
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 12-Oct-2017

Subject: Planning Application 2017/90516 Reserved matters pursuant to outline permission 2015/91726 for erection of 10 dwellings Land adjacent to 38, Broad Lane, Upperthong, Holmfirth, HD9 3XE

APPLICANT

C/O Agent, Lower Edge
Developments Ltd

DATE VALID

22-Feb-2017

TARGET DATE

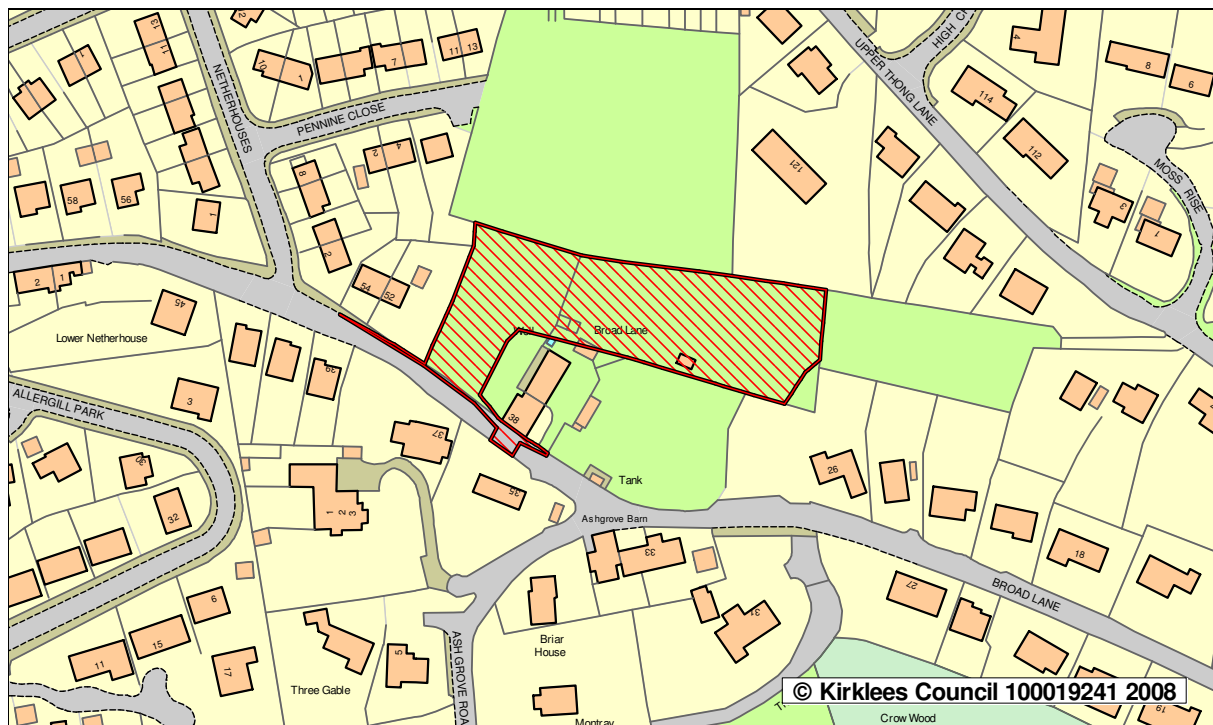
24-May-2017

EXTENSION EXPIRY DATE

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

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the reserved matters 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 The application was originally brought before the Sub Committee at the request of Councillor Nigel Patrick. Councillor Patrick's reason for the request is:

"I consider the number of dwellings proposed to be an over intensification of the site which would generate too much additional traffic on Broad Lane. Broad Lane is substandard and well used and the impact of the proposals along with other piecemeal development within Upperthong will have a detrimental impact on the local road network, including the already substandard access onto Greenfield Road. There is a capacity issue and a growing potential for accidents including collisions with pedestrians. I do not think the highways proposals submitted as part of the scheme address these issues"

