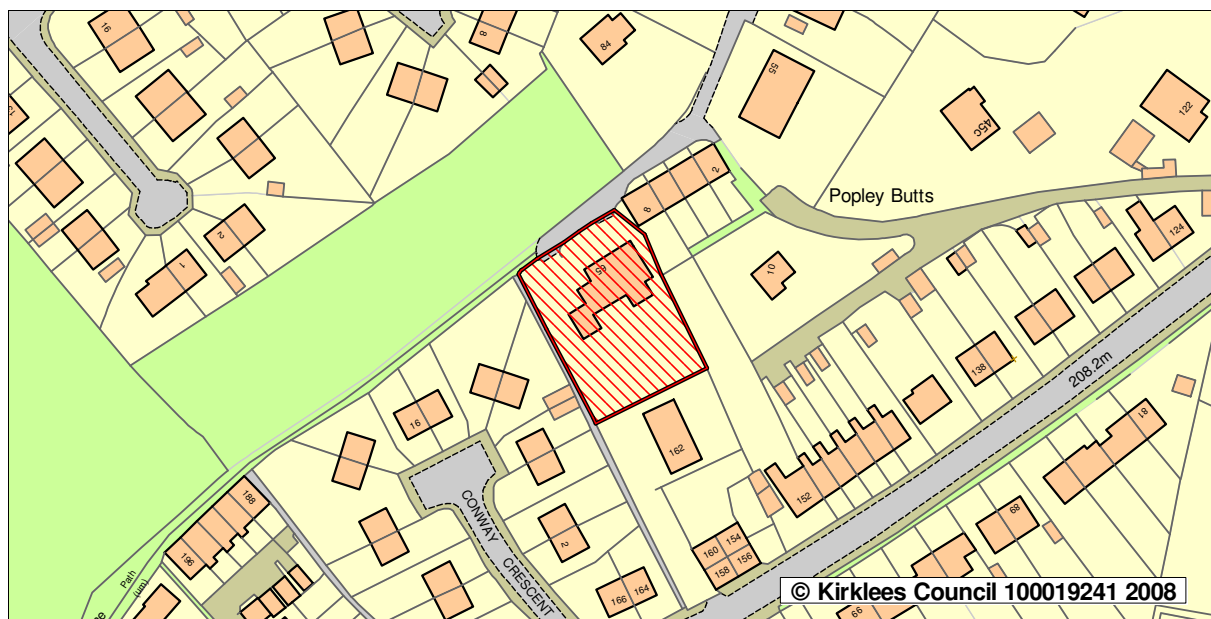
EXTENSION EXPIRY DATE

28-Jun-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 NORTH

No

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This application is brought to Sub-Committee for determination having been deferred at the Sub-Committee of 22-Jun-2017.
- 1.2 The reason for the deferral was to allow time for Planning Officers to liaise with the developer with specific reference to the possibility of undertaking pre- and post-construction surveys for Colder Lane and, where appropriate, repairing any damage caused. This is addressed in the 'Highway Issues' section of the appraisal which starts at paragraph 10.19.
- 1.3 The original reason for bringing the application to Sub-Committee was the request of Ward Councillor Edgar Holroyd-Doveton, for the following reason:

"The development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.

2.0 SITE AND SURROUNDINGS:

- 2.1 65 Colders Lane is a bungalow built mainly in brick with a tile roof. Its front elevation faces north-west towards Colders Lane, an unadopted tarmac vehicular track of variable width which continues to the north-east where it joins the adopted highway near the junction with Colders Drive, and to the south-west where it narrows and becomes a footpath. Colders Lane carries

the route of a Public Right of Way (footpath Mel/45/20) which also continues up the south-west side of the plot. The bungalow has most of its garden space to the rear (south-east). The land rises to the north-west where there is a substantial grassed area and to the south-west, and falls to the north-east along Colders Lane. The surrounding development is of mixed style – medium-sized semi-detached houses to the north and south-east (Colders Drive, Bracewell Road and Conway Crescent), a row of 4 small terraced cottages immediately to the north-east and larger individually-designed houses further down Colders Lane and behind no. 65.

