

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/92024/W

Site Address: Abinger Farm, Scholes Moor Road, Scholes,
Holmfirth, HD9 1RU

Description: Erection of detached dwelling (modified housetype)

Recommending Officer: Farzana Tabasum

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 28-Dec-2017

Site Description

The application site is a building site following the demolition of the commercial/livery stables subsequent to planning permission for two dwellings under application no. 2015/93383. As of 31st October construction on plot no. 2 had reached to the eaves level.

Description of Proposal

The proposals seek a modified design to plot no. 1 of the two plots granted under the 2015 permission. The proposals would still provide a detached dwelling with a subsidiary two storey side extension and small porch to the front to be served by the shared vehicular access point from Scholes Moor Road. No alterations are proposed to the vehicular access point as indicated on the submitted site block plan.

The dwelling would be two storey with an overall height of 8.5m with the two storey subsidiary element to the side shown to be 8m high. The proposed dwelling would have a width of approximately 17m and would be set back into the site shown to be in line with the siting of dwelling on plot no. 2.

Intended external materials of construction are natural stone with natural stone roof slates and timber window frames.

History of negotiations/amendments received

None

Relevant Planning History

2004/93451 – change of use of barn to livery stables – granted Sept 2004

2015/91505 - Conversion of agricultural buildings(including barns and former residential uses) to form 4 No. dwellings, including partial demolition, internal and external alterations – granted Oct 2015

2017/92027 – erection of agricultural building – pending

Representations

Final publicity date expired 31st August 2017. No representations received.

Holme Valley Parish Council: support the application.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

DM Highways- support subject to imposition of relevant conditions from 2015/93383 permission.

Ecology Officer – support subject to bird box being conditioned

PROW Officer- no comments

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 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. 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.

The site lies within the green belt on the UDP Proposals Map and green belt on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

BE1 – Design principles
BE2 – Quality of design
BE11 – Building Materials
BE12 – Space About Dwellings
T10 – Highway Safety
T19 – Parking Standards
D12A of the Kirklees Unitary Development Plan

Kirklees Publication Draft Local Plan (PDLP):

PLP 1 - Presumption in favour of sustainable development
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 - Protect and enhance the biodiversity and geodiversity

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Delivering a wide choice of high quality homes (Section 6)

Requiring good design (Section 7)

Protecting Green Belt land (Section 9)

Conserving and enhancing the natural environment (Section 11)

Meeting the challenge of climate change, flooding and coastal change (Section 10)

Conserving and enhancing the historic environment (Section 12)

Main Issues:

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

Principle of development:

The application site lies in an area of green belt on the UDP proposals map and would

remain so on the PDLP. However, the principle of residential development, for two

dwelling, has previously been established on the site under planning application

2015/93383 which was approved in January 2016. This assessed whether the development would be appropriate in the green belt – taking into account it would represent the redevelopment of a brownfield site. Construction has commenced on plot

no. 2 of this permission which was evidenced during my site visit. In light of the extant

permission and the current proposals are to modify the design of dwelling on plot no. 1, the

principle of residential development on this site remains acceptable. In order to maintain the openness of the green belt it would be necessary to remove permitted development rights for extensions and outbuildings.

Urban Design/visual amenity:

The design of new development is a key consideration and would need to be considered in relation to Policies BE1, BE2 and BE11, Policies in the NPPF as well as Policy PLP 24 of the PDLP. The modified proposals with the addition of more openings on the road side elevation and porch would result in a dwelling of contemporary design. This would depart from the previously approved road frontage elevations for the dwellings under application no. 15/93383. However, it is acknowledged there is a mix of house types along Scholes Moor Road. Whilst the dwelling would be seen in context with plot no. 2, it would be detached from it. This together with the proposed siting, scale and use of natural stone facing and roofing materials would ensure the development does not detract from the traditional appearance of the area.

The proposals are considered acceptable from a visual amenity perspective and would accord with the aims of Policies BE1 and BE2 of the UDP, Policy PLP24 of the PDL, as well as the aims of chapter 7 of the NPPF.

Impact on residential amenity:

The amenity impact of the development needs to be considered in relation to Policy BE12 of the UDP, and Policies in the NPPF. The nearest building would be on plot no. 2. The submitted site block plan demonstrates a distance of 9m would be achieved to the rear boundary with undeveloped land and approximately 1.50m to the north and south boundaries. There are now no secondary openings proposed in the side elevations. The modified proposals would be acceptable from a residential amenity perspective and in accordance with the aims of Policy BE12 of the UDP as well as Policy PLP24 of the PDL.