- 1.2 The Chair of the committee confirmed that Councillor Patrick's reason is valid having regard to the Councillors' Protocol for Planning Sub Committees. The application was reported to sub-committee on 31st August and members visited the site on the morning of the meeting.
- 1.3 The sub-committee resolved to defer the application on 31st August to allow officers to negotiate with the applicant a reduction in the number of proposed dwellings (density of development) due to concerns regarding the impact of the scale, layout and appearance of the submitted development. Since this time the applicant's agent requested the application be determined in its submitted form; reserved matters for 10 dwellings. This request is accompanied by a statement in support of the proposed scheme.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an 'L' shaped parcel of overgrown scrub and grassland that wraps around 38 Broad Lane on two sides; 38 Broad Lane is a dilapidated listed building with an extant permission for redevelopment into three dwellings.

- 2.2 The site slopes down from north to south (towards Broad Lane) as well as from west to east. It is part of a Provisional Open Land (POL) allocation on the Unitary Development Plan (UDP). The remainder of the POL allocation includes the former grazing fields to the north of the site which are currently being developed for residential (27 dwellings) under application 2013/93879. The POL allocation also includes a parcel of land located between 26 and 38 Broad Lane which has outline consent for the erection of three dwellings (2015/91661), as well as a small area of land to the east of the application site.
- 2.3 The site lies in a predominantly residential area with established residential development to the south, west and east. There is a nursery to the south east of the site.

3.0 PROPOSAL:

- 3.1 This is a reserved matters submission pursuant to outline application 2015/91726 for the erection of residential development.
- 3.2 The outline consent approved the main point of access off Broad Lane and the current application is seeking approval of the layout, scale, appearance and landscaping of the site.
- 3.3 The total number of dwellings was not agreed at outline stage and the proposed layout provides for 10 detached dwellings. The dwellings are set along an internal estate road and section of private shared drive.
- 3.4 All of the dwellings are split level, reflecting the topography of the site. Plot 1 is two storeys to the front and single storey at the rear and the remainder are three storeys at the front and two storeys to the rear.
- 3.5 The dwellings have a consistent design which is a variation on a theme. The design incorporates projecting front gables and canopy features. All of the properties have pitched roofs and include an integral garage. Some of the dwellings have a single storey projecting element at the rear. The proposed facing materials are natural stone walls and dark grey tiles. The dwellings include stone heads, mullions, cills, corbels and dentils.
- 3.6 Boundary treatment is mixture of dry stone walling and timber fencing with a hedge to the eastern boundary. The only soft landscaping is provided by the gardens to the individual plots.

4.0 RELEVANT PLANNING HISTORY:

Application site:

2015/90516 Erection of residential development - Approved by the Sub Committee

Adjoining land to the north and part of same POL allocation:

2013/93879 Erection of 27 dwellings – Approved by the Sub Committee

2015/92560 Erection of dwellings (modified proposal plots 24-27) of planning permission 2013/93879 – Approved

2016/93599 Variation of condition 2 (plans and specifications) on previous permission 2013/93879 for erection of 27 dwellings – Approved

This development is currently under construction.

Adjoining land to the south and part of same POL allocation:

2015/91661 Outline application for the erection of 3 dwellings – Approved by the Sub Committee.

2017/92249 Reserved matters application for erection of 3 dwellings pursuant to outline permission 2015/91661 – Approved 15/9/17

38 Broad Lane (listed building adjacent to the site):

2015/91303 Partial demolition and rebuilding of existing buildings with extensions and alterations to form 3 no. dwellings (Listed Building) – Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been slight modifications to the area around the access and the off-site highway works to address a discrepancy on the plans approved at outline stage.
- 5.2 The applicant/agent was made aware of Councillor Patrick's concerns with the number of dwellings and impact on highway safety. In response an updated transport assessment was submitted.
- 5.3 Consideration of the application was deferred at the sub-committee meeting of 31st August 2017 to allow officers to negotiate with the applicant a reduction in the number of proposed dwellings (density of development) due to concerns regarding the impact of the scale, layout and appearance of the submitted development. The scheme has not however been amended from that reported to this meeting.

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 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:

The site is allocated as Provisional Open Land on the UDP Proposals Map.

