
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 24-Jan-2019

Subject: Planning Application 2018/93212 Erection of 3 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield, HD2 2HA

APPLICANT

M Mehat

DATE VALID

02-Oct-2018

TARGET DATE

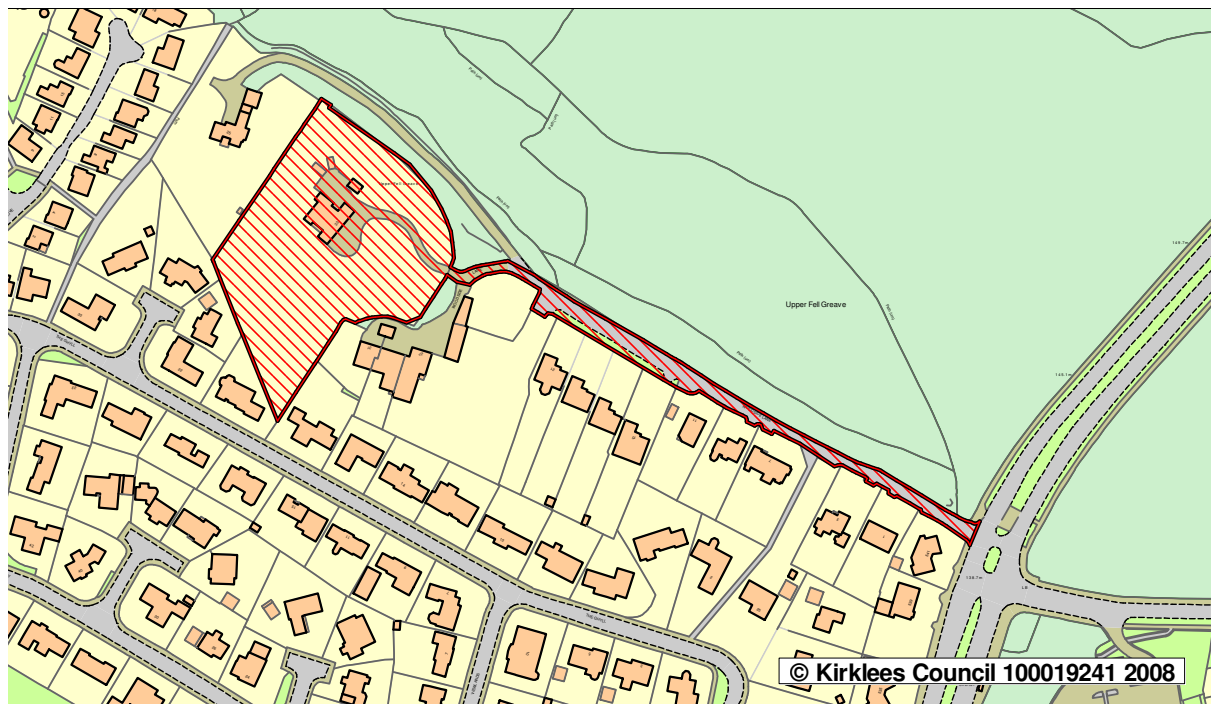
27-Nov-2018

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: Ashbrow

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval and the issuing of the decision notice to the Head of Strategic Investment in order to conclude the assessment of the impact of the development on bats and secure appropriate mitigation and to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Sub Committee for determination in accordance with the scheme of delegation because the site area is over 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of a large detached dwelling set within its own grounds. The property lies at the western end of Woodside Lane, an unadopted access road off Bradford Road. Woodside Lane carries a bridleway (HUD/26/10 & HUD/24/20).
- 2.2 The site is surrounded on three sides by residential development. There is woodland to the north which is allocated as urban greenspace and has a green corridor running through it.

