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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 14-Jul-2022**

**Subject: Planning Application 2021/93911 Erection of 7 single garages and extension to access track Land off, Perseverance Street, Cowlersley, Huddersfield, HD4 5UG**

**APPLICANT**

Julie Hyde, Kirklees  
Council, Housing, Growth  
& Regeneration

**DATE VALID**

12-Oct-2021

**TARGET DATE**

07-Dec-2021

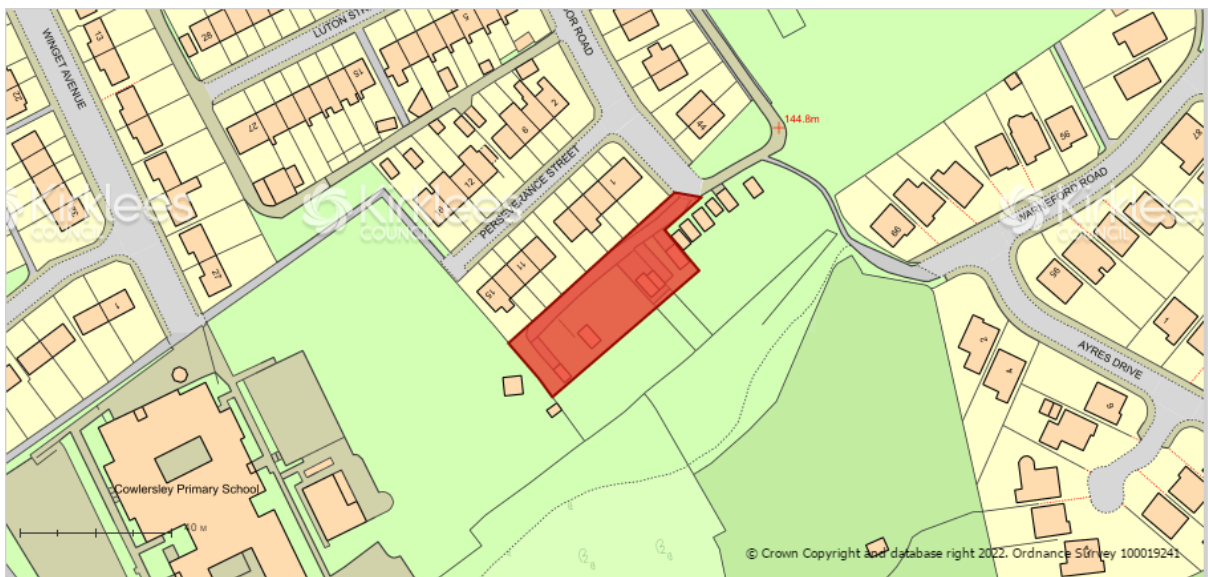
**EXTENSION EXPIRY DATE**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Golcar**

**Ward Councillors consulted: No**

**Public or private: Public**

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**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 Permission is sought for the erection of seven detached garages.

1.2 The application is brought to Strategic Planning Committee in line with the council's Scheme of delegation as the proposal represents a departure from the development plan. The application site is within part of a Housing Allocated site, identified as HS156 'Land to the East of, Main Avenue, Cowlersley' of which LP65 – 'Housing Allocations' in the Kirklees Local Plan Allocations and Designations and LP7 – 'Efficient and effective use of land and buildings' in the Kirklees Local Plan is relevant.

**2.0 SITE AND SURROUNDINGS:**

2.1 The general application site relates to ten, detached, single storey garages and one driveway space being served by Jubilee Lane, Cowlersley which is an unadopted access track accessed through Windsor Road.

2.2 The garages are adjacent to residential properties separated by Jubilee Lane:  
Terraced row: 09, 11, 13, 15 Perseverance Street  
Terraced row: 01, 03, 05, 07 Perseverance Street  
Semi-detached: 42 and 44 Windsor Road

2.3 To the rear of the garages is largely undeveloped land where the land rises from northwest to south and southeast forming a hill. The undeveloped land including the garages and driveway are within Housing Allocated Land HS156.

