
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Feb-2017****Subject: Planning Application 2016/92041 Demolition of existing buildings and erection of 3no. dwellings Poplar Farm, Bristfield Road, Bristfield, Dewsbury, WF12 0PA****APPLICANT**

Steven Newton

DATE VALID

07-Sep-2016

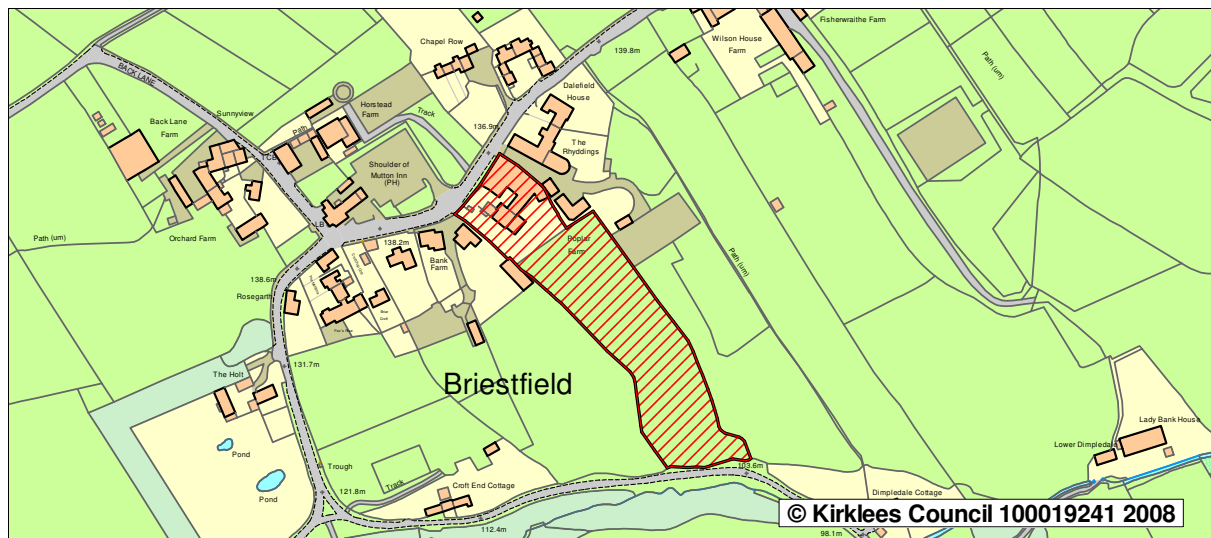
TARGET DATE

02-Nov-2016

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: Dewsbury South.

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report following the completion of the matters set out below:-

- 1. Await the expiration of the amended plan publicity period (15 February 2017)**
- 2. Resolve any outstanding drainage matters**

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination because of the significant number of representation that has been received. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site in the centre of Briestfield village currently occupied by group of disused and derelict farm buildings although the last use was as an unauthorised scrap yard.
- 2.2 At the time of the site visit these buildings have been demolished and the lower part of the site cleared of scrap.
- 2.3 The site is relatively level across the frontage but there is gradual slope down towards the rear of the site where it adjoins the surrounding fields. The front boundary of the site comprises a rough dry stone wall and the road side elevation of one of the farm buildings. To both sides of the site are other residential developments although one also comprises a large stable block/livery. To the rear of the site, on the south side, are open fields belonging to Poplar Farm.
- 2.4 The area of the site is approximately 0.24 hectares and is within the area defined as Green Belt on the UDP proposals map.

3.0 PROPOSAL:

- 3.1 The proposal is a full application for the erection of 3 detached dwellings. The dwellings would be arranged so that the 2 smaller dwellings front the highway with a larger third dwelling located to the rear of the site.
- 3.2 There would be a singular point of access close to the western boundary of the site where the existing access is located.
- 3.3 Full details were submitted of the proposals, however after concerns had been raised by the officer regarding the layout and design, amended plans have been submitted.
- 3.4 The amended proposals show the three dwellings would be faced mostly in natural stone with a slate roof. Some of the elevations facing the internal courtyard would be faced in render.
- 3.5 Drainage would be provided by a package treatment plant for foul water and by soakaways for surface water.
- 3.6 A Design and Access Statement was also submitted.