3.0 PROPOSAL:

- 3.1 Full application for the erection of 3 detached dwellings within the garden of 33 Woodside Lane.
- 3.2 The proposals also include the erection of a detached double garage for the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/93544 Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane – Refused by the Sub Committee 9/8/18

Application refused for the following reasons:

1. The proposed development of 5 additional houses within the grounds of 33 Woodside Lane would result in a cramped and incongruous form of development that would be out of character with, and harm the setting of, the host dwelling and the wider sylvan streetscene of Woodside Lane. The streetscene of Woodside Lane comprises dwellings within spacious plots characteristically separate from the surrounding built up area within a wooded enclave. It is accessed from a quiet, unadopted road which also carries the route of a bridleway. The proposed development would erode this character, which would represent poor design. Furthermore it would introduce an intensification of traffic which would not be in the interests of highway safety. The development would be contrary to Policies D2 (ii, vi and vii), BE1 (i,ii), BE2 (i) and T10 of the Kirklees Unitary Development Plan, PLP24 (a) of the Publication Draft Local Plan and paragraphs 109 and 130 of the National Planning Policy Framework.

2. The close relationship of proposed plots 4 and 5 to mature trees, protected by Tree Preservation Order to the north east of the site, would result in potential risk to the their longevity as a result of pressure to fell or prune them due to their impact on the reasonable enjoyment of the proposed properties by any future occupiers. This would harm the character and aesthetic qualities of the area and be contrary to Policy NE9 of the Kirklees Unitary Development Plan, PLP33 of the Publication Draft Local Plan.

3. The applicant has failed to demonstrate the usage of the site by both foraging and roosting bats although the site has been assessed as potentially important for both within the submitted Preliminary Ecological Appraisal Report. Without additional surveys it is not possible to ascertain any mitigation requirements or any compensation for the impact on biodiversity. To grant permission would be contrary to PLP30 of the Publication Draft Local Plan, government guidance contained within Chapter 15 of the National Planning Policy Framework and National Planning Practice Guidance.

4.2 2018/93412 Certificate of lawfulness for proposed use of a dwelling (C3) as a residential home for up to 5 young adults – Undetermined

4.3 2017/93707 Certificate of lawfulness for proposed use of premises as a residential home for up to 5 young adults – Withdrawn

4.4 2000/93404 Outline application for the erection of 1 detached dormer bungalow at land adjacent 3 Woodside Lane, Fixby – Refused and appeal dismissed

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

5.1 The layout of the site has been amended. A dwelling has been removed from the north east of the site and replaced with a dwelling that is located towards the south western part of the site. The amendment allows for a more dispersed layout and avoids development being concentrated in one area of the site. It also mitigates the impact on adjacent protected trees. As a consequence of the layout change there have been some alterations to the design of the dwellings.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

6.2 The site is unallocated on the Unitary Development Plan Proposals Map and does not have any specific allocation in the Publication Draft Local Plan.

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

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
D2 – Unallocated land
T10 – Highway safety
T19 – Parking Standards
G6 – Contaminated land
NE9 – Retention of mature trees

6.4 Kirklees Publication Draft Local Plan (PDLP):

PLP21 – Highway safety
PLP22 – Parking Standards
PLP24 – Design
PLP30 – Biodiversity
PLP33 – Trees
PLP53 – Contaminated and unstable land

National Planning Guidance:

6.5 Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices, press advert and neighbour notification letters. In response to this publicity 12 objections were received.

7.2 A summary of the comments received is provided as follows:

- Previous reasons for refusal not addressed

Highway matters:

- Road safety concerns from increased traffic on Woodside Lane
- Woodside Lane unsuitable for increased traffic
- Street lighting to Woodside Lane is poor and there is no footway
- Improvement works to Woodside Lane should be required between the site access and Bradford Road
- Highway safety concerns in relation to Bradford Road junction which is problematic and dangerous
- Woodside Lane carries a bridleway
- A previous application (2000/93404) for a dormer bungalow adjacent to 3 Woodside Lane was refused on highway safety grounds and appeal dismissed
- Increase in wear and tear on Woodside Lane and potential damage to walls

Visual amenity/character of the area:

- Sub-standard design of development
- Detrimental impact on visual amenity/character of area
- Overdevelopment of the site; out of character; cramped; garden grabbing
- Existing dwelling is potentially worthy of being classed as a non-designated heritage asset; if so, development would harm its setting

Residential amenity

- Lack of adequate separation distances, contrary to BE12 and D2 of the UDP

Trees and ecology:

- Impact on protected trees
- Impact on adjacent woodland
- Impact on biodiversity including local bat population
- Inadequate ecological information submitted

Other matters:

- Concerns raised with this application in the context of the separate Certificate of Lawfulness application (2018/93412), including highway impacts and extent of the red line boundary
- Section drawing inaccurate
- Additional properties will increase risk of burglaries

- Potential for the undeveloped parts of the site to be developed in the future
- Impact on drainage including concerns with water run-off

7.3 The amended plans showing the revised layout have been publicised by neighbour notification letters. The publicity period expires on 21st January 2019. To date no representations have been submitted. A summary of any comments received following the publication of this report will be provided within an update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections

8.2 Non-statutory:

KC Trees – The revised site layout is considered to be acceptable.

KC Ecology – Further information required in relation to the impact of the site layout on bat foraging and commuting routes.

9.0 MAIN ISSUES

- Principle of development
- Character and visual amenity issues
- Highway issues
- Trees
- Ecology
- Residential amenity
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 An application for 5 detached dwellings within the garden of 33 Woodside Lane was refused by the Sub-Committee in September this year. It was considered that the 5 dwellings amounted to a cramped and incongruous form of development that was out of character with the site and its wider setting. It was also considered that there would also be an intensification in the use of Woodside Lane that carries the route of a bridleway and this would not be in the interests of highway safety. Additionally, the proximity of two of the plots to mature protected trees would prejudice the longevity of the trees as a result of potential pressure to fell or prune the trees. The applicant had also failed to demonstrate that the development would not result in undue impacts on bats.

10.2 The principle of some form of residential development on the site is considered to be acceptable and so the starting point for the assessment is whether or not the revised scheme adequately addresses the previous reasons for refusal.

Character and visual amenity issues

- 10.3 The reduction from 5 dwellings to 3 dwellings is considered to represent a significant reduction in the quantum of development.
- 10.4 The layout of the site has also been amended during the course of the application to make better use of the land. Initially it was proposed to have all three dwellings concentrated in the eastern part of the site however officers had concerns that such a layout failed to take the opportunity to provide a high quality, spacious form of development and would result in an overly intensive use of one part of the site that would be at odds with the setting of the existing dwelling and the surrounding area.
- 10.5 The revised layout removes one of the dwellings and replaces it with a different house type to the south west of the existing dwelling. As a result there is a much more spacious feel to the overall development and this sits more comfortably with the site's context.
- 10.6 The reduced 3 dwelling scheme with the houses spread out around the existing dwelling is considered to be acceptable and would not result in a cramped or incongruous form of development in the opinion of officers. The proposal therefore adequately addresses this aspect of the previous reason for refusal.
- 10.7 The design of the dwellings is similar to the house types under the previous application and remains acceptable. The dwellings would be faced in natural stone and cream render with artificial blue slate tiles to the roofs; these materials are considered to be acceptable.
- 10.8 In summary the application is considered to comply with Policies BE1, BE2 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway issues

- 10.9 The reduction in the quantum of development would result in a much less intensive use of Woodside Lane and officers therefore consider that the application has addressed the previous reason for refusal in this regard.
- 10.10 The site provides adequate parking arrangements for the existing and proposed dwellings and turning space for a refuse vehicle is provided within the site. The width of the access into the site is to be widened to allow two way traffic flow.
- 10.11 To ensure the turning head is retained for the benefit of residents of Woodside Lane - and not just the development subject of this application - it is recommended that a condition be imposed preventing gates being erected on the access which would inhibit the use of the turning head by vehicles using the lane (including refuse vehicles) and for signage to be erected advising drivers of large vehicles where there is a suitable turning point and its proximity to the narrowing along Woodside Lane. This is consistent with the information and recommendations provided within the applicant's Highway Statement.
- 10.12 Conditions requiring a construction management plan and a condition survey of Woodside Lane pre and post development with repairs to be carried out as necessary are considered to be appropriate.