2.4 The site is flanked by Urban Green Space Designated Land identified as Cowlersley Primary School, Cowlersley UG415 (southwest) and Jubilee Recreation Ground, Cowlersley UG416 (northwest).

2.4 To the north of the site are terraced and semi-detached housing. East of the site are detached housing. South of the site is open land bisected by some informal paths and dotted with some mature trees and to the far south is Green Belt designated land. To the west is Cowlersley Primary School and further west are terraced housing. The residential areas and the Allocated land is within the Strategic Green Infrastructure Network.

### **3.0 PROPOSAL:**

- 3.1 The proposal seeks full planning permission for seven, single storey, detached garages to be erected within the application site's red line boundary.
- 3.2 To the northeast outside of the red line boundary, six garages and one driveway space are to be demolished or removed which do not require planning permission and are outside of this application. The cleared land directly adjacent to Windsor Road would be used as a future access route for a future housing development. This would enable two points of road access for the wider undeveloped site rear of the detached garages.
- 3.3 Seven new, detached, single storey garages are proposed to be within the application site serving as replacements. Tenants will erect the garages to the specification set out with materials reserved.
- 3.4 Currently four detached garages are existing. The seven detached single storey garages proposed would be interspersed between existing garages to serve local residential properties. This would be an intensification of its current general use as a driveway/garaging space for the properties.
- 3.5 Each of the seven garages would have the external dimensions of 3.2m width and 6.15m depth with a pitch roof ridge height of 6.7m and eaves 2.15m height from ground level approximately. The seven garages would have internal dimensions of 3.0m by 6.0m.
- 3.6 The garages would have their individual construction material and colour decided at a future date when the design has been selected by each resident. There would be no windows and only a garage door to each garage.
- 3.7 In addition to facilitate the access for a newly proposed garage and one existing garage, a small extension to Jubilee Lane is proposed to be extended 7.4m in length and 3.05m width.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 86/00955 Land off, Manse Drive/Main Avenue, Cowlersley, Huddersfield.. Outline application for residential development. Granted.  
  
86/00956 Off, Windsor Road, Cowlersley, Huddersfield. Rationalisation of existing garage site. Granted.  
  
2013/92760 15, Perseverance Street, Cowlersley, Huddersfield, HD4 5UG. Erection of garage. Granted.

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

- 5.1 The garages were identified as being non-compliant with the minimum internal dimensions for garaging modern vehicles in the Kirklees Highways Design Guide Supplementary Planning Document and Manual for Streets. The garages was amended to deliver the recommended 3.0m by 6.0m internal dimensions necessary for safe garaging.

## **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 27<sup>th</sup> February 2019).

6.2 The application site is allocated for residential development in the Local Plan (site allocation ref: HS156 'Land to the East of, Main Avenue, Cowlersley, Huddersfield'). The site allocation sets out an indicative housing capacity of 76 dwellings, and identifies the following constraints relevant to the 2.18-hectare (gross and net) site:

- Public right of way crosses the site
- Surface water issues
- A public sewer crosses this site
- Culverted watercourse crosses the site
- Site is close to archaeological site

6.3 To set out the identified HS156 site specific constraints specifically for the application site, the Public Right of Way is outside the red line boundary. The site is not within a Flood Zone. The sewers are outside the red line boundary of the site and would not be interfered with. The culverted watercourse is outside the red line boundary of the site. The closest identified archaeological Class two site – Beaumont Park – is 1798m to the southeast.