4.0 RELEVANT PLANNING HISTORY:

2014/92154 Outline application for erection of 4 dwellings. Granted.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A pre-application meeting took place to discuss the proposals for 3 detached dwellings on the site rather than the 4 approved at outline. Initial response was favourable subject to the development having no greater impact than that previously approved.
- 5.2 Initial plans submitted showed some further encroachment into the fields behind the site and amended plans were requested to address this issue. Other details were also amended to improve the design and reduce the scale of the dwellings.
- 5.3 Further alterations were requested and submitted to improve the layout slightly and access through the site. The proposed use of brick on one of the dwellings was replaced with stone.
- 5.4 A foul and surface water drainage assessment has also been requested but not yet submitted. This will be addressed as part of the update to members.

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 published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

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

BE1- Quality of design

BE2- Design principles

BE11 - Materials

BE12 - Space about buildings

T10 - New development and access to highways

T19 - Parking standards

G6 – Land contamination

6.3 Supplementary Planning Guidance / Documents:

None

6.4 National Planning Guidance:

Chapter 6 - Delivering a wide choice of quality homes

Chapter 7 - Requiring Good Design

Chapter 9 - Protecting Green Belt Land

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 11 letters of representation received in relation to original proposals. The amended plans were re-publicised and as a result, 5 letters of objection received, 3 of these from previous objectors. As part of the 3rd round of publicity, one letter of representation received.

7.2 A summary of the issues raised are as follows:

- No mains sewers. Will need to remove waste.
- Object to use of brick and render, building should be in natural stone.
- Proximity of the dwellings to the highway.
- Should be high quality development.

- Blank elevation facing highway.
- Proximity of the dwelling on plot 3 to “Rhyddings”.
- Proposed boundary treatment should be dry stone walls.
- No topographical survey provided.
- Septic tank would be required.
- The poplar tree on the site should be retained.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management - Initial concerns with the submitted plans due to the distance from the highway of plot 1 and the lack of service vehicle turning area.

Amended plans received and presented at Highways Surgery 25/10/16– no objection subject to provision of bin collection point.

Coal Authority - The Coal Authority agrees with the Coal Mining Risk Assessment. There are concerns with development and intrusive investigation should be carried out before development commences.

8.2 Non-statutory:

K.C. Environmental Health - Concerns regarding contamination. Condition required regarding unexpected contamination.

An electric vehicle charge point required, 1 per dwelling. Recommend footnote regarding noise during development.

K.C. Ecologist - No objection subject to mitigation measures being conditioned. This should include further details of ensuring connectivity of bat commuting routes. Mitigation should be aimed at providing replacement bird nesting habitat and maintaining connectivity for foraging bats throughout the site. Connectivity can be maintained through a combination of landscape planting, such as well positioned hedgerows, and dark corridors where no artificial lighting will fall. These measures could be presented in a Landscape and Ecological Management Plan (BSI, 2013).

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 The site is located within the Green Belt and National Planning Policy in chapter 9, Protecting Green Belt Land is relevant. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances and substantial weight should be given to any harm to the Green Belt.
- 10.2 This site has extant outline approval for 4 dwellings as such the principle of the development was established with the previous application.
- 10.4 In addition NPPF Chapter 6 –“Delivering a wide choice of quality homes”, para 55, suggests that in rural areas housing should be located where it will maintain or enhance the vitality of rural communities. In this case the site is located within the boundaries of Briestfield village, although services are limited within this small village, there is a community and a local public house both of which are likely to be supported by the new dwellings.
- 10.5 The existing site originally comprised of a traditional stone barn and dwelling with stone slate roof around which were a number of additional buildings and unsympathetic extensions. To the lower side of the site are areas of hard-standing where, over the years, a large amount of scrap and general farm waste has built up. This scrap also encroached over a larger area of the field below the site and is evident on aerial photographs. It was considered that due to the large amount of scrap and the state of the buildings overall the site seriously detracted from the character and appearance of the area and of the Green Belt.
- 10.6 Since the approval of the outline application the site has been cleared of the existing buildings and the large amount of scrap over the lower part of the site.
- 10.7 The main consideration here is whether the proposal for the erection of three detached dwellings would have any greater impact on the openness of the Green Belt and the purposes of including land within the Green Belt than the existing development. Information has been provided with the application showing the amount of built form of the original buildings and the site area and that of the proposed dwellings. According to this information there would be a slight reduction in terms of the total floor area and the plans show that the site area would be kept to the same as that approved at the outline application stage.
- 10.8 In terms of the scale of the dwellings the height would be comparable to that of other nearby dwellings and would be lower than the original buildings. Therefore, it is considered by officer that, on balance, there would be limited impact on the openness of the Green Belt and the purposes of including land within the Green Belt.

