
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Aug-2018

Subject: Planning Application 2017/93544 Erection of 5 detached dwellings and garage ancillary to 33, Woodside Lane 33, Woodside Lane, Fixby, Huddersfield, HD2 2HA

APPLICANT

Mr M Mehat

DATE VALID

13-Oct-2017

TARGET DATE

08-Dec-2017

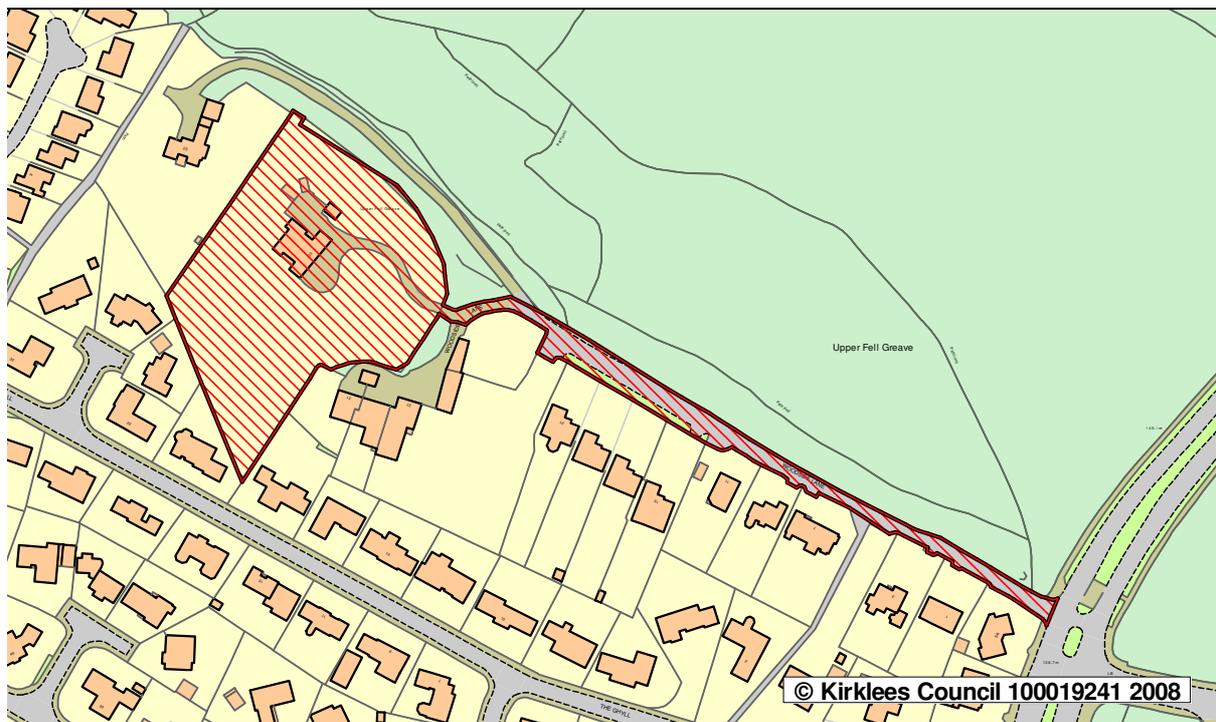
EXTENSION EXPIRY DATE

16-Aug-2018

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 on three sides and 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 5 detached dwellings set around 33 Woodside Lane.

3.2 The proposals include the erection of a detached double garage for the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 2017/93707 Certificate of lawfulness for proposed use of premises as a residential home for up to 5 young adults – Withdrawn

4.2 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 quantum of development has been reduced from 6 dwellings to 5 to address concerns with overdevelopment and mitigate the impact on adjacent property. The size and design of two plots has been amended to mitigate the impact on adjacent protected trees.