3.0 PROPOSAL:

- 3.1 The proposal is for the demolition of the existing dwelling and the erection of 2 new dwellings in its place with integral garages. The original proposal was for the erection of 3 detached dwellings – this has been reduced to 2 because of officer concerns about the degree of intensification of an unadopted lane. The dwellings would be sited side by side near the middle of the site, set back 12m from the boundary with Colders Lane with a driveway and amenity space at the front, and a larger amount of garden space at the rear.
- 3.2 The dwelling on Plot 1, the eastern plot or the left-hand one as viewed from Colders Lane, would be 11.5m wide, the dwelling on Plot 2 would be 10.0m wide. Apart from this the two dwellings would be of similar design, having a rectangular plan with a 3.5m projection at the rear forming a kitchen and bedroom, and a 1m projection at the front. Each would provide 5 bedrooms including one in the attic. The current plans indicate they would have a single integral garage plus one external parking space each. The roof of each dwelling would be half-hipped, 8.7m high, with the hipped part of the roof facing existing development. The application form states that a mix of stone and render would be used; the agent has subsequently confirmed that they are to be entirely in coursed stone.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2010/91265 – Outline application for erection of detached dwelling (in the garden of no. 65 and retaining the bungalow), all matters reserved. Conditional outline permission. No reserved matters application was made and the permission has no expired.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 30-Aug-2016 – Additional highways information submitted
23-Nov-2016 – Amended site plan with 2 dwellings instead of 3
06-Dec-2016 – Amended elevations and sections
24-Jan-2017 – Further amendments to drawings (with half-hipped roof)
27-Apr-2017 – Amended elevations, with lower roof pitch
22-May-2017 – Sectional drawing submitted, also amended elevations / floorplans to comply with the layout shown on the site plan.

6.0 PLANNING POLICY:

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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 Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

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

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – External facing materials
- **BE12** – Space about buildings
- **T10** – Highway safety
- **T19** – Parking standards
- **R13** – public footpaths

6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without allocation in the local plan.

Policies:

PLP21 Highway safety and access
PLP22 Parking
PLP24 Design
PLP31 Strategic green infrastructure network
PLP52 Protection and improvement of environmental quality

National Planning Guidance:

6.4 National Planning Policy Framework.

- Section 6 – Delivering a wide choice of high-quality homes
- Section 7 – Requiring good design
- Section 10 – Meeting the challenges of climate change flood risk and coastal change
- Section 11 – Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by the posting of 1 site notice in the vicinity of the site, the mailing of 7 neighbourhood notification letters and advertisement in the local press. As a result of publicity, 17 people living in the vicinity of the site (12 different properties) had made representations, all objecting to the application or expressing concerns by publication of the previous committee report. A further three representations were received post publication of the report as set out in the update to the meeting on 22nd June.

The issues raised in representations are summarised below:

- Scale of development is excessive in terms of height and footprint;
- Lack of clarity about materials – stone and render would not be in keeping.
- Overlooking of windows (4 Popley Butts and 162 WHR)
- Two 5-bedroomed houses will generate more traffic than the existing 2-bedroom bungalow, thus intensifying the use of an unadopted road carrying a public right of way with increased dangers to users. The number of parking spaces provided (4 per dwelling) indicates that a high level of traffic generation is expected. The swept path for vehicles manoeuvring to or from these parking spaces would encroach on to the public footpath.
- Difficulties for refuse collection and emergency vehicles not addressed, even with the latest amendment – carry distance to Popley Butts where refuse collection vehicles stop is in excess of the standard 25m carry distance and the swept path of the fire appliance encroaches on the driveway to Plot 1.
- We were not allowed to build within 3m of a sewer. This is likely to be directly below Plot 2. When 162 Wessenden Head Road was built in 1999 we found out that the sewer was 6m east of its suggested location, and so if it continues in a straight line it is likely to be directly below Plot 2.
- There has been an increase in the number of bats observed in our garden (162 Wessenden Head Road) recently. Has the developer been required to carry out an environmental assessment including a bat survey?

- Congestion at the bottom of Colders Lane and Mill Moor Road.
- Impact of construction traffic on the lane and possible damage to wall adjacent to site. If permission is granted, developers must make allowance for access for existing properties and keep disturbance to a minimum, including control of construction traffic on the road.
- Noise from traffic as the driveway is alongside bedroom window in adjacent property.
- No visitor parking provision.
- heavy traffic to and from the development site will inevitably cause further deterioration of what is already a very poor road surface, will the developers take action to restore the road to at least its current state.