Highway issues:

Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Policy PLP21 of the PDL is also applicable, relating to highway safety and access. In this instance, no revisions to the previously approved access are proposed and the proposed access arrangements remain acceptable which would serve both plots. Subject to highway works being conditioned as imposed on the previous permission, the proposal is not considered to result in any undue highway safety implications and would accord, once again, with the aims of Policy T10 of the UDP, as well as Policy PLP21 of the PDL

Highway Officers advise condition nos. 11,12 & 13 be repeated from the 15/93383 permission. However I consider condition no. 10 needs to be repeated and following my site inspection, it is not considered necessary to include the construction traffic condition as there is adequate space on site to store construction traffic and material.

Drainage issues:

The application form states foul sewage would be disposed of through main sewers and surface water through the use of soakaways. Under the 2015/93383 application it was intended to install a septic tank for foul sewage disposal and soakaways for surface water for both dwellings. No technical information was submitted at the time and appropriate conditions were imposed to address drainage issues.

Mains drainage is the least sustainable option. However, as there is no significant flood risk issues for this development it is considered that for a development of this scale drainage matters can be adequately dealt with through an allied Building Regulations regime.

With regards to soakaways, Officers recognise the potential to use SuDS is very good. However localised testing is of paramount importance but this would be controlled under the allied Building Regulations regime given the limited scale of the proposed development.

Finally, conditions (nos. 8 & 9 on 15/93383) relating to roof lights & secondary openings will not be required as the modified proposals do not include such features.

Other issues:

Under the previous application the Ecologist Officer confirmed on the basis of the information submitted at the time, the previous buildings on site were of a type unsuitable for bats and had no bat roost potential. Conditions requiring biodiversity measures such as bird boxes were included on the previous permission. The submitted information makes no reference to this. As such it is reasonable to impose a condition requiring one bird box to be incorporated integral to the dwelling during the construction phase to enhance biodiversity interests and to comply with the requirements of Chapter 11 of the NPPF and Policy EP11 of the UDP as well as Policy PLP 30 of the PDLP

In the interests of air quality, and to comply with West Yorkshire Low Emissions Strategy, Policy PLP24 of the emerging local plan and Chapter 11 of the NPPF, it is recommended that a planning condition be imposed requiring the installation of an electric vehicle charging point which is current standard working practice on all applications for new dwellings.

Conclusion

To conclude, the principle of residential development on this site has recently been established following the granting of planning permission for the erection of two detached dwellings. The modified proposals subject to inclusion of appropriate conditions is considered acceptable for the reasons set out in the above assessment.

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.

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.

Recommendation – Approve

Decision Authorisation - Delegated Powers

Application Number:2017/92024

Officer Recommendation: C.F.P

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, in the interests of the openness of the Green Belt, highway safety, the amenity of future residents and to accord with policies BE1, T10, D12A and BE2 of the Kirklees Unitary Development Plan, PLP24 and PLP57 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework.

3. The dwelling hereby approved shall be faced in regular coursed natural stone.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Green Belt and character of the buildings on the adjacent site in accordance with Policies, BE2(i) and BE11(i) of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework, Policy PLP24 of the Publication Draft Local Plan.

4. The roof of the hereby approved dwelling shall be completed using natural stone slates and thereafter retained in such materials.

Reason: In the interests of visual amenity and to preserve the character and appearance of the Green Belt and character of the buildings on the adjacent site in accordance with Policies, BE2 (i) and BE11(i) of the Kirklees Unitary Development Plan, guidance in the National Planning Policy Framework and Policy PLP24 of the Publication Draft Local Plan

5. The domestic curtilage to the hereby approved dwelling shall be limited to the areas outlined red as shown on the submitted location and site block plan, to be bounded by 1200mm high dry stone walling along the full east (rear) and southern boundaries before occupation of the dwelling and thereafter retained as such.

Reason: In the interests of protecting the openness of the Green Belt and to avoid encroachment into the countryside in accordance with policies in Chapter 9 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D and E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the openness and character of the Green Belt and historic agricultural vernacular of the nearby adjacent buildings and to accord with Policy D12A of the Kirklees Unitary Development Plan and Policies set out in Chapter 9 of the National Planning Policy Framework as well as Policy PLP 57 of the Publication Draft Local Plan.