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. 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 as originally submitted was advertised by site notices, neighbour letters and press advert. In response to the publicity a total of 15 representations were received. These are summarised as follows:

Highway matters:

- Road safety concerns from increased traffic on Woodside Lane
- Traffic increase likely to be significant given the number and type of houses proposed
- Bradford Road/Woodside Lane junction is already hazardous and unsuitable for increased use traffic
- Limited/poor visibility at junction with Bradford Road
- Width of access is only just wide enough for two cars to pass and parts of Woodside Lane only wide enough for one car
- Turning left onto Woodside Lane can be dangerous if there is already a car waiting to exit
- Can be lengthy waits to turn right onto Woodside Lane resulting in queuing traffic
- Construction traffic using access will increase risk of accidents and potentially cause damage to adjacent walls because of width of Woodside Lane in places
- Bend at top of Woodside Lane is narrow
- People park at the top of Woodside Lane to walk their dogs which narrows width of road
- Woodside Lane is a bridleway with no pavement and used as a pedestrian shortcut. Increased traffic will affect safety of users.
- A previous application (2000/93404) for a dormer bungalow adjacent to 3 Woodside Lane was refused on highway safety grounds and appeal dismissed
- Applicant's traffic calculation unrealistically low
- Woodside Lane unsurfaced in places
- Lack of lighting to Woodside Lane
- Additional impact of separate application to use existing dwelling as care home
- Woodside Lane needs to be brought up to adoptable standards to make the development acceptable in highway terms but it is incapable of being brought up to adoptable standards
- Existing care home at 31 Woodside Lane generates steady stream of traffic
- Insufficient turning space at the head of Woodside Road
- Damage to lane caused by construction traffic, which is unadopted. Any damage needs to be fixed by developer
- Speed limit on Woodside Lane should be reduced if development goes ahead
- Blind bend at the top of Woodside Lane where the access into the site is. Not possible to widen the road here without encroaching into adjacent wood.

Visual amenity/character of the area:

- New, modern dwellings will spoil the character of the area
- Loss of trees will affect beauty and natural environment
- 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
- Unsatisfactory/poor design

Residential amenity

- Noise from 6 additional dwellings
- Overlooking
- Lack of adequate separation distances, contrary to BE12 and D2 of the UDP
- Loss of sunlight

Drainage

- Concerned where rainwater run-off will go. Proposed houses are set up from some adjacent properties.
- A waterway close to the site that regularly overflows
- Impact on sewer system of increased discharge
- Additional water run-off to adjacent land including access

Ecology

- Impact on wildlife including bats
- Impact on adjacent green corridor and woodland
- Further survey work required in relation bats

Trees

- Dwellings too close to protected trees which will result in pressure to fell/prune
- Detrimental impact on other mature trees within/adjacent to the site
- Arboricultural Impact Assessment should be provided

Other matters

- Trees removed from site before application was submitted
- Red line not accurate when the certificate of lawfulness application (2017/93707) for the existing dwelling taken into account
- Disturbance from construction work
- Impact on lane of any new services to be installed
- Is there a legal requirement for all existing residents to agree to the 'shared access' rights, which will be required by this new development?

7.2 Following the submission of amended plans a further round of publicity was undertaken with letters sent to neighbours and interested parties. This publicity period runs until 31st July 2018. In response, 3 representations have been received. These are summarised as follows:

- Highway safety concerns remain in terms of increased traffic generation (which the applicant has underestimated in their submission); unsuitability of Woodside Lane for 2 way traffic flow; impact on pedestrian users of Woodside Lane; narrow, hazardous junction with Bradford Road for vehicles exiting and entering Woodside Lane; poor visibility at junction; previous refusal for an additional dwelling off Woodside Lane (2000/93404) and nothing has substantially changed since that refusal
- Development is cramped and out of character. This is garden grabbing
- Impact on mains sewerage
- Impact on surface water run-off
- Signage needed on Woodside Lane, especially at the top of the road because of narrow blind bend

7.3 Any further representations received will be reported to members in the update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections

8.2 Non-statutory:

KC Ecology – The ancient woodland adjacent to the site and features within the site are likely to be suitable habitat for foraging bats. Existing dwelling also has some bat roost potential. Further survey work required to determine usage of the site by bats and impact on the adjacent ancient woodland.