### Kirklees Local Plan (2019):

6.3 The most relevant policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP31 – Strategic Green Infrastructure Network
- LP65 – Housing allocations

### Climate Change

6.4 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.5 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. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

Supplementary Planning Guidance / Documents:

- 6.6 The relevant Supplementary Planning Documents are:
- House Extensions and Alterations SPD
  - Highways Design Guide SPD

National Planning Guidance:

- 6.7 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20/07/2021, the National Design Guide published 01/10/2019 and together with Circulars, Ministerial Statements and associated technical guidance.
- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.9 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- Chapter 2 – Achieving sustainable development
  - Chapter 3 – Plan-making
  - Chapter 4 – Decision-making
  - Chapter 5 – Delivering a sufficient supply of homes
  - Chapter 9 – Promoting sustainable transport
  - Chapter 11 – Making effective use of land
  - Chapter 12 – Achieving well-designed places
  - Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
  - Chapter 15 – Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been advertised as a Departure by site notice, neighbour notification letters and the press. The consultation period ended on 18/11/2021.
- 7.2 As a result of the above publicity, no representations have been received.

## 8.0 CONSULTATION RESPONSES:

8.1 **Statutory:** None required

8.2 **Non-statutory:**

- **KC Highways Development Management:** No objections
- **KC Policy:** No objections to proposal. Impact on potential housing capacity for Site HS156 is minimal and the density of future housing would need to be considered in relation to LP7 – Efficient and Effective Use of Land and Buildings.
- **KC Public Right of Way:** No objections. Footnote to be applied.
- **KC Ecology:** To be reported in the Committee update

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### Principle of development

10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

10.2 The site is designated as Housing Allocated Land HS156 in the Kirklees Local Plan. Therefore, Policy LP65 (Housing Allocations) is central to the consideration of the proposed development. This policy states that:

*The sites listed below are allocated for housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.*

The proposed site of garages are within the northwest of the site.

- 10.3 This local policy basis is consistent with paragraph 15 of NPPF 2021 stating that:

*The planning system should be genuinely plan-led.*

And paragraph 68 of the NPPF 2021:

*Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

- a) specific, deliverable sites for years one to five of the plan period; and*
- b) b) specific, developable sites or broad locations for growth, for years 6-10 and,*
- c) where possible, for years 11-15 of the plan.*

#### Housing Supply

- 10.4 The housing land supply position in Kirklees has recently been updated to provide evidence for a planning appeal against the refusal of planning permission. The council can currently demonstrate 5.17 years of deliverable housing land supply and therefore Kirklees continues to operate under a plan-led system.

#### Efficient and effective use of land and buildings

- 10.5 The application would take a section of Housing Allocated land out of the site Allocation minimally reducing the land available for future development.
- 10.6 To ensure the best use of land and buildings, Local Plan Policy LP7 requires development proposals to demonstrate how they will achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.7 Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve.
- 10.8 Notwithstanding the site's constraints and the policy requirements relevant to the wider Housing Allocation site (which, if the application is accepted, would reduce the developable area), it remains the case that there are other key considerations that must be taken into account.

10.9 Firstly, it is noted that the allocated site's indicative capacity is based on a site area of approximately 2.18 hectares and the 35 dwellings per hectare expectation of Local Plan policy LP7 does not take into account site constraints and other considerations. It is considered that the site's topography and access are material constraints on development at the site. These constraints may make it difficult to deliver the full housing density expected at this site.

10.10 Relevant to this application, Local Plan Policy LP7 states that proposals:

*d) will allow for access to adjoining undeveloped land so it may subsequently be developed.*

The application's Planning Statement states that the intent and purpose of the proposal is to facilitate the development of the wider housing allocation site for Kirklees Council and further information received stated that this application would provide the opportunity to have an additional access route from Windsor Road for the site to be developed for residential use. This would provide, with Main Avenue serving as the second route of access, sufficient access point for future residential development following KC Highways Development Management guidance.

10.11 In light of the above, consideration will therefore need to be given to whether the circumstances of the proposal development constitute material considerations under LP7 and what weight can be attached to the application's purpose and intent while there is no Outline or Full Planning Application to be considered.

10.12 In this instance, the proposal would have existing garages removed outside of the red line site boundary to have an area of land cleared intended to make way for an access route to a future residential development. It would achieve this by erecting seven replacement garages within the red line site boundary intensifying the plot for a row of detached, single storey garages to serve existing residents.