10.13 The application is considered to comply with Policies BE1 and T10 of the UDP and PLP21 of the emerging Local Plan.

Trees

10.14 There is a narrow belt of protected woodland alongside the north east site boundary. The previous application proposed two dwellings alongside this area of trees and there were concerns that the proximity of these two plots would prejudice the longevity of the trees because shading of the dwellings and their garden areas may lead to pressure to prune or fell trees in the future.

10.15 The amendment to the site layout has reduced the amount of development adjacent to the protected trees. There is now only one dwelling adjacent to the trees (plot 3) and this property has a much bigger garden area which means that the extent of shading to the private amenity space is significantly mitigated. In addition the dwelling has been designed to avoid main windows facing onto the protected trees.

10.16 Based on the amended plan the arboricultural officer raises no objection to the application.

10.17 It is recommended that permitted development rights for extensions are removed for plot 3 because future extensions could bring the dwelling closer to the trees, including habitable windows within their influence.

10.18 Officers consider that the proposal adequately addresses the second reason for refusal on the previous application. The development now accords with Policy NE9 of the UDP and PLP33 of the PDLP.

Ecology Issues

10.19 To the north east of the site is a large area of ancient woodland (Upper Fell Greave). The ancient woodland is separated from the site by a narrow belt of protected trees and an access track serving 25 Woodside Lane. Ancient woodland is classed as an irreplaceable habitat within the NPPF. The ancient woodland and protected trees are designated as a Wildlife Habitat Network in the PDLP and there is a green corridor within the ancient woodland as designated in the UDP.

10.20 The application is supported by a preliminary ecological appraisal and a bat dusk emergence and transect survey.

10.21 The Ecology Unit has recommended that further information be submitted to fully assess the ecological impacts of the development, particularly in relation to the impact of the layout of the site on bat foraging and commuting routes. A response is awaited from the applicant on this matter and an update will be provided to the Sub-Committee.

10.22 In terms of the impact of the development on the nearby ancient woodland, published guidance recommends leaving a 15m (minimum) buffer zone of semi-natural habitat between a development and ancient woodland.

- 10.23 In this case the site is separated from the ancient woodland by a belt of protected trees and an access track. The nearest proposed built development is plot 3 which is separated from the ancient woodland by around 20m. A proportion of this separation (circa 8m) is made up of the garden for this plot and whilst the garden would not constitute semi-natural habitat it has the potential to provide some ecological value. In any event this part of the site already forms residential garden for the existing dwelling and so there would not be any significant change in circumstances in this regard. On this basis officers do not consider that the development is likely to unduly prejudice the ancient woodland.
- 10.24 The development would result in the loss of some bird breeding and foraging habitat. The site does nevertheless retain some open areas of garden and mitigation can be secured, for example through new landscaping and bird boxes on the dwellings.

Residential Amenity

- 10.25 The layout of the site essentially replicates three of the plots that were proposed under the previous scheme. It was concluded that the development provided acceptable separation distances to adjacent dwellings and this remains the case.
- 10.26 The side elevation of plot 1 is 24m away from 29/31 Woodside Lane, largely off-set from the from these existing dwellings and partially screened by trees. Plot 1 backs onto some outbuildings associated with 29 Woodside Lane. As such there would not be any significant impact on residential amenity.
- 10.27 Plot 2 is over 30m away from 20 The Ghyll, which is a bungalow set down from site. The separation distance exceeds Policy BE12 requirements and is considered to be acceptable.
- 10.28 Plot 3 has a main elevation facing towards 25 Woodside Lane. The separation distance is 30-35m with some screening provided by trees along the boundary. The separation distance exceeds Policy BE12 requirements and is considered to be acceptable.
- 10.29 The application is considered to satisfy Policies BE12 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Drainage issues

- 10.30 It is proposed for foul waste to be disposed of via main sewer and for surface water to be disposed of via soakaway. There is a right of connection for foul waste to main sewer and infiltration techniques (soakaway) accord with the hierarchy of disposal for surface water and is acceptable in principle. Given that there are properties adjacent to the site set at a lower level design details of the soakaway can be secured by condition. In the event that soakaways are found to be unsuitable then details of an alternative surface water drainage scheme shall be agreed.

