
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Oct-2021

Subject: Planning Application 2020/94055 Erection of 7 dwellings and associated access works Land opposite, 4, Coalpit Lane, Upper Denby, Huddersfield, HD8 8UF

APPLICANT

J Peace

DATE VALID

21-Jan-2021

TARGET DATE

18-Mar-2021

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: Denby Dale

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is sought for the erection of erection of 7 no. detached dwellings and associated works at land opposite 4 Coal Pit Lane, Upper Denby.
- 1.2 The application is reported to the Heavy Woollen Planning Sub-Committee due to the significant number of representations received in relation to the proposal. This is in accordance with the Council's scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a rectangular piece of grassland measuring 0.23 Hectares which was previously used for agriculture. The site is enclosed to all boundaries by a drystone wall.
- 2.2 To the North of the site is open Green Belt land. To the East is an allocated Green space which has a playing field and children's play area, beyond which are a row of terraced residential dwellings. To the South and West of the site are residential dwellings of a varied form and size.
- 2.3 A public right of way (PROW DEN/67) runs along the South West corner of the site crossing Greenfield Close and continues adjacent to 11 Greenfield Close.
- 2.4 The application site is adjacent to the Upper Denby Conservation Area. The boundary for the Conservation Area runs along Coal Pit Lane to the South, along the line of the PROW (DEN/67) to the South West and to the South of Greenfield Close.

3.0 PROPOSAL:

- 3.1 The application is submitted in full for the erection of 7 no. dwellings set out in three groupings of 3 pairs of three bedroom semi-detached dwellings and a detached dwelling.

- 3.2 Plots 1 to 4 are adjacent to the new access road from Greenfield Close to the West. Plots 5 to 7 are to the North of the site in a linear form. The two-storey dwellings have a ridge height of 7.9m and eaves height of 4.9m. The width of the dwellings is 6.4m with a depth of 9.3m. Each dwelling will have a pitched roof porch to the frontage.
- 3.3 Plots 1, 2, 5 and 6 have detached garages and Plot 7 has an attached garage. The dwellings will each have 2 no. off street vehicle parking spaces with 2 no. additional visitor parking spaces.
- 3.4 A new access is proposed via Greenfield Close to the West.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- | | | |
|-----|------------|--|
| 4.1 | 2017/92898 | Outline application for erection of detached dwelling
Invalid |
| | 2020/91223 | Erection of 4 semi-detached dwellings
Withdrawn |
| | 2019/93982 | Erection of 5 dwellings and associated works
Withdrawn |

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

- 5.1 During the course of the application, consultation responses requested further information and/or revisions as follows:
- *Kirklees Highways Development Management*: submission of a Highway Safety Audit
 - *Conservation and Design*: Amendments to original flat roof porch to pitched roof.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 Kirklees Council has adopted supplementary planning guidance on house building which now carries full weight in decision making. This guidance indicates how the Council will usually interpret its policies regarding such built development, with the general thrust of the advice aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF). The SPD will assist with ensuring enhanced consistency in both approach and outcomes relating to new housing.

6.3 On 12/11/2019, the Council adopted a target for achieving net zero carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda

6.4 Kirklees Local Plan (2019):

Relevant policies are:

LP1 –Presumption in favour of sustainable development
LP7 – Efficient and effective use of land and buildings
LP20 – Sustainable Travel
LP21 – Highway safety and access
LP22 – Parking
LP24 – Design
LP30 – Biodiversity and Geodiversity
LP32 – Landscape
LP35 – Historic Environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality

6.5 Supplementary Planning Guidance / Documents:

- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Highways Design Guide SPD
- Housebuilders Design Guide SPD
- Planning Practice Guidance

Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

6.6 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 6 – Building a strong, competitive economy
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter and site notice which expires on 8th October 2021. To date the application has received 19 representations by the Local Planning Authority. The comments can be summarised as follows:

Against (12)

- Overdevelopment
- Loss of green space
- Increased traffic and impact on highway safety

Support (7)

- Welcome the option of new build dwellings in the area
- Improved access to previous applications

Denby Dale Parish Council - Objections due to access issues, specifically emergency services, and the impact on the existing highway. Objections also stated due to over development of the site.