7. All doors and windows frames shall be of timber construction and retained as such thereafter

Reason: In the interests visual amenity and to protect the character and appearance of the Green Belt and to preserve the character of the adjacent buildings in accordance with Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework Chapters 7 and 9.

8. A scheme for the proposed vehicular access detailing full sections with suitable gradients and any necessary drainage proposals, lining and surface finishes associated to the proposed vehicular access shall be submitted to and approved in writing by the Local Planning Authority before construction of the proposed vehicular access commences. Thereafter the development shall be completed in accordance with the all the approved details and shall have been certified in writing as complete by the Local Planning Authority, prior to the occupation of the hereby approved dwelling.

Reason: In the interests of amenity and highway traffic safety, to ensure the works approved preserve the character and openness of the green belt in accordance with Policy T10 of the Kirklees Unitary Development Plan, Policies in Chapter 9 of the National Planning Policy Framework as well as Policy PLP 21 of the PDLP

9. The development shall not be brought into use until all areas indicated to be used for private drives and parking areas have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) those areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.

Reason: In the interests of amenity and traffic safety, to avoid potential flood risk and in accordance with Kirklees Unitary Development Plan Policy T10 and advice in the National Planning Policy Framework as well as Policies PLP 21 and 22 of the Publication Draft Local Plan.

10. The development shall not be brought into use until visibility splays of 2.4m x 124m along Scholes Moor Road have been completed. Thereafter, these visibility splays in which there shall be no obstruction to visibility above the level of the adjacent verge shall be retained.

Reason: In the interests of traffic safety and to ensure adequate visibility splays are provided prior to occupation of the dwelling in accordance with Policy T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy as well as Policy PLP 21 of the Publication Draft Local Plan.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy D2 of the Unitary Development Plan as well as the aims of the

National Planning Policy Framework as well as Policy PLP 34 of the Publication Draft Local Plan.

12. Notwithstanding the details shown on the submitted plans and information, one woodcrete sparrow terrace nest box shall be installed, integral to the new dwelling, on the north west elevation at least 4 metres from the ground and not located above windows or doors, during the construction phase. The bird nest box shall be retained thereafter.

Reason: So as to enhance the biodiversity of the site through the provision of a bat roost feature in accordance with the aims of chapter 11 of the National Planning Policy Framework and Publication Draft Local Plan Policy PLP30.

13. An electric vehicle recharging point shall be provided in the integral garage or parking area before the dwelling is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: To accord with the guidance contained in Chapter 4 and Chapter 11 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and guidance contained within PLP 24 and PLP21 of the Kirklees Publication Draft Local Plan

14. The hard core surface to the areas forming the car park area beyond the application red line adjacent to the southern boundary, and menage, east of the application site boundary, in land edged blue, shall be restored to grazing land by treating it in the following way:

- Following the removal of the existing surfacing material, the area shall be ripped to a depth of 450mm at spacings of not more than 750mm to relieve any compaction.
- Immediately following ripping, the surface of the area shall be spread evenly with topsoil to a depth of at least 200mm and graded to tie into the level of the surrounding land.
- Following the completion of soil spreading, the area shall be grass seeded and a grass sward developed.
- If any part of the grass sward fails to develop, such part shall be cultivated and reseeded after the correction of any nutrient deficiencies in the soil, during the next growing season and such work shall be repeated until a satisfactory sward is established.

Cultivation and seeding shall only take place in dry weather conditions between March and September. The development shall be completed in accordance with the above details and shall have been certified in writing as complete by the Local Planning Authority, prior to the occupation of the hereby approved dwelling and thereafter retained in its restored appearance.

Reason: In the interests of visual amenity and to preserve the character and openness of the Green Belt complying with Policies BE1 and BE2 of the

Kirklees Unitary Development Plan, advice in the National Planning Policy Framework and Policy PLP 57 of the Publication Draft Local Plan

NOTE:

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: Link to Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864):

www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location site/block plan (red and blue line)	Streetwise		25 July 2017
Floor plans, front and rear elevations			25 July 2017
Side elevations			25 July 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Other than the agreement to extension of time no negotiations were considered necessary as the submissions with the application are acceptable. The case officer undertook and sought agreement of the above conditions, from the applicant/agent, who formally agreed to these in an email dated 28th December 2017.

Report Dated: 28/12/17

