
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 22-Feb-2018

Subject: Planning Application 2016/92466 Erection of two dwellings adj 2, Romsey Close, Lindley, Huddersfield, HD3 3GU

APPLICANT

Mr & Mrs Polzin

DATE VALID

26-Jul-2016

TARGET DATE

20-Sep-2016

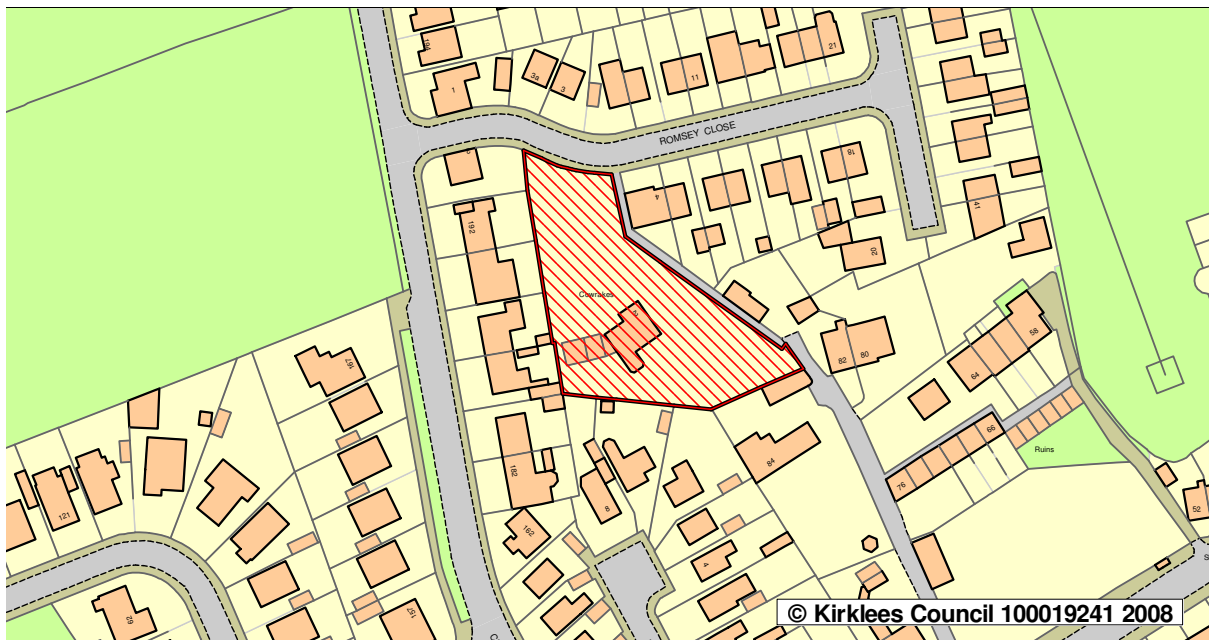
EXTENSION EXPIRY DATE

15-Dec-2016

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<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: Lindley

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION: REFUSE

1. The proposed scheme would result in a cramped form of development through the inclusion of dwelling no. 2 by reason of its plot size; the very limited amount of private amenity space that would be provided for this plot, its siting to the front of the existing dwelling and proximity to the public right of way to the east of the site. The proposals as such would fail to respect the character of surrounding development which consists of dwellings with reasonably sized private amenity areas. It would be harmful to visual amenity and contrary to the aims of Policies D2 (ii, vi & vii), BE1 (i) and BE2 (i) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (a) of the Kirklees Publication draft Local Plan.

2. The proposed dwelling no.2 to the front (north) of the site, by reason of its close relationship with the existing dwelling of no. 2 Romsey Close would adversely affect the outlook from this property, give rise to an overbearing impact upon it and would result in loss of privacy for occupiers of the existing property and proposed dwelling no. 2. To permit such a development would be contrary to the aims of Policies D2 (v) and BE12 (i & iv) of the Kirklees Unitary Development Plan as well as the Core Planning Principles and Chapter 7 of the National Planning Policy Framework and Policy PLP24 (b) of the Kirklees Publication draft Local Plan.