- 10.9 With regard to the location the village of Briestfield has very limited services, the nearest of which will be in Thornhill or Grange Moor. This lack of services weighs against this type of development in this location; however it is considered that the benefits of redeveloping this derelict site outweigh any harm in terms of the sustainability and location within the Green Belt.
- 10.10 Taking into account the planning history of the site, whereby outline permission has previously been granted for residential development, along with the assessment set out above, it is considered by officers that the proposals are in accordance with the aims of chapter 9 of the NPPF.

Urban Design issues

- 10.11 The adjacent dwellings and buildings to the site are of a mixture of designs and materials. There are some rendered buildings including the Shoulder of Mutton public house opposite the site and the adjacent Rhyddings; there are also some attractive stone cottages such as Blackerhill Farm and the buildings around Orchard Farm. Many of the developments are of relatively small scale cottages built in rows or informal terraces but there are also a number of more recent stone built, detached dwellings. There are also a number of white rendered properties within the village.
- 10.12 The layout proposals are for two of the dwellings to be at the front of the site with the main elevations facing into the site; the third dwelling would be located further into the site and offset at a slight angle. This would result in a courtyard type development with a single point of access to the north west of the site. One of the benefits of this type of layout is that the front of the site, which has the greatest impact on visual amenity is not dominated by the parking provision which is located behind the dwellings.
- 10.13 This type of layout is not unusual in Briestfield with Orchard Farm a typical example. In terms of layout therefore, the proposals for three detached dwellings could not be considered out of character with the locality.
- 10.14 The submitted plans indicate a streetscene which would result in the two dwellings to the front of the plot having a similar ridge height to the adjacent dwelling Bank House, however there are no indications of levels through the site or the relationship with the adjacent dwelling to the east, The Rhyddings. In order to ensure that the development is in keeping with surrounding development in terms of topography and scale, a condition is required regarding the submission of further details of levels. It is considered that, subject to appropriate level details being submitted, the proposed development can achieve an attractive addition to the street-scene.
- 10.15 The amended plans show that all three dwellings would be largely constructed from natural stone, however the proposals indicate that render finish would be used on some of the elevations. Whilst stone would be preferred, some use of render on internal facing elevations may be acceptable, however the south west elevation on plot 2 would be visible from the highway and should be natural stone, a condition should be included to this effect.

- 10.16 Natural slate roof and timber doors and windows would be appropriate in this location.
- 10.17 With regard to other detailing, as the development should reflect the character of the area and traditional built dwellings, there should be no fascia, soffits and barge boards used on the dwellings. The guttering should be mounted on stone corbels; again this can be conditioned.
- 10.18 In terms of the boundary treatment the proposed plans indicate that the boundary would be dry stone walling; this was required by condition on the outline application. As no details of height or extent of this boundary treatment have been provided a similar condition should be included with further details to be submitted.
- 10.19 In terms of visual amenity therefore, the proposals are in accordance with policies BE1 and BE2 of the UDP and national policy in chapters 7 and 9 of the NPPF.