D5 – Provisional Open Land (POL)

BE1 – Design principles

BE2 – Design of new development

BE11 – Materials

BE12 – Space about buildings

EP11 – Integral landscaping scheme to protect/enhance ecology

T10 – Highway safety considerations

T16 – provision of safe, convenient and pleasant pedestrian routes

T19 – Off-street parking standards

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

The site is without allocation or designation within the PDLP

PLP1 Presumption in favour of sustainable development

PLP7 Efficient and effective use of land and buildings

PLP21 Highway safety and access

PLP22 Parking

PLP24 Design

PLP27 Flood Risk

PLP28 Drainage

PLP32 Landscape

PLP35 Historic Environment

6.4 Supplementary Planning Guidance / Documents:

Planning Practice Guidance

Interim affordable housing policy

6.5 National Planning Guidance:

National Planning Policy Framework

‘Achieving Sustainable Development’

‘Core Planning Principles’

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

‘Decision taking’

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Three representations received in response to the publicity of the application. Summary of comments provided as follows:

- The land immediately to the east of the developed will become land-locked and request that access is provided.
- Development will add more traffic to an already congested road in Broad Lane with no pavements.
- Proposed access is directly opposite a neighbour's access where there are staff who park their cars on Broad lane directly outside our property every weekday. This would be a major issue for cars going in and out of the proposed new access road and also traffic on Broad Lane for either direction.
- Broad Lane is a main school route for parents and children who walk to school it is already bordering on being dangerous with the lack of public pavements and with the large new housing development that is under construction above this proposed location, this is adding even more traffic to Broad Lane so any further houses and the additional traffic that this will bring is not welcome for safety reasons alone.
- There is already a severe bottleneck in this location on Broad Lane with it being such a narrow part of the road and there are no pavements which means pedestrians have to walk on the road which is a risk and this should be taken into account before anything is granted for this development.
- The application proposes a reduction of the width of Broad Lane and the introduction of a 'priority arrangement' for vehicles. This raises a number of concerns:
 - Both the proposed narrowing of the road and the construction of an intermittent footway will increase the risk of vehicles hitting the boundary wall of 35 Broad Lane which is built at a significantly lower level.
 - Insufficient visibility of the proposed priority arrangement for vehicles turning out of Ash Grove Road.
 - Not convinced that heavy vehicles, such as those serving the housing developments and the numerous large delivery vans will be able to pass safely, especially if there are pedestrians on the proposed footway.
 - Counter intuitive to take road space away from an already constrained network whilst at the same time permitting development, which in itself would add additional traffic to the network.
- Visitors park on Broad Lane. The reduction of the carriageway to single width will make such parking impossible. Safe alternative parking is not available in the vicinity due to the unmarked T junction between Ash Grove Road and Broad Lane and the frontage taken up by the parking bay for the children's nursery, which as a consequence precludes on-road parking.
- The proposed footway will be partially located on the exposed bare rock which forms the foundation of 38 Broad Lane and any excavation may undermine these foundations (the sidewall of 38 Broad Lane is built directly onto Broad Lane).
- The application proposes a Priority sign to be located adjacent to the entrance of our property. We are concerned on safety grounds that the sign will impede our existing sight line when leaving our property by car. We are also concerned that this sign plus any other signage will represent visual intrusion in an area of the village that retains some of the original character of a Pennine village.

- The location plan for the application shows the outline of a speed platform on Broad Lane. Concerned that the noise of vehicles slowing down will affect a front facing bedroom. Unclear from the application documents whether this speed platform is proposed by the developer or not.
- Development will hem in the Grade 2 Listed farmhouse to the west and north and threaten the character of the listed property. In addition, building further properties close to this existing building may preclude suitable access that would be required when the farmhouse is eventually developed. At the very least it would be worth considering a condition whereby the necessary work to the farmhouse should be completed prior to work on any proposed new buildings.