7.2 Meltham Town Council comments – Support the application

7.3 Councillor Edgar Holroyd-Doveton:

“If you are minded to approve the above application, can I ask that it goes to committee and that there is a site visit. The essential planning reasons is that the development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

There were no statutory consultees.

8.2 Non-statutory:

- Highways Development Management – The principle is acceptable, subject to improvements to layout.
- Environmental Health – No objection subject to conditions.
- Public Rights of Way – Do not formally object but have concerns over the intensification. Council Officers (Public Rights of Way Project Officer and Highway Design Engineer will oversee a pre- and post-construction inspection regime.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 As the Council cannot currently demonstrate a 5-year supply of housing land, in accordance with 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.
- 10.2 The principle of residential development has already been accepted in the recent past, with outline permission being granted for the erection of a single detached dwelling in addition to the existing bungalow.
- 10.3 The site is located within a predominantly built-up area, is close to Meltham Local Centre and within walking distance of bus routes with a regular service to Huddersfield. As it would make efficient use of land it is therefore considered to be sustainable development in principle subject to an assessment of design, amenity, environmental and highways issues, to be assessed in detail later in the report.
- 10.4 Policies of particular relevance within the NPPF are:
- Core Planning Principles – in particular that planning decisions should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Requiring good design – planning decisions should aim to ensure that developments will function well, add to the overall quality of the area, optimise the potential of the site to accommodate development and create safe and accessible environments;
 - Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at

unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;

- Conserving and enhancing the natural environment – biodiversity should be preserved and where possible enhanced.

10.5 A number of UDP Policies are also relevant. Policies BE1 and BE2 require that development should respect visual and residential amenity, contribute to a sense of local identity, take into account the topography of the site, and incorporate existing or proposed landscaping features as part of the development. New dwellings should also adhere to the minimum distance standards in Policy BE12 unless other considerations such as changes in level indicate that these can be relaxed. Policy T10 requires that development should not be allowed to create or materially add to highway safety problems, while Policy T19 states that development should provide parking in accordance with UDP (appendix 2) standards unless they can be reduced without highway safety being affected. Finally R13 specifies that proposals should take into account the convenience of users of the public right of way.

Urban Design issues

- 10.6 The surroundings of the site are notable for their steep topography, with land rising to the north-west, south-west, and south-east, and falling to the north-east. The site is elevated compared to 8 Popley Butts but low-lying compared to other surrounding properties and land.
- 10.7 The surrounding development does not display a strong coherence in style or layout. 2-8 Popley Butts comprise a row of 19th Century vernacular terraced houses but most of the surrounding development is 20th Century or later.
- 10.8 In this context it is considered that the erection of 2 no. 2-storey dwellings of the scale layout shown on the plans would not amount to overdevelopment. The fact that they would be sited at the bottom of a dip, and set approximately 1m below existing ground levels, further helps to ensure that they would not dominate their surroundings. In terms of house to plot size ratio, the new dwellings are not considered excessive and it is considered that they would allow a satisfactory amount of amenity space both at front and rear. Roof pitch has already been reduced from 35 to 30 degrees, which is typical of most other dwellings in the area.
- 10.9 The proposed dwellings would have some non-traditional features, including the roofs being hipped at one end but not the other and the extensive use of glazing. Given the range of building styles in the locality, and since they would be set back a considerable distance behind the front elevation of 2-8 Popley Butts, it is considered that their design would not be detrimental to visual amenity. The agent has confirmed that stone is to be used for exterior walling – this would harmonise with the dwelling immediately to the rear, no. 162 Wessenden Head Road, and also with 2-8 Popley Butts, although it is noted that a range of materials including brick are used in the vicinity of the site.

- 10.10 In conclusion it is considered that the proposed dwellings would respect the appearance of surrounding development and would accord with the aims of Policies BE1 and BE2, subject to a condition that all stone is regularly coursed and a sample of stone being submitted and inspected for approval before work on the exterior commences. This would also accord with the visual amenity elements of Policy PLP 24 of the emerging local plan.