8.0 CONSULTATION RESPONSES

8.1 Statutory:

KC Highways Development Management – No objection subject to condition

The Coal Authority – No objection subject to conditions requiring further investigative ground works

8.2 Non-Statutory:

KC Conservation and Design – No objection

KC Environmental Health – No objection subject to conditions relating to contaminated land; vehicle charging points and the submission of a noise report.

KC Public Rights of Way – No objection subject to the inclusion of a footnote to ensure that the PROW remains clear at all times.

9.0 SUMMARY OF MAIN ISSUES

- The principle of development
- Urban design issues
- Residential amenity and quality
- Sustainability and climate change
- Highways and transport
- Representations
- Other matters

10.0 MAIN ISSUES

The principle of development

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.2 Local Plan Policy 1 states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 The Local Plan sets out a minimum housing requirement of 31,140 homes to be provided between 2013 and 2031 to meet identified needs. LP7 of the Local Plan and Design Principle 4 of the Housebuilders Design Guide SPD states that net development is expected to achieve at least 35 dwellings per hectare. The application site has an approximate area of 0.23 Hectares which equates to a density of 8 dwellings. As the proposal is for 7 dwellings which provide adequate outdoor levels of residential amenity and access, the proposal is considered to comply with both LP7 and Design principle 4 of the Housebuilders SPD.
- 10.4 The application site is situated just outside the Upper Denby Conservation Area, as such Policy LP35 of the KLP applies which outlines that any development within the Conservation Area must either preserve or enhance the significance of the Conservation Area. Where the significance is harmed then public benefit should occur to such an extent that the balance of the harm is outweighed.
- 10.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 201 and 196 of the National Planning Policy Framework forms the basis for this guidance.
- 10.6 The application site is unallocated within the Kirklees Local Plan. As such Policy LP 24 is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Heritage and urban design

- 10.7 As set out above, the application site is adjacent to the Upper Denby Conservation Area. To the South East of the site are 4-10 Coal Pit Lane which are a short group of Grade II listed dwellings, therefore Local Plan policy LP35 is relevant.
- 10.8 The proposed scale and design of the dwellings broadly reflects the local vernacular. Amendments were submitted during the course of the application to alter the roof form of the porches to create a more sympathetic design to that originally submitted and to ensure that the dwellings would sit well within the wider site, particularly from the South where visible from the Conservation Area.
- 10.9 The proposed use of facing materials would be welcomed to remain in keeping with surrounding dwellings. The use of natural stone window surrounds will be encouraged and a condition added to secure full details of materials and boundary treatments where dry stone walling should be retained.
- 10.10 The proposal is considered to cause less than substantial harm to the setting of the Conservation area and listed buildings within their setting. Furthermore, there is some degree of separation between the site and the designated heritage assets and therefore the impact would be minor. The proposal is considered to be in compliance with Policy LP24 and LP35 of the Kirklees Local Plan; Principle 2 of the Housebuilder SPD and Chapter 16 of the National Planning Policy Framework.

Residential amenity and quality

- 10.11 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
- 10.12 The closest residential properties to the application site are no. 9 and no. 11 Greenfield Close.
- 10.13 With regards to 9 Greenfield Close, a detached dormer bungalow located to the West of proposed plot 3. There is adequate separation distance between the dwellings and no habitable room windows proposed within the side elevation. Due to the orientation of the dwelling, there will be no impact of overshadowing. The vehicle parking spaces for plots 5 and 6 are adjacent to the East elevation of the neighbouring dwelling which may cause some light pollution. However, there are no habitable room windows within this elevation and light will be mostly screened by boundary treatments.
- 10.14 11 Greenfield Close is a two storey, semi-detached dwelling to the West of plot. There is adequate separation distance between the dwellings and no habitable room windows proposed within the side elevation. Due to the orientation of the dwelling, there will be no impact of overshadowing.