7.2 Holme Valley Parish Council: “Object to the application on highways grounds; the access road should be one continuous adopted road, not split into Estate Road and Private Drive, plus concerns that no provision for parking for any visitors on private drive (as too narrow)”.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Kirklees Highways Development Management – No objections

Kirklees Flood Management & Drainage - No objections

8.2 Non-statutory:

Kirklees Conservation & Design – No objection in principle. The materials need to be agreed at some stage. Landscaping plans offer no planting and are not acceptable.

9.0 MAIN ISSUES

- Update following previous committee meeting
- Layout
- Scale
- Appearance
- Landscaping
- Highway matters
- Drainage
- Other matters
- Representations

10.0 APPRAISAL

Update following previous committee meeting:

- 10.1 The sub-committee resolved to defer the application on 31st August to allow officers to negotiate with the applicant a reduction in the number of proposed dwellings (density of development) due to concerns regarding the impact of the scale, layout and appearance of the submitted development.
- 10.2 In response to these concerns the applicant has submitted a supporting statement which is summarised at paragraphs 10.3 to 10.13 below.

- 10.3 Delivery of much needed housing: The site already benefits from outline consent and is now being brought forward by a willing developer. The proposals will result in the delivery of much needed housing at a time when the council does not have a five year housing land supply (estimated at 2.2 years). The proposals will improve this supply.
- 10.4 Officer Support: The scheme has been examined by the Conservation & Design officer and planning officers who considers it to be acceptable and in accordance with adopted policies.
- 10.5 Outline consent: It is stressed that the site already has outline consent with access approved.
- 10.6 Density of development: "The density of development equates to 28.1 dwellings per hectare, significantly below the council's target of 35 dwellings per hectare set out in the emerging Local Plan. Paragraph 58 of the NPPF requires development to '*optimise the potential of the site*' therefore the density of development that has been accepted by officers as being appropriate, even though it is below density targets, should be considered acceptable.
- 10.7 Consideration has been given to removing one or more properties from the site but in light of the current scheme according with all adopted policies, the support from professional officers as set out in the previous committee report and the need to deliver new houses throughout the area it is requested members reconsider the scheme and grant permission for the 10 dwellings proposed".
- 10.8 Adjacent approval: Since the previous committee a reserved matters application for 3 houses adjacent to the site has been granted (2017/92249). These houses have a similar character and are laid out with similar spatial characteristics and therefore further reinforce how the 10-unit scheme proposed would be appropriate with respect to the character and density of the area.
- 10.9 Layout: The shape and slope of the site dictate the layout and the point of access was fixed at outline stage. The layout of houses exceeds the council's space about buildings policy (BE12) in all directions and a reduction in numbers is not required in order to comply with space standards.
- 10.10 Scale: The scale of plots 2 to 10 is similar to other approved developments on adjacent land which are generally three storeys to south facing elevations and two storeys to north facing elevations. Plots 2-10 are therefore in scale with their surroundings. Plot 1 is a reduced height dwelling being single and two storeys and adequately separated from adjacent buildings.
- 10.11 Appearance: The houses have been designed with more vernacular elevational treatment than the developments above and below the application site with mullion windows, stone surrounds and traditional detailing to empathise with the listed buildings at no. 38 Broad Lane, and contrast with the neighbouring developments. There is a design theme throughout the development with projecting sections of front elevations designed to articulate the frontage and break up the eaves line. The use of high quality natural

coursed stone and dark grey roofing tile will be in keeping with the local area. Overall the proposed development will greatly enhance the appearance of the area.

- 10.12 Landscaping: “Dry stone walling to the boundary of the site will be retained to help the scheme ground itself within the area. Soft landscaping is introduced into this sloping site where possible and hard landscaped areas will be in paving with drives in permeable block paving”.
- 10.13 Summary: *“Members are requested to reconsider their previous comments and approve the proposed development that wholly accords with the council’s adopted policies and has been thoroughly examined and supported by their own professional officers. The site benefits from an outline consent therefore the principle of development and highways impact has been accepted. Changes to the scheme have been considered but in light of the compliance with policy and professional officer support Members are requested to reconsider and support these proposals to allow much need quality housing to be delivered”.*
- 10.14 Officers have previously concluded that the ten dwelling scheme is acceptable and consequently the recommendation to Members is unchanged. A reserved matters application for 3 dwellings on adjacent land has been approved since the previous committee (2017/92249); this number of dwellings (3) had already been approved at outline stage. The scale of both developments is comparable (three storey frontage and two storey rear) and the design of the 3 dwellings was amended to give them a more consistent appearance with the scheme for 10 dwellings that is currently before members. Facing materials are similar on both sites although the 3 dwellings as approved have a blue slate roof. This recent approval on adjacent land does not materially alter the original assessment of the 10 dwelling scheme.
- 10.15 The following assessment is as per the original committee report from 31st August 2017.