10.13 A development of 7 garages would not be consistent with the site's allocation for housing development and would therefore represent a departure from the development plan. However, in this case, it is important to note that the existing garages are already within site HS156 (the land allocated for housing) and would be replaced by this proposal very close by, still within site HS156.

10.14 Access into site HS156 from Windsor Road is currently constrained by the existing garages and as such their replacement will allow access to be provided from Windsor Road and will therefore facilitate delivery of the housing allocation as a whole.

10.15 Given the above, officers have considered the proposal to not have a detrimental impact on the Housing Allocated Land HS156, and therefore the benefit under paragraph d) of Local Plan Policy LP7 of increasing access to the site would constitute a material planning consideration that outweighs the minor loss of Housing Allocated Land. Thus, this material consideration justifies a departure from the Local Plan.



10.16 Having taken into account the above, it is considered that the proposal in principle would be acceptable, subject to there being no detrimental impact in relation to the other material planning considerations which are assessed in more detail below.

#### Urban Design issues

10.17 General design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the local area and protect amenity.

10.18 The House Extension and Alterations SPD sets out that outbuildings should normally:

- be subservient in footprint and scale to the original building and its garden taking into account other extensions and existing outbuildings;
- be set back behind the building line of the original building so that they do not impact on the street scene; and
- preserve a reasonable private amenity space appropriate to the potential number of occupants of the house, and follow a general principle that no more than 50% of garden space should be lost.

10.19 The applicant is seeking permission to erect seven garages which would be interspersed between existing garages within a rationalised plot of land for garaging purposes.

10.20 They would have identical footprints 3.2m width x 6.15m depth with a pitch roof ridge height of 6.7m and eaves 2.15m height from ground level approximately. Construction material and colours would be in a pre-commencement condition to be approved by the Local Planning Authority at a later date to ensure that the visual amenity of the site can be controlled.

10.21 The buildings, as indicated on the proposed plans, would be relatively small in size of their footprint and scale and have their bulk and massing be further made subservient by their placement to the boundary of Jubilee Lane separating the garages from the residential properties.

10.22 They would be set back behind the building line of the terraced properties on Perseverance Street where existing garages are and would not have undue impact on the streetscene.

10.23 The design of the single storey detached garages would be cohesive, forming a pleasing similarity and group value when erected making better use of the land and integrating with the existing garages to form a legible, primarily residentially harmonious area.

10.24 The proposal would retain the current rear private amenity space for the terraced housing on Providence Street and would not have more than 50% of the garden space lost. It would provide secure garaging for its vehicles reducing the risk of crime.

- 10.25 Officers have considered the options of a different layout to that shown on the submitted plans to make more efficient use of the available land for housing development. However, whilst the seven garages would be owned and be linked to local, residential properties, they would not necessarily be linked to those on Perseverance Street and Windsor Road. Therefore, there would be no benefit from an alternative layout that re-positioned the garages adjacent to the rear gardens of the properties to the north. This would have the effect of closing off rear access to Perseverance Street's rear amenity spaces and be detrimental to their private use.
- 10.26 For these reasons given above, subject to the pre-commencement condition on materials, the proposal would be in accordance with Local Plan Policy LP24 Design a), b), c) and e) and the House Extension and Alterations SPD.

#### Residential Amenity

- 10.27 The impact of the proposal on the amenity of surrounding properties and future occupiers of the dwellings needs to be considered in relation to Policy LP24 of the Local Plan which seeks to "provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings." to avoid being overbearing.
- 10.28 The nearest residential dwellings to the proposed development, are those located along Jubilee Lane to the northwest being formed in two terraced row blocks of residential housing at No.s 09, 11,13, 15 and No.s 01, 03, 05, 07 Perseverance Street.
- 10.29 In this instance, the erection of seven, single storey and detached garages located approximately 17m distance southeast of the residential properties identified above. They would be in ancillary use to local properties with no additional windows on other elevations and one solid garage style door to each garage. For these reasons, the proposal is not considered to have any material impact upon residential amenity in terms of overshadowing, overlooking, and overbearing.