Representations

- 10.31 Twelve objections were received in response to the plans as originally submitted. The main concerns reflect those issues within the previous grounds for refusal i.e. character of the area, highway matters, trees and ecology. These issues have been addressed within this report. Residential amenity and drainage issues have also been addressed within this report.
- 10.32 The application from 2000 for a dwelling adjacent to 3 Woodside Lane (ref 2000/93404) is acknowledged but based on current highways guidance and planning policies it is considered that the highway impacts are acceptable and this previous application does not materially alter the assessment.
- 10.33 It has been stated that the existing dwelling is potentially worthy of being classed as a non-designated heritage asset and in such circumstances the development would harm its setting. Officers have considered this comment but do not agree that the existing building is of sufficient merit to be considered a non-designated heritage asset.
- 10.34 Concerns have been raised with this application in the context of a separate Certificate of Lawfulness application (ref 2018/93412) for the proposed use of 33 Woodside Lane as a residential home for up to 5 young adults with care being provided. That application is seeking confirmation as to whether the use of the existing dwelling in this way would be lawful (i.e. planning permission not required). Application 2018/93412 is to be determined on the basis of the facts of the case and relevant planning law. Planning merits are not relevant at any stage in this particular application process. The Certificate of Lawfulness application does not therefore have any material bearing on the assessment of the planning application that is before the Sub-Committee.
- 10.35 Concerns have been raised that the presence of additional properties will increase the risk of burglaries. Officers are unable to give any particular weight to such concerns.
- 10.36 There are also concerns that the undeveloped parts of the site may be developed in the future. Any further development on the site would be assessed on its own merits but the previous refusal would be a material consideration when having regard to the amount of development that the site can accommodate.
- 10.37 No representations have been received in response to the amended plans. The publicity period expires on 21st January 2019 and a summary of any comments received will be provided within an update to members.

Other Matters

- 10.38 The site has been identified as potentially contaminated land due to its proximity to a former colliery. As such Environmental Services have recommended a condition requiring the reporting of any unexpected contamination encountered during development.

10.39 To mitigate the impact of the development on air quality and to accord with the West Yorkshire Low Emission Strategy Planning Guidance and PLP24 of the PDLP it is recommended that an electric vehicle charging point is installed within the garage/parking area of each dwelling.

11.0 CONCLUSION

11.1 The reduction in the quantum of development and consequential changes to the site layout have addressed the previous reasons for refusal in respect of the character of the area, the intensification in the use of Woodside Lane and the impact on protected trees. Ecology matters are still to be concluded in relation to the impact on bats and this will determine the level of mitigation that is required. The publicity period for the amended plans has not expired at the time of writing and any additional representations will be reported to members in the update.

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

1. Time limit
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Remove permitted development rights for extensions on plot 3
5. Details of internal adoptable estate road
6. Surfacing of parking areas
7. Reporting of unexpected contamination
8. Electric vehicle charging points
9. Biodiversity mitigation
10. Soakaway drainage design (or alternative surface water drainage scheme if soakaways found to be unsuitable)
11. Construction management plan
12. Condition survey of Woodside Lane pre and post development and scheme of repairs carried out as necessary
13. No gates to be formed across the access to allow for vehicle turning plus signage to indicate availability of turning space

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93212>

Certificate of Ownership – Notice served on 1, 3, 7, 9, 11, 15, 17, 19, 21, 25, 27, 29 & 31 Woodside Lane, Huddersfield, HD2 2HA