Layout:

- 10.1 The proposed layout provides ten detached dwellings. Nine of the dwellings are set towards the back of the site and form a linear row of development with the tenth dwelling being off-set and positioned close to the access.
- 10.2 The density of development equates to 28.1 dwellings per hectare. By way of context, Policy PLP7 of the emerging Local Plan states that developments should achieve a net density of at least 35 dwellings per hectare (where appropriate). The NPPF also states that planning decisions should aim to ensure that the potential of a site to accommodate development is optimised.
- 10.3 On balance the density of the development is considered acceptable. The number of dwellings makes an efficient use of the land whilst maintaining an adequate degree of openness within the built form and the density and layout are comparable to the detached dwellings being built on the adjacent land to the north.
- 10.4 The layout also provides acceptable separation distances to existing and planned neighbouring dwellings.

- 10.5 The separation distances to the new dwellings to the north, which are set up from the site, exceed Policy BE12 requirements. There is also an existing building very close to the northern boundary at the rear of plot 10 but evidence suggests that this is a substantial outbuilding associated with 121/121B Upperthong Lane and is not a dwellinghouse; as such officers do not have any significant concerns with this relationship.
- 10.6 To the east of the site is a parcel of land that is part of the same POL allocation. The closest dwelling is plot 10 and there are no habitable windows within the side elevation of the dwelling that would unduly prejudice the development potential of this land. Further upper floor windows in the side elevation would be restricted by the General Permitted Development Order.
- 10.7 To the south of the site is another part of the POL allocation which has outline consent for three dwellings and a reserved matters application that includes details of layout and scale is under consideration by the Local Planning Authority. The relationship between the prospective developments is acceptable and meets Policy BE12 requirements.
- 10.8 To the west of the site is 52 Broad Lane. The rear wall of plot 1 faces onto the side garden of this property at a distance of about 1m and is separated by a low hedge which would not screen the windows. The gable end of 52 Broad Lane is approximately 15.5m from plot 1 and contains non-habitable or secondary windows. The rear of plot 1 contains a mixture of non-habitable and habitable windows comprising bathroom, landing, study/bedroom and a secondary lounge window.
- 10.9 The window to window relationship is considered to be acceptable. The separation distance and slightly oblique relationship to the habitable windows within plot 1 mean that privacy of existing and future occupiers would not be significantly compromised. There would however be a very close relationship between habitable windows and the neighbour's side garden which gives rise to some concerns. The neighbour's main private amenity space is to the rear and the large side garden is quite open and already overlooked from the public highway. The windows would however introduce a sense of close overlooking and likewise the privacy of the future occupiers of plot 1 would also be affected. As such it is considered that measures to address this are put in place either through obscure glazing or boundary screening.
- 10.10 The layout is considered to provide a reasonable degree of openness around the listed building which helps to preserve its setting and the significance of this designated heritage asset.
- 10.11 In summary the layout of the site is considered to be acceptable and accords with Policies BE1, BE2 and BE12 of the UDP.

Scale:

- 10.12 The row of nine properties to the north of the site would all be three storeys to the front and two at the rear reflecting the steeply sloping nature of the site. Beyond these dwellings the land rises upwards and is being developed for housing which provides the backdrop to the proposals. The scale of the three

dwellings proposed under reserved matters application 2017/92249 also have a three storey frontage.