Residential Amenity

- 10.20 Policy BE12 of the UDP suggests that minimum space around buildings should be provided where appropriate to achieve acceptable distances between dwellings. However it is clear that with a site such as this, given the constraints and considering the impact of the existing development, a pragmatic approach is necessary.
- 10.21 The site is bordered on 2 sides by other residential properties. To the south west is Bank House, a stone built detached dwelling dating from around 1990. This property generally has habitable room windows facing to the front and rear and as such does not face onto the site; the side elevation facing the site contains 3 high level windows, the purpose of which would have to be to avoid overlooking and more importantly avoid prejudicing future development of this adjacent site. The layout plan shows that the nearest proposed dwelling on plot 2 would be approximately 8m away from this elevation. There would be no habitable windows facing this dwelling.
- 10.22 To the north east of the site is "The Rhyddings", a large detached dwelling which is separated from the site by access to this adjacent dwelling. From the appearance of this dwelling habitable room windows are located mainly in the south east elevation facing into the rear gardens of The Rhyddings but there are some looking onto the site. The proposed dwelling on plot 3 would be around 8m from this elevation at the closest point, however the original farm building was built up to the boundary on this side and was much larger in scale; it would have had a greater impact than the proposals. Furthermore this space between the two buildings forms the access to this adjacent dwelling and the stables to the lower part of "Rhyddings".

- 10.23 Given the above, provided that any windows in this side elevation are non-habitable and obscurely glazed (the plans show only bathrooms on this side) there should be no greater impact on residential amenity.
- 10.24 In terms of other dwellings around the site, these are a substantial distance away and as such will not be affected, in terms of overlooking, by the proposed development.
- 10.25 Within the site itself most of the habitable room windows face to the north-west onto Briestfield Road, or to the south east with regard to the dwellings on plots 2 and 3. Plot 2 faces the rear of plot 3 however there are no habitable room windows in the rear elevation of this dwelling and as such sufficient distances are achieved.
- 10.26 With regard to other aspects of residential amenity; the proposed layout provides sufficient outdoor amenity space for these dwellings. In addition given the original nature and appearance of the site, the replacement with 3 dwellings is likely to result in an improvement to the residential amenity of nearby occupiers of dwellings.
- 10.27 A final point to address in terms of residential amenity is the location of the joint access adjacent to Bank House. In this particular case the existing access which served the farm and latterly the scrap yard was in the same position. As such the proposals are unlikely to result in any additional loss of amenity.
- 10.28 Conditions are required to prevent any further doors or windows being inserted in the south west elevation of plots 1 and 2, and the north east elevation of plot 3; also a condition that any windows on the proposed plans in these elevations should be obscurely glazed.
- 10.29 In light of the above, the proposals are considered acceptable from a residential amenity perspective and would be in accordance with policies D2, BE1 and BE12 of the UDP.

Landscape issues

- 10.30 Initial landscape details did not provide sufficient native species planting, amended plan submitted on 25/01/17 showed some amendments however this did not address the issue raised by the Council's Ecologist for providing connectivity for bats through the site. Further details are required and can be conditioned to ensure that the proposal complies with the aims of chapter 11 of the NPPF.

Housing issues

- 10.31 The proposals would provide an additional 3 dwellings in this village location and would support the Council's objectives of increasing the available housing and would be in accordance with Chapter 6 of the NPPF.

Highway issues

- 10.32 The site provides sufficient parking for at least two vehicles per dwelling including garages; there would also be space for turning within the site. A bin collection point would be provided close to the access with Briestfield Road so that service vehicles would not need to enter the site.
- 10.33 In terms of visibility at the access, the highway has a speed limit of 30mph and, providing any boundary wall to the front is kept below 1.0m in height, adequate sight lines would be provided. Highways has requested a condition requiring the sight lines to be 2.4m x site frontage.
- 10.34 Subject to the inclusion of appropriate conditions, and also taking into account the planning history on this site, the proposals are not considered, by officers, to materially add to any highway safety implications. The proposals would therefore accord with the aims of policy T10 of the UDP.

Drainage issues

- 10.35 The site is located in an area where there are no mains foul water drainage. As such an alternative method is required. The submitted drainage plan also suggests that surface water drainage would be via soak-aways. Given that there is no alternative system to this it is essential that these methods can be shown to work before approval is given. A drainage assessment was requested including percolation testing. This information is currently awaited but will be reported to members in the update in order to ensure that the proposal complies with the aims of chapter 10 of the NPPF.