1.0 INTRODUCTION:

1.1 The application is brought to Huddersfield Sub Committee at the request of Councillor Cahal Burke along with a site visit. The reason for the request is:

“The application has been amended on a number occasions to accommodate planning concerns, the development does not represent overdevelopment when considered against similar applications that have been recommended for approval”.

1.2 The Chair of Sub-Committee confirmed that Cllr Cahal Burke’s reason for making this request along with the site visit is valid having regard to the Councillors’ Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application red line relates to a modest irregular shaped plot, currently accommodating a detached dwelling, set back into the site from Romsey Close. The site is surrounded predominantly by detached and semi detached properties. There is a public right of way running parallel with the eastern boundary of the site from Romsey Close to Cowrakes Road. The site is bound by a dense hedge along the north and eastern boundary and landscaping to the west and southern boundaries with the gardens of neighbouring residential properties beyond. Levels within the site are gently sloping down in the south easterly direction and consist of manicured lawns

3.0 PROPOSAL:

- 3.1 The proposals are for the erection of two detached dwellings. One dwelling is shown in the south east corner of the site (plot no 1). This is shown to be two storey with a detached garage to the front of it. The proposals would include the creation of a new vehicular access and drive to serve plot no. 1 and the existing dwelling on site, resulting in the removal of the full length of the existing lawn adjacent to the western boundary. External amenity areas are shown to the side and rear of the proposed property in the south east corner of the site.
- 3.2 With regards to plot no. 2, revised plans indicate the siting of the dwelling in the north east part of the site. The eastern side elevation is shown to run parallel with the public right of way, beyond this boundary. This dwelling would also be two storey with an integral garage. The proposals would involve the construction of an area of hard standing and new vehicular access point to the front of the dwelling to be served from Romsey Close.
- 3.3 Dwelling no. 1 is intended to be faced in stone to match the existing dwelling on site and dwelling no. 2 to be faced in brick with stone quins.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2015/91428 – erection of detached dwelling – granted Jan 2016
2004/92789 – erection of conservatory - granted Aug 2004
1994/91959 – erection of extension and front dormer window - granted Aug 1994

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 Discussions and on-going negotiations have been continuing with the agent which resulted in a number of options being put forward for a dwelling to the front of the plot, despite Planning Officer's initial advice on the concerns and unacceptability of the principle of developing this plot to the front. The assessment below is in relation to the final revised, accurate and complete set of drawings received on 9th February 2018.

06/07/17 – received revised plans
25/04/17 – received revised plans
28/11/16 – received revised plans

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
T19 – parking provision
R13 – Public Rights of Way

Kirklees Publication Draft Local Plan (PDLP):

PLP 1 – Presumption in favour of sustainable development
PLP 2 – Place shaping
PLP24 – Design
PLP21 – Highway safety and access
PLP22 – Parking

National Planning Guidance:

Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Final publicity expired on 11th May 2017. Seven representations have been received as a result of publicity on the original plans and amended plans received in April 2017, the concerns of which are summarised below:

- Too close to and would result in loss of privacy, light, shadowing and over bearing to nos. 190 and 192 Crosland Road. Doesn't meet space about buildings policy BE12.
- Outlook, sunlight and privacy of no. 188 will be compromised & be overly dominant.
- Loss of trees.
- Highway safety concerns on Romsey Close and Crosland Road
- Noise and pollution.
- Cramped form of development which would adversely impact on the neighbouring bungalow.
- Increase in air pollution concerns.
- Concerns in relation to overlooking remain to occupiers of no. 188 Crosland Road following revised proposals.

7.2 Further amended plans were received in February 2018 but were not publicised as these were considered to overcome the objections originally raised by re-siting plot 2.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

8.2 **Non-statutory:**

Conservation & Design – concerns in relation to plot no. 1

Coal Authority – comments taken from previous application

Public Right of Way Officers (PROW) comments made.

9.0 MAIN ISSUES

- Principle of development
- Urban design and amenity issues
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

The site is unallocated on the Unitary Development Plan (UDP) proposals map and draft Local Plan, on such sites there is a presumption in favour of development unless it would have a detrimental impact on residential or visual amenity, highway safety or the character of the area. At the heart of the NPPF is also a presumption in favour of sustainable development.