- 10.13 Given the topography of the area the scale of plots 2-9 is considered to be acceptable and would sit comfortably within the site's context.
- 10.14 Plot 1 is two storeys to the front and single storey at the rear. This dwelling most closely relates to the adjacent listed building and is immediately adjacent to 52 Broad Lane. The scale of this building is such that it helps to respect the setting of the listed building. Only the upper floor of plot 1 would be visible from 52 Broad Lane which mitigates the impact on this neighbour's amenity space.
- 10.15 In respect of 'scale' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Appearance:

- 10.16 There is a mixture of building designs within the surrounding area. In terms of the proposals there is a consistent design approach across the development with slight variations across a theme. The dwellings include a variety of architectural detailing such as a dentil course and stone heads, cills and mullions to the windows, which enhances their appearance.
- 10.17 The walls of the dwellings would be constructed of natural stone which is appropriate given that the development will form the setting for the listed building. A dark grey tile is proposed for the roofs and this is acceptable subject to approval of a sample.
- 10.18 In respect of 'appearance' the application is considered to comply with Policies BE1, BE2 and D2 of the UDP and guidance in the NPPF.

Landscaping:

- 10.19 The only areas of soft landscaping are those provided by the private garden areas. The Conservation & Design officer has raised concerns with the lack of landscaping however the constraints of the site in terms of its layout and topography would make providing any meaningful landscaping difficult and so on balance the scheme is considered acceptable as proposed.
- 10.20 In terms of boundary treatment, dry stone walling would be retained along much of the external boundaries including along the frontage (as required by outline consent) and around plot 1. This helps to retain some of the existing character of the area and respects the setting of the listed building. The timber fencing between the plot boundaries is acceptable.
- 10.21 The development does not trigger a requirement for public open space.

Highways:

- 10.22 The point of access has already been approved under the outline consent. Highways Development Management consider the internal access, parking and turning arrangements to be acceptable. The application is considered to comply with Policy T10.

Drainage:

- 10.23 The details have been assessed by Kirklees Flood Management and Drainage and it is considered that the layout would not prejudice flood risk on or off the site.

Other matters:

- 10.24 The number of dwellings does not trigger an affordable housing contribution.

Representations:

- 10.25 Three representations have been received. The main concerns raised relate to highway matters and these have been considered under the outline application (which approved access) as well as this reserved matters submission and are deemed to be acceptable.
- 10.26 A neighbouring land owner has raised concern that a parcel of POL to the east will become land-locked. The applicant has responded as follows on this issue:

"It's impossible to access this land from the application site due to the steepness of the gradient and there is currently no access to it from the site. This land would throw up space about dwelling and overlooking issues and as a result would possibly only take one house which, as a percentage of the number of houses proposed and constructed on the remaining POL land is very small indeed. Anyway, it currently has its own access off Upperthong Lane so is not landlocked.

There does appear to be an access to the land off Upperthong Lane and so the development would not sterilise future development on the land in question. The proposed layout does however provide a 'theoretical' access to the POL to the east, albeit one which would require gaining rights of access across the private drive and obtaining a ransom strip. The applicant's comments on the practical challenges of achieving an access from the site in terms of the gradient are nevertheless likely to be correct.

11.0 CONCLUSION

- 11.1 The density of the development is considered to be acceptable having regard to the need to make efficient use of land and in the context of surrounding development. The scheme provides an acceptable layout, scale and design which would not unduly harm the visual amenity or character of the area and would preserve the setting of the adjacent listed building. No changes have been made by the applicant in response to the August meeting of the Sub Committee. The applicant sets out their reasoning why they do not consider this is necessary.
- 11.2 Whilst soft landscaping within the site is limited to the front and rear gardens only, on balance this is accepted. The site also provides adequate parking and turning facilities such that highway safety would not be unduly prejudiced.

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

1. Development in accordance with approved plans
2. Boundary treatment/obscure glazing to address residential amenity issue at the rear of plot 1
3. Approval of samples of materials (natural stone and dark grey tile)

Background Papers:

Application and history files.

Website link to be inserted here

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90516>

Certificate of Ownership – Certificate A signed on outline application