Representations

- 10.36 11 letters of representation received to the original proposals. Amended plans were publicised, and 5 letters of objection received (3 of these from previous objectors). A third round of publicity is currently underway and ends on 15 February 2017. Should any further comments be received, they shall be reported to members in the update.
- 10.37 Responses to the main issues raised are set out below:
1. No mains sewers. Will need to remove waste.
Response: As previously set out, the drainage assessment is currently awaited. This will be reported to members in the update.
 2. Object to use of brick and render, building should be in natural stone.
Response: This has been addressed in the main report.
 3. Proximity of the dwellings to the highway.
 4. Should be high quality development.
Response: The development is considered, by officers, to be of an acceptable quality for this Green Belt location.

5. Blank elevation facing highway.
Response: The elevations facing the highway are not featureless. The doorways are to the side and rear. The visual impact has been assessed in the report.
6. Proximity of the dwelling on plot 3 to “Rhyddings”.
Response: The plans have been amended to bring the development slightly away from the Rhyddings. Issues of residential amenity have been addressed in the report.
7. Proposed boundary treatment should be dry stone walls.
Response: This has been addressed in the report.
8. No topographical survey provided.
Response: A condition would be included with any approval requiring these details to be submitted.
9. Septic tank would be required.
Response: The proposals are to provide septic tanks for the 3 dwellings.
10. The poplar tree on the site should be retained.
Response: The proposed plans show the poplar tree retained. It should be noted however this is not protected.

Planning obligations

- 10.38 Due to the scale of the development the proposals are below the thresholds which would trigger any planning obligations.

Other Matters

- 10.39 The site lies with a High Risk Coal Mining Area and is potentially contaminated due to previous uses. A coal mining risk assessment has been submitted and the Coal Authority agrees with the findings. Conditions are required for an intrusive investigation and remediation if required. With regard to the concerns raised by Environmental Health and the issue of unexpected contamination, this can be combined with the above conditions. With the inclusion of conditions, the proposals are considered to comply with the aims of policy G6 of the UDP and chapter 11 of the NPPF.

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 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 – the full wording of conditions including any amendments/additions to be delegated to the Head of Development Management).

1. Three year time frame for implementation of development.
2. Development to be carried out in accordance with approved plans.
3. Details of existing and proposed site, road, and building levels.
4. Dwellings to be constructed from regular coursed natural stone (sample to be submitted for approval).
5. Roofing materials to be natural slate (sample to be submitted for approval).
6. All doors and windows to be timber/timber framed with painted finish.
7. Guttering to be supported on stone corbels (fascias, soffits, and barge boards not to be used).
8. Surfacing of parking and turning areas in accordance with Environment Agency's guidance.
9. Driveway, parking areas, and turning areas to be surfaced in rustic regatta Brett paving, as shown on plan reference 1541_14.
10. Sight lines of 2.4m x site frontage shall be provided.
11. The windows in the north-east elevation of plot 3 as shown on drawing number 1541_SK03_02_F and the south-west elevation of plot 1 as shown on drawing numbers 1541_10_E to be obscurely glazed.
12. Remove permitted development rights for any new door or window openings in the north-west and south-east elevations of the proposed dwellings.
13. Full details of all boundary treatments.
14. Submission of a Phase II Intrusive Site Investigation Report.
15. Submission of a Remediation Strategy (if required in connection with condition 14).
16. Remediation to be carried out in accordance with approved Strategy.
17. Submission of a Validation Report.
18. Remove permitted development rights for any additional buildings or extensions.
19. Provision of an electric vehicle re-charging point to serve each dwelling.
20. Submission of a Landscape and Ecological Management Plan.
21. Installation of one bat box per dwelling.
22. Installation of one woodcrete sparrow terrace nest box per dwelling.
23. Foul and surface water drainage.

Background Papers:

Application and history files.

Current application: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92041>

Outline application: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92154>

Certificate of Ownership – Certificate A signed 1 June 2016.