#### Landscape issues

- 10.30 The application site itself is flat. The wider Housing Allocated site has land rising from northwest to south and southeast. The site would appear still in use by garages albeit intensified and for these reasons, no detrimental changes to landscape would result.

#### Housing issues

- 10.31 In this instance, the proposal is to support existing local housing in retaining its off-street parking in garages. This would have a neutral impact on the supply of off-street parking as the removal of 6 garages and one parking space would be replaced by seven garages.

#### Highway issues

- 10.32 Turning to highway safety, Policy LP21 of the Local Plan has been considered. The policy seeks to ensure that new developments have an acceptable impact on highway safety. The application has also been assessed by the Highways

DM Officer.

- 10.33 Proposed new garages erected would adhere to standard, minimum internal specifications recommended in Manual for Streets and the Kirklees' Highway Design Guide SPD. They would all be suitable for the off-street parking of modern vehicle sizes leading to an improvement in suitable, off-street parking provision.
- 10.34 The provision of garages would in essence re-locate existing garaging/driveway to be used for the safe storage of vehicles to another section of Jubilee Lane. There would be no loss of parking and it would be of neutral impact on the quantum of development to the streetscene. With regard to vehicle parking on balance this would remain the same as existing with improved parking standards which is considered to be acceptable
- 10.35 The HDM Officer raised some concern regarding Plot 2 considering access for modern vehicles however Plot 2 is not proposed to be part of the application as it is an existing plot to be unaltered.
- 10.36 For these reasons set out above, on balance the proposal is considered to have an acceptable impact on highway safety and would accord with Policies LP21 and LP22 of the Local Plan and guidance in the highways design guide.

#### Drainage issues

- 10.37 No driveways are proposed to be installed. The erection of seven single storey detached garages of a modest footprint are not expected to increase drainage issues. The site is not within a Flood Zone.

#### Representations

- 10.38 As a result of the above publicity, no representations have been received.

#### Planning obligations

- 10.39 No planning obligations are required.

#### Other Matters

##### *Coal Mining Legacy*

- 10.40 This site is within a no Coal Risk area and therefore there is no obligation to assess risk further in the interests of public safety

##### *Ecology/Strategic Green Infrastructure Network*

- 10.41 The Ecology Officer has been consulted and response will be reported in the agenda update.

##### *Public Right of Way*

- 10.42 The PROW Officer has been consulted, the development would take place at a site located further southwest of the PROW and would not be adjacent. There were no objections raised however a footnote was proposed to prevent any undue obstruction of the PROW.

## *Climate Change*

- 10.43 It is considered that the proposed development would not have a significant negative impact in the context of the climate change emergency. The new single storey garages would be sufficiently robust structures for its intended use. The construction materials are yet to be determined by the residents so they cannot be assessed for their contribution or impact to climate change.

While there would be no additional landscaping or planting as part of this application, the existing trees outside the site boundary further south would not be removed within this application. In summary, it is considered that the small-scale scheme would have neutral impact on climate change on balance and provides sufficient opportunity to meet the dimensions of sustainable development.

## **11.0 CONCLUSION**

- 11.1 The application site is within a wider designated Housing Allocation in the Kirklees Local Plan and therefore proposed development would be contrary to Policy LP65. However, it is considered that there are material considerations which outweigh the development's harm and justify a departure from the Local Plan. These material considerations consist of a recognised need for improved access to unlock future housing development, which would accord with Policy LP7 of the KLP and Paragraph 68 of the NPPF 2021.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**

- 1. Three years to commence development.**
- 2. Approved plans and documents.**
- 3. Pre-commencement condition on materials and colour to be approved by the Local Planning Authority before construction.**

### **Background Papers:**

Application and history files.

[Link to application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93911+>

Certificate of Ownership – Certificate A has been signed.