KC Environmental Services – No objections

KC Trees – Notwithstanding the amendments to the scheme some concerns remain with shading of the gardens for plots 4 and 5 and the potential pressure this may put on the adjacent protected trees.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The NPPF establishes a presumption in favour of sustainable development (paragraph 11). For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.2 The site does not include any areas or assets of particular importance as defined within the NPPF (footnote 6) however the site is in very close proximity to an area of ancient woodland which falls within this category (irreplaceable habitat). This issue is to be weighed in the planning balance when considering the impact of the development on the ancient woodland.
- 10.3 The council is currently unable to demonstrate a five year supply of deliverable housing sites and as such in accordance with NPPF paragraph 11 policies for the supply of housing are out-of-date. Consequently planning applications for housing are required to be determined on the basis of the guidance at paragraph 11 of the NPPF.
- 10.4 Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.
- 10.5 The development site is a substantial residential garden located within a built-up area. The NPPF classifies such land as greenfield however it does not seek to restrict development on such sites.
- 10.6 The development will make a modest contribution to the supply of housing in the district at a time of shortage and this weighs in favour of the development proposed.
- 10.7 The site is unallocated and Policy D2 of the UDP states that planning permission will normally be granted on such sites subject to a specific set of considerations. These considerations are addressed later in this assessment (where relevant to this application).

Urban Design issues

- 10.8 The site is surrounded by residential development on three sides. Neighbouring development predominantly comprises detached dwellings, a number of which have relatively large garden areas.
- 10.9 The five proposed dwellings would be set around the existing dwellinghouse. The quantum of development has been reduced from 6 to 5 dwellings and the size of two of the plots (plots 4 & 5) has been reduced and this allows for a more spacious feel to the development. Officers consider that the density of development is compatible with the character of the surrounding area.
- 10.10 The design and materials of the dwellings are considered to be acceptable.
- 10.11 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.

Residential Amenity

- 10.12 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.
- 10.13 At the request of officers plot 2 has been moved further away from no.20 The Ghyll which is a bungalow set down from site. Plot 2 is now over 30m away from 20 The Ghyll which exceeds Policy BE12 requirements. This separation distance is considered to be acceptable.
- 10.14 Plot 3 is at least 15m from the side elevation of 24 The Ghyll which represents an acceptable separation. Plot 3 is a similar distance from the rear elevation of 26 The Ghyll and at an oblique angle to it with some relatively substantial tree planting lying along the boundary. Habitable windows within 26 The Ghyll are off-set from plot 3. Officers consider this relationship to be acceptable.
- 10.15 Plot 4 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 acceptable.
- 10.16 Plot 5 would not have a close or direct relationship with any existing dwellings external to the site.
- 10.17 In terms of internal separation distances, these are all considered to be acceptable. Plots 4 and 5 have been amended to ensure that adequate separation is provided between habitable windows within these plots and the existing dwelling (33 Woodside Lane).
- 10.18 The application is considered to satisfy Policies BE12 and D2 of the UDP, PLP24 of the emerging Local Plan and guidance in the NPPF.

Highway issues

- 10.19 Highways Development Management are satisfied that the additional traffic can be accommodated on the highway network.

- 10.20 The site provides adequate parking arrangement for the existing and proposed dwellings and turning space for a refuse vehicle is provided within the site. Some localised widening of the access adjacent to the entrance to 33 Woodside Lane is proposed.
- 10.21 Woodside Lane carries a bridleway but it is not considered that the intensification in its use would significantly prejudice the safety of users of the bridleway.
- 10.22 The application is considered to comply with Policies BE1 and T10 of the UDP and PLP21 of the emerging Local Plan.