Residential Amenity

- 10.11 The proposed dwellings would both have their main outlook to the front (NW) and rear (SE). The front elevations of the proposed dwellings would be a minimum of 15m from undeveloped land on the other side of Colders Lane, which would comply with Policy BE12. To the rear, the distance from the window of the nearest rear-facing bedroom (bedroom 1) would be 13.5m and 17.2m to the rear curtilage boundary and the facing window respectively in no. 162 Wessenden Head Road. For Plot 2 the relevant distances would be 12.7m and 17.2m respectively. According to the plans under which this house was built (99/90164), this room is to the breakfast area attached to a kitchen. If this is classed as a habitable room, the arrangement would not meet the 21m standard. But existing window itself is clearly short of the normally required distance of 10.5m from a habitable room window to the boundary with adjacent undeveloped land, being only 4.4m from the plot boundary with 65 Colders Lane. Furthermore no. 162 has its main habitable rooms facing west and east, away from the application site. In addition, no. 162 is set significantly higher than the proposed dwellings owing to the natural topography; the survey drawing submitted with the application indicates that ground level at the rear boundary of the site is 3.5m higher than the proposed ground floor level in the new dwellings. It is considered that it would not give rise to any material reduction in privacy for this property and it would therefore be difficult to justify refusal on these grounds.
- 10.12 The only side-facing windows in the new dwellings would be non-habitable except for a small secondary bedroom window in the dwelling on Plot 2. These include bathrooms, WCs, landings, utility rooms and kitchens. All of these can be fitted with obscure glazing and be non-opening, or in the case of the ground floor kitchen windows can be screened. In summary it is concluded that subject to suitable conditions on the provision of obscurely-glazed, non-opening windows where appropriate, and boundary fencing, no significant adverse impacts on privacy would occur.
- 10.13 Any potential for other adverse impacts on residential amenity must also be considered, especially with regard to the cottages at Popley Butts, in particular no. 8 which shares a boundary to the site to the north-east and is also at a lower level. The new side wall would be no closer than the side wall of the existing bungalow. The new dwelling would be higher than the existing dwelling, being two-storey with a bedroom in the roof, but it is noted that proposed ground floor level would be approximately 1m lower than existing ground level to the front and rear of the existing bungalow. Furthermore it has been designed with a hipped roof on no. 8's side which would reduce its impact. In terms of its potential to obstruct direct sunlight, it is unlikely that it

would be materially different from the present situation. There might be some additional overshadowing of no. 8's rear garden in the afternoons owing to the increased height, but it is unlikely to result in any additional loss of direct sunlight to no. 8's windows as the increased height would be counterbalanced by its being set further away (further south-east) and the changed siting might even result in improved ability to receive sunlight late afternoon and early evening.

- 10.14 With regard to other dwellings bordering the application site, these are all set at a higher level and consequently the new dwellings would not give rise to overbearing impact on them.
- 10.15 Given the close relationship with 8 Popley Butts it is considered that permitted development rights should be withdrawn for extensions and outbuildings on Plot 1; this is not considered necessary for Plot 2 because the neighbouring dwellings are higher.
- 10.16 In summary, it is considered on balance that the proposed development would not give rise to adverse impacts on residential amenity subject to the conditions on privacy measures and removal of permitted development rights as detailed above. This would comply with emerging policy PLP 24 within the publication draft local plan.

Landscape issues

- 10.17 It is considered that given the scale of the development, and it being sited within an established built-up area, it would not have any significant impact on the wider landscape.

Housing issues

- 10.18 The Council is currently unable to demonstrate a 5-year supply of housing land. In these circumstances, in accordance with 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. The two new dwellings will make a small contribution towards meeting the housing supply which even though a small addition is still given weight in the assessment of this application and adds to the benefits of the scheme when considering the planning balance.

Highway issues

- 10.19 The south-western extent of Colders Lane (west of the junction with Colders Drive up to the application site) is unadopted and is of substandard design. It already provides vehicular access to over 10 residential properties and carries the route of a Public Right of Way, footpath Meltham 75. It is therefore not ideally suited to serve further development. Highways Development Management initially recommended refusal of the scheme as the erection of 3 dwellings in place of one was considered to amount to an unacceptable intensification.