- 10.15 The application site is adjacent to an area of urban green space and children's play area which could potentially create levels of noise which would impact on the residential amenity of future occupiers. As such, a condition is recommended for the submission of a noise report prior to the commencement of development in order to assess the impact and agree necessary mitigation if required.
- 10.16 The proposed dwellings have a access to generous outdoor amenity space and the proposed dwelling sizes are considered to meet with space standard guidance.
- 10.17 In order to protect the residential amenity of future occupiers and neighbouring dwellings, a condition will be added to restrict the addition of any new openings within the side elevations of the proposed dwellings.
- 10.18 In summary, subject to the condition relating to the submission of a noise report, there is no considered impact on the residential amenity of existing and new residents. As such, the application is considered to comply with Policies LP1, LP24 and LP52 of the Kirklees Local Plan and guidance contained within Chapters 12 and 15 of the NPPF.

Highways and transport

- 10.19 The application seeks approval for the erection of 7 no. dwellings and associated access works at land adjacent to 4 Coal Pit Lane, Upper Denby.
- 10.20 Greenfield Close is an adopted residential cul-de-sac serving 7 no. existing dwellings. The road has street lighting, a footway to the Northern side and terminates in a small turning head. A Public right of way (PROW DEN/67) runs across Greenfield Close adjacent to 11 Greenfield Close, crossing the proposed access.
- 10.21 Access to the proposed site is via an existing private un-adopted road built to serve nos. 9, 11 and 15 Greenfield Close. The proposal would extend this road into the adjacent land to serve the proposed dwellings.
- 10.22 The proposed site plan shows adequate levels of private and visitor parking for the proposed dwellings.
- 10.23 Subject to the addition of conditions relating to the submission of full details of the internal roads and the surfacing of said internal roads, the proposal is considered to be in compliance with policies LP21, LP22 and LP24 of The Kirklees Local Plan, Chapter 12 of the NPPF as well as the Highways Design Guide SPD.

Climate change

- 10.24 Chapter 12 of the KLP relates to climate change and states that "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic,

social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.

- 10.25 A condition is recommended to secure the installation of electric vehicle charging points to serve the proposed units.

Coal Mining legacy

- 10.26 The application site falls within the defined Development high risk area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered.

- 10.27 The application is supported by a Coal Risk Assessment (20 January 2021 prepared by RGS) which identifies that the coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures to ensure safety and stability. As such, conditions are recommended to be added for this work to be carried out, submitted to and approved in writing by the Local Planning Authority.

Land Contamination

- 10.28 There are no known risks of land contamination at the application site at this stage. A condition is however, recommended to be added to ensure that should land contamination not previously identified be encountered, all groundworks should stop and the Local Planning Authority notified. An approved remediation strategy would then be required to be submitted and approved should land contamination be identified.

Representations

- 10.29 The representations received have been carefully considered. Officers would respond to the matters raised as follows:
- Overdevelopment
Response: The density of the scheme is in accordance with the recommended density as per local plan policy LP7, as set out at paragraph 10.3.
 - Loss of green space
Response: The principle of residential development on the site is addressed above. This is an unallocated site which would not encroach onto the surrounding Urban Greenspace allocation or the designated Green Belt.
 - Increased traffic and impact on highway safety
Response: The impact of the proposed development on highway safety is addressed above and, subject to the inclusion of relevant conditions, would not result in any undue highway safety or efficiency issues.
 - Welcome the option of new build dwellings in the area
Response: Comment noted by officers.
 - Improved access to previous applications
Response: Comment noted by officers.

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 The application proposal would be considered to be acceptable in principle in compliance with local plan policies LP24, LP35 and LP21; relevant design policies within the Housebuilders SPD and the NPPF subject to the imposition of conditions as addressed above.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and 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 Planning and Development)

1. Commencement of development within 3 years
2. Development to be in accordance with the approved plans
3. Submission of facing and roofing materials
4. Submission of full details, including materials and height, for all boundary treatments
5. The provision of Electric vehicle charging points
6. Reporting of unexpected land contamination
7. Coal mining investigative works
8. Submission of noise assessment report
9. Submission of details of internal estate roads scheme
10. Surfacing and drainage of road and parking areas
11. Submission of an Ecological Design Strategy
12. Removal of Permitted development rights for the addition of windows/openings within the side elevation of proposed dwellings.
13. Provision of bin collection points

NOTE: Public Right of Way footnote

Background Papers:

Website link to the application details:-

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Certificate B signed and dated 20.11.2020