Drainage issues

- 10.23 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 can be.

Trees

- 10.24 There is a narrow belt of protected woodland alongside the north east boundary adjacent to plots 4 and 5. There have been negotiations to mitigate the impact of the development on these protected trees – plots 4 and 5 have been moved further away from the tree canopy; the dwellings have been made smaller which has allowed for a greater proportion of the garden space to be unaffected by tree shading and; the internal layout of the houses has been designed to limit habitable windows in the north eastern elevation (facing the trees).
- 10.25 The trees officer retains some concerns with the extent of shading to the garden areas for plots 4 and 5 and the shading of the kitchen window in the north east elevation of plot 5, as this may result in pressure to prune or fell trees in the future. The impact is however unlikely to be significant enough to justify refusal of planning permission and on balance officers consider the relationship between these plots and the protected trees to be acceptable. This is subject to permitted development rights for extensions being removed because future extensions could bring the dwelling closer to the trees including habitable windows within their influence.
- 10.26 There are some mature trees to the rear of plot 1 that are just outside of the application site boundary. These trees are not protected but are owned by the council. Plot 1 has been brought further away from these trees which has reduced any potential conflict.
- 10.27 On balance the application is considered to comply with Policy NE9 of the UDP and PLP33 of the PDL.

Ecology

- 10.28 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. 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.
- 10.29 The application is supported by a preliminary ecological appraisal which identifies the adjacent woodland and other features within the site as providing suitable foraging habitat for bats. In addition, the existing dwelling on the site has the potential for use by roosting bats.
- 10.30 The Ecology Unit has recommended that further information be submitted to assess the impact of the development on the adjacent woodland and for survey work to be carried out to establish the use of the site by foraging and roosting bats. The agent has however confirmed that this information will not be available prior to the committee meeting.
- 10.31 With regard to the impact on the ancient woodland, published guidance recommends leaving a buffer zone of semi-natural habitat between a development and ancient woodland, with a minimum recommended buffer of 15m.
- 10.32 In this case the site is separated from the ancient woodland by a belt of protected trees and an access track serving 25 Woodside Lane. The width of this buffer varies from approximately 9m at its closest point to around 20m at its widest. The nearest proposed built development is plots 4 and 5 which are separated from the ancient woodland by at least 18m. A proportion of this separation is made up of the gardens for these plots and whilst the gardens would not constitute semi-natural habitat they have 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. Notwithstanding the absence of further information in respect of the impact on the ancient woodland, on the basis of this assessment officers do not consider that the development is likely to unduly prejudice the ancient woodland.
- 10.33 The use of the site by bats is unknown at this stage and it is therefore not possible for officers to make an assessment of the impact on bats and determine the scope of mitigation necessary.
- 10.34 In the circumstances officers recommend that the application be delegated back to officers in order to enable the impact of the development on the local bat population to be established and secure the appropriate level of mitigation measures.

Representations

- 10.35 The main issues arising from the representations concern the access arrangements, the amount of development and the impact on the character of the area, residential amenity concerns, drainage matters and the impact on trees and wildlife.

- 10.36 With regard to the highway concerns, the application has been assessed by Highways Development Management who consider the application to be acceptable. 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.
- 10.37 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.
- 10.38 The other concerns raised have been considered within the relevant sections of this report.

Other Matters

- 10.39 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.
- 10.40 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 Ecology matters are still to be concluded 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.
- 11.2 Notwithstanding the above, officers consider that the erection of 5 large detached dwellings within the grounds of 33 Woodside Lane would not result in any significant harm to the character of the surroundings and the design and materials of the dwellings would harmonise with the area. Furthermore, there would not be any significant impact on the amenity of existing nearby property and on balance the impact on adjacent protected trees is considered to be acceptable. The existing access is capable of accommodating the additional traffic generated.

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 plots 4 and 5
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 as necessary
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

Background Papers:

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93544>

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