- 10.20 In the assessment of the previous outline application for development on this site, 2010/91265, the Highways Officer judged the proposal acceptable as it would create a turning area for private motor vehicles and it was granted approval. This would have created one further dwelling in addition to the one already present on site. So had the proposal been implemented the number of dwellings served by the lane would have been the same as is now proposed. This permission has now expired but is a material consideration as it would have been assessed against the many of the same UDP policies that are now in force.
- 10.21 It is acknowledged that the erection of two 5-bedroomed houses might give rise to more car journeys than the scenario of retaining the existing modest-sized bungalow plus one further dwelling within the curtilage. But it is considered that the likely difference in traffic generation between the two scenarios would not be material and it would be difficult to justify a refusal on this basis, on balance.
- 10.22 Under UDP parking standards, 3 parking spaces per dwelling should be considered for new houses with a gross floor area of over 140 sqm. The latest site plan, Rev D, shows an increased parking area. The annotation on the plans states that there would be 3 external parking spaces per dwelling, although the configuration of the parking spaces for Plot 2 might make it difficult in practice for 3 vehicles to park externally and still allow the garage to be used. The arrangement however provides a minimum of 3 spaces each including the integral garage.
- 10.23 In addition there would be a turning head which would be available to both new dwellings and would be sufficient for a fire appliance. This represents an improvement on the existing situation and the 2010 approval for which only the provision of a turning head for private vehicles was conditioned. It would not be big enough to allow a refuse vehicle to turn within the site but there would be a shared bin collection area on the site frontage. At present, refuse vehicles picking up from the western part of Colders Lane have nowhere to turn. It is generally recommended that refuse collection workers should not have to carry bins more than 25m from their collection point. According to the Highways Officer and one local resident who has made representations on the application, refuse vehicles currently travel down Colders Lane as far as Popley Butts at the eastern end of the terrace, 2-8 Popley Butts, but no further, although the agent has disputed this, claiming in a telephone conversation with the case officer that they travel as far as the western end of the terrace. It is considered on balance that even if the bin storage area shown on the drawings is more than the standard 25m away from the nearest point the refuse collection vehicle can reach, it would be difficult to justify refusing the application on this issue alone, especially given the previous outline approval which did not explicitly make provision for refuse collection. The turning head would occupy some of the space that is also to be used as the private driveway to Plot 1, but subject to a suitable condition that the turning head is kept free of all obstructions to its use, this should not be a problem. It is considered, especially taking into account the provision of a

turning head suitable for fire engines, that the proposal would not create or materially add to highway safety problems and would accord with the aims of Policies T10 and T19. Furthermore the residual cumulative impacts of the development would not be 'severe' in accordance with Policy PLP21 of the emerging local plan.

- 10.24 The Public Rights of Way Officer has not formally objected to the proposal but has raised some specific concerns. These include: that the partial footway across the site is not linked to any footway elsewhere; it is broken up by the driveways to the properties; it is likely to attract parking and that there is no proposal to bring the access up to adoptable standards. In response to this, the Highways Officer and Planning Officer's view is that given the history of the site and the very modest intensification caused by replacing one dwelling with two, an upgrade of the lane to adoptable standards or the provision of a footway is not necessary (or not indeed possible). The site plan appears to show a footway across part of the site; this would be of limited use except as a refuge but this is not in itself considered problematic. It is considered, in summary, that the development would not have any adverse impact on the safety or convenience of pedestrians using the public right of way.
- 10.25 The proposal would not involve carrying out improvement works to the lane itself. It is recommended as a precautionary measure however that a scheme for the parking and unloading of construction vehicles during development, and protection of public path users during development works, should be submitted and approved so as to avoid any short-term safety risks or inconvenience to footpath users, in accordance with the aims of Policy R13.
- 10.26 The applicant's agent has indicated that in principle they would accept a condition that would involve them undertaking pre- and post-construction surveys of the unadopted part of Colders Lane and making good any deterioration caused during the development. The Public Rights of Way Officer and Legal Services have been consulted over the possible wording of such conditions.
- 10.27 Officers' proposed wording of the relevant conditions are:
- A. *No development shall commence unless and until:*
- i. *A pre-development condition survey of Colders Lane, defined as the 'highway', from its junction with Colders Drive to the north east to the point where the carriageway reverts to a footpath only to the south west of the application site, has been carried out and submitted to and approved in writing by the Local Planning Authority. The conditions survey to be submitted shall include:*
- a. *a plan which identifies the area covered by the survey (including length and width of the highway);*
- b. *a written report detailing the current condition of the road at with a list of defects that exist prior to commencement of development including specific photographs identifying individual defects;*