10.2 One of the core principles of the NPPF are that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- 10.3 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. In this context there should be no discrimination against greenfield proposals per se.
- 10.4 The site is located within a predominantly built up area. The proposals would be making an efficient use of land in principle subject to an assessment of amenity, environmental and highways issues, to be examined in detail below.

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;
 - Conserving and enhancing the natural environment
- 10.5 Extant planning permission exists for one dwelling in the south east part of the site granted via application 2015/91428 which forms ‘House 1’ on the currently submitted proposal. The current proposals would include the addition of a further dwelling on this site to the front, along the northern boundary. The proposals also seek to vary the design and scale of the dwelling proposed to be sited in the south east part of the site. Providing that the proposals would not cause harm to highway safety, residential and visual amenity or any other relevant considerations the principle of development is considered acceptable and would accord with the above relevant policies and guidance contained within the NPPF.

Urban Design and amenity issues:

- 10.6 Policy D2, BE1 and BE2 of the UDP need to be considered with the development which highlight the importance of achieving good design which is also a main objective set out in chapter 7 of the NPPF, entitled “requiring good design”. Paragraph 56 states that “the Government attaches great importance to the design of the built environment”. Design guidance in the draft Local Plan is set out in Policy PLP24 which will also be considered.
- 10.7 With regards to plot no. 1, whilst the design of the dwelling varies from the extant permission in that it detaches the garage from the dwelling, it would be in a similar siting and scale to that previously approved. On balance and given the extant permission, the proposals to accommodate this dwelling with a detached garage to the front (which would have a separation distance of 11m from the proposed dwelling) is considered not to adversely affect the amenities of the future residents of this dwelling. Furthermore, the footprint and massing of the dwelling on this plot would be a reduction in comparison to the extant permission and in the siting shown would not detract from the character of the surrounding development nor the street scene.

- 10.8 Turning to plot no. 2, in the siting shown the dwelling would be off set from the eastern boundary which runs parallel to the public right of way. Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.
- 10.9 A separation distance of 1.5 metres should be achieved to the site boundary from a dwelling, and whilst some distances less than 1.5 metres may be acceptable the siting of this plot would not achieve this distance to the eastern boundary adjacent the public footpath. The proposed siting of this dwelling is considered out of keeping with the character of the local area, where most other properties along Romsey Close maintain a driveway width or at least a gap from the boundaries. As such the proposals due to the inclusion of plot no. 2 to the front of the existing dwelling together with a dwelling in the south east part of the site and detached garage, as shown on the revised site block plan would result in a cramped form of development on this site.
- 10.10 With regards to the privacy and overlooking, due to the cramped layout the proposals would fail to achieve the minimum distance of 21m between habitable rooms on the south elevation of dwelling on plot no. 2 and the existing dwelling. The short fall would be approximately 3m between habitable room openings of these two dwellings. Furthermore, the future residents of plot no. 2 would have very limited external areas which would be directly overlooked from the existing dwelling.
- 10.11 The proposals with the inclusion of a dwelling to the northern part of the site would fail to respect the character of surrounding development and would be harmful to visual and residential amenities of the occupiers of the existing dwelling as well as the future residents of plot no. 2. In light of this the principle of developing the front part of the site is not acceptable. Negotiations have taken place to see if these concerns could be overcome by changes in design but this has not proved possible. It would therefore be contrary to the aims of Policies D2, BE1, BE2 and BE12 of the Kirklees UDP and the core planning principles of the NPPF as well as Policy PLP24 of the PDLP

Heritage Issues:

- 10.12 Given the proximity of the site to listed buildings (nos. 80 and 82 Cowrakes Road) south east of the site, the application was advertised as affecting the setting of the listed buildings. The NPPF at para 132 states “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation” The setting of a designated heritage asset is an important aspect of its significance. Preserving the special architectural and historic interest of a listed building is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerable importance and weight is to be attached to this.

10.13 From a heritage impact, in relation to dwelling on plot no. 2 the Conservation & Design Officer raises no concerns as this would be sited a considerable distance away from the neighbouring Grade II listed cottages. However, they raise concerns in relation to the siting of dwelling on plot no.1 which is closer to the listed building. Nevertheless, given the siting of this dwelling would be similar to that previously approved under the 2015 permission, Planning Officers are of the opinion the proposals would have a negligible impact on the heritage asset and lead to less than substantial harm on the significance of the neighbouring listed buildings. This less than substantial harm is outweighed by the public benefit the proposals would provide in the form of additional housing at a time when the Council cannot demonstrate an adequate supply of housing land, in accordance with paragraph 134 of the NPPF and the duty set out in the Listed Buildings and Conservation Areas Act 1990 and Chapter 12 of the NPPF.

Highway issues

10.14 Policy T10 of the UDP states that new development should not materially add to any highway safety implications. Policy R13 of the UDP highlights the importance of safeguarding users of public right of way and public access areas. Policy PLP21 of the draft Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems.

10.15 The proposals would result in two vehicular access points onto Romsey Close from this plot. Given the nature of traffic associated on this cul de sac, where it is accepted that drivers would be driving at a low speed in close proximity of this junction, Officers are supportive of the proposals from a highway safety aspect. The revised proposals also indicate adequate parking and areas for turning on site to accommodate the existing and proposed dwellings as such would accord with the above policies and guidance.

10.16 With regards to the public right of way, the gable of proposed dwelling no. 2 would be only just off set from the eastern boundary adjacent to the public right of way. The existing hedge and fence would be removed. However, it is considered the proposals would not adversely impact on the users of the right of way nor public access to it and accord with Policy R13 of the UDP.

Other Matters

High risk coal area and assessment:

10.17 The site lies in an area within a 'high risk' coal area. This relates to the potential impact of coal mining legacy. The application is accompanied with coal mining risk assessment and consultation has taken place with the Coal Authority. No formal comments have been received from the coal authority on this application. The Coal Authority did however make comments on the previous application which are still relevant as the assessment and investigations related to the same site area.

10.18 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

10.19 On the basis of the above, it is recommended by the Coal Authority that a pre commencement condition be imposed requiring the above stated site investigation works and in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

10.20 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Should Members be minded to approve the application the recommended pre commencement conditions along with any condition requiring remedial works will need to be included on the decision.

Drainage:

10.21 Given there is no significant flood risk issues for this development it is considered that for a development of this scale drainage matters can be adequately dealt with through an allied Building Regulations regime.

Air Quality:

10.22 In the interests of air quality, and to comply with West Yorkshire Low emissions Strategy, Policy PLP24 of the emerging local plan and Chapter 11 of the NPPF, it is recommended that a planning condition be imposed requiring the installation of an electric vehicle charging point for each new dwelling should permission be granted..

Representations

10.23 Below is a response to the objections not addressed in the assessment:

- Too close to and would result in loss of privacy, light, shadowing and over bearing to nos. 190 and 192 Crosland Road. Doesn't meet space about buildings policy BE12.
- Outlook, sunlight and privacy of no. 188 will be compromised & be overly dominant.
- Concerns in relation to overlooking remain to occupiers of no. 188 Crosland Road following revised proposals.

Response: The proposals have been revised with the siting of dwelling no. 2 shown to be sited away from the boundary of these neighbouring dwellings. In the revised siting, officers consider there would not be a detrimental impact on the amenities of these neighbouring properties.

- Loss of trees.

Response: These were not protected and could be removed at any time.

- Noise and pollution.

Response: It is accepted there would be some disruption during the construction phase. However, this does not warrant a refusal on proposals.

10.24 Ward Cllr Cahal Burke requested the application be determined by sub-committee for the following reasons: *“the application has been amended on a number occasions to accommodate planning concerns, the development does not represent overdevelopment when considered against similar applications that have been recommended for approval”*. In response, the submitted scheme has been amended on a number of occasions as we have looked to work proactively with the applicants to secure a sustainable development on the site. However, the application has been recommended for refusal as it would not improve the environmental conditions of the area.

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and in light of the above assessment recommended for refusal.

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92466>

Certificate of Ownership – Notice served on Kirklees Council on 22nd July 2016.