- c. *an estimate of the size, types and level of construction traffic expected to service the development during construction of the development.*

AND

- ii. *A method statement has been submitted to the Local Planning Authority and approved in writing identifying how any damage to the 'highway,' as identified in i above, which may be inadvertently caused as a result of the development taking place, will be made safe and remediated by the developer during construction, including timescale. Any damage caused to the 'highway' as defined in I, during construction shall be remediated in accordance with the approved method statement.*
- B. *A post development condition survey of Colders Lane, as defined as the 'highway' in condition A, shall be undertaken by the developer and submitted to the Local Planning Authority on completion of development and prior to first occupation of either dwelling, unless otherwise agreed in writing by the local planning authority. This will identify any damage to the highway caused during construction, including a list of repairs that are required to return the highway to the condition it was prior to the commencement of development as recorded in the pre-development conditions survey. All repair works identified in the approved report shall be undertaken before any dwelling is occupied.*

- 10.28 It should be noted that these conditions would not provide any improvements to Colders Lane, as this would not meet the 6-tests for conditions. The conditions would require the existing highway to be retained in its present state post-construction. Furthermore the condition would not control any damage to 3rd party land during the course of construction. If damage occurs this would be a civil matter to address between the parties involved.

Drainage issues

- 10.29 The site is not within an area which is known to be at risk of flooding. Disposal of surface water is to be via mains sewer. This is not the most sustainable method of drainage but as the development is only for 2 units, and since the existing dwelling is presumably connected to mains drainage already, the implications for surface water drainage are not a major concern. Furthermore given the scale of development issues related to drainage would be assessed as part of any allied Building Regulations application.

Representations

- 10.30 Concerns relating to visual and residential amenity and highway safety have been addressed in the main part of the report but are highlighted here together with other issues raised and officer responses.

Scale of development is excessive in terms of height and footprint;

Response: This issue has been addressed earlier in the Assessment: “Urban design issues” and it is considered that the scale of development would not be excessive.

Lack of clarity about materials – stone and render would not be in keeping.

Response: The agent has clarified this, confirming that the dwellings are to be externally faced in stone.

Overlooking of windows (2 Popley Butts and 162 WHR)

Response: This issue has been addressed earlier in the Assessment: “Residential amenity issues” and it is considered that subject to suitable conditions it would not give rise to a loss of residential amenity though loss of privacy.

Two 5-bedroomed houses will generate more traffic than the existing 2-bedroom bungalow, thus intensifying the use of a narrow unadopted road carrying a public right of way with increased dangers to users. The number of parking spaces provided (4 per dwelling) indicates that a high level of traffic generation is expected. The swept path for vehicles manoeuvring to or from these parking spaces would encroach on to the public footpath.

Response: It is considered that the overall level of traffic generation would not be materially different than that which would have occurred had the 2010 permission been implemented, which also did not contain separate internal turning provision for each dwelling and so would also have involved similar manoeuvres.

Difficulties for refuse collection and emergency vehicles not addressed, even on the latest amendment – carry distance to Popley Butts where refuse collection vehicles stop is in excess of the standard 25m carry distance and the swept path of the fire appliance encroaches on the driveway to Plot 1.

Response: These issues have been addressed in paragraph 10.22 above and it is considered that the refuse collection arrangements shown on the plans are acceptable.

We were not allowed to build within 3m of a sewer. This is likely to be directly below Plot 2. When 162 Wessenden Head Road was built in 1999 we found out that the sewer was 6m east of its suggested location, and so if it continues in a straight line it is likely to be directly below Plot 2.

Response: According to information held by Kirklees Council, the position of the sewer would be under the footpath adjacent to the south-west of the existing dwelling and that a 3m easement would therefore be retained in relation to the dwelling on plot 2. If it turns out that this is incorrect then the developer will have to apply to Yorkshire Water for a diversion or a build-over agreement and if material changes to the scheme are required this could result in a revised planning application being required.

There has been an increase in the number of bats observed in our garden (162 Wessenden Head Road) recently. Has the developer been required to carry out an environmental assessment including a bat survey?

Response: The site is not within the bat alert layer and the site in general appears to have low ecological value, so on this occasion no ecological or bat survey was requested.

Congestion at the bottom of Colders Lane and Mill Moor Road.

Response: It is considered that the scale of the development – 2 dwellings – is not such as would materially increase congestion elsewhere on the highway network

Impact of construction traffic on the lane and possible damage to wall adjacent to site. If permission is granted, developers must make allowance for access for existing properties and keep disturbance to a minimum.

Response: See paragraphs 10.26-10.28 regarding damage to Colders Lane, damage that might occur to 3rd party lane would normally be treated as a private civil matter. A scheme for the parking of contractors' vehicles and their loading and unloading can be imposed as a condition. The standard footnote on hours of work recommended by Environmental Health can be added to the Decision Notice if planning permission is granted.

Noise from traffic as the driveway is alongside bedroom window in adjacent property.

Response: It is considered that the level of noise disturbance generated would not be such as would amount to a material loss of residential amenity and would not be contrary to Policy PLP52 of the emerging local plan.

No visitor parking provision.

Response: Under UDP standards, the provision of visitor parking provision should be considered for any housing development served by an "informal road" at the rate of one for every four units. As the proposal is for two dwellings, a net gain of one, this is not considered necessary in this case. Given the size of the site and the length of the frontage, it would in any case be difficult to provide a visitor parking space in addition to the external parking spaces and a turning head, and again officers did not deem this necessary at the time of the 2010/91265 application.

Heavy traffic to and from the development site will inevitably cause further deterioration of what is already a very poor road surface, will the developers take action to restore the road to at least its current state.

Response: see wording of proposed conditions in paragraph 10.27 and the limitations of these works set out in paragraph 10.28.

Meltham Town Council's support for the application is noted.

Councillor Edgar Holroyd-Doveton's comments:

The development is likely to have:

[a] impact upon a regularly used and cited footpath. Formerly designated by Kirklees and consists of one of the main published routes in promotion of the town and gains heavy pedestrian traffic.

[b] The proposed development plan would significantly increase traffic flow in this narrow and congested area.

Response: It is noted that Colders Lane carries the route of a public right of way but for reasons set out in detail above in paragraphs 10.19-10.28 it is considered that the intensification of the route caused by the development would not be materially harmful to pedestrian safety.

Other Matters

- 10.31 The site is not within the bat alert layer, there are no mature trees on site, and it is considered that the existing house and garden have, at most, very limited ecological value. For these reasons, no ecological survey work has been requested.
- 10.32 Air Quality: NPPF Paragraph 109 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.” On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation vehicle charge points. This would also comply with the West Yorkshire Low Emissions Strategy Planning Guidance and Policy PLP24 of the emerging local plan. This can be secured by a planning condition requiring one electric vehicle charging point per dwelling.
- 10.33 It is noted that the proposed section, drawing number 05, did not accord with the elevations as it still showed a floor to ridge height of 9.4m.. In the interests of clarity, the case officer requested an amended sectional drawing showing the height reduced to 8.7m as shown on the elevations. This, as reported in the update to the last committee meeting, has been received.

11.0 CONCLUSION

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan, the NPPF, the draft local plan and other material considerations. It is considered that the development would constitute sustainable development. The proposal is considered not to have a materially adversely impact on the character of the area, highway safety or residential amenity. It is therefore recommended for approval.

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

1. Standard 3-year deadline for commencement of development
2. Development in accordance with approved plans.
3. Samples of facing and roofing materials to be inspected and approved.
4. All side facing windows in the new dwellings to be obscurely glazed and non-opening except for the kitchen windows which can be screened.
5. No additional windows to be formed in the side elevations of the dwelling on Plot 1
6. Details of boundary treatment for side boundaries to be submitted and provided before first occupation.
7. Removal of permitted development rights for extensions or outbuildings on Plot 1.
8. All the parking and turning arrangements, for the new dwellings, shown on the site plan, to be formed before either new dwelling first occupied and thereafter retained without obstruction
9. Parking spaces to have permeable surfacing
10. Shared bin collection point to be provided
12. Garages not to be converted to living accommodation.
13. Provision of electric vehicle charging points.
14. A scheme for the parking and unloading of construction vehicles and protection of public path users during development works to be submitted to and approved in writing before development commences.
15. Colders Lane pre-construction condition survey and method statement.
16. Colders Lane post-construction condition survey, including list of repairs.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92203>

Certificate of Ownership – Certificate A signed.