

**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: 2018/62/90300/E
Site Address: 10, Owl Lane, Shaw Cross, Dewsbury, WF12 7RQ
Description: Change of use from 2 flats to 1 dwelling
Recommending Officer: Nia Thomas

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.

Julia Steadman

AUTHORISED OFFICER

Date: 28-Mar-2018

Officer Report

Site Description

10 Owl Lane, Shaw Cross, Dewsbury is a two storey building constructed from red brick with a natural stone frontage. The site has a yard to the rear of the site which is used for parking.

Surrounding the site is predominantly residential with the dwellings surrounding the site being of a similar appearance, rows of terraced houses facing onto Owl Lane (with yards to the rear).

The site is unallocated on the Kirklees Unitary Development Plan and is unallocated on the Kirklees Publication Draft Local Plan.

Description of Proposal

Planning permission is sought for the change of use from 2 flats to 1 dwelling. The proposed dwelling will be 1 unit and will accommodate 5 bedrooms on 3 floors.

There will be no external alterations to the visual appearance and the access to the site will remain the same.

4 car parking spaces (as existing) can be provided at the rear of the site.

History of negotiations/amendments received

No amendments have been sought as the proposal is acceptable in its current form.

Relevant Planning History

96/93225 – Conversion and extension of former shop and dwelling to 5 flats and demolition of outbuildings APPROVED

2004/92255 – Change of use and conversion of existing shop and work room to form flat, alterations to existing flat and formation of parking area APPROVED

Representations

Final publicity date Expires: 27.2.2018

No neighbour representations have been received.

No parish/town council comments are required.

Consultation Responses

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

- K.C. Highways DM (informal) – no objection.

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 is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about dwellings
- **T10** – Highway safety
- **T19** – Parking Provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design

- **PLP 21** – Highway safety
- **PLP22** – Parking provision

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.

- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design

Assessment

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

Visual amenity, residential amenity and highway safety will be assessed in this report.

2 –Impact on visual amenity:

There are no external changes to the appearance of the building and therefore there is no harm to visual amenity or impact on the streetscene/character of the area.

Overall

Overall, the proposal is in accordance with UDP policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and will not detract from the appearance of the host dwelling or the wider area. The proposal also complies with Chapter 7 of the NPPF as well as policy PLP24 of the Kirklees Publication Draft Local Plan.

3 – Impact on residential amenity:

The impact on residential amenity is acceptable. No objections have been received.

The ground and upper ground floor internal layout is as existing.

There are the following changes to the internal layout of the dwelling (which affect external openings):

- In the rear elevation at first floor level, the existing lounge windows will serve a bedroom and the existing kitchen/dining room will serve a utility room.

Given that there will be no additional habitable room windows facing neighbouring properties, there will be no overlooking/loss of privacy above and above the existing situation. It is acknowledged that there may be some overlooking to the private amenity space of no.s 12-16 Owl Lane but this will not be worsened as a result of the proposal.

The built form of the building will not change in any way and there will be no overbearing/ oppressive impact.

Overall

In conclusion, for the reasons given above, the impact of the proposal is acceptable in terms of residential amenity and the proposal is in accordance with policies D2 and BE1 of the UDP and policy PLP24 of the PDLP.

4 – Impact on highway safety:

The impact on highway safety is acceptable. Following an informal consultation with Highways DM, there is no objection to the proposal. The required parking provision for a 5 bedroom house is 3 spaces and the applicant has confirmed that there is space to accommodate 4 vehicles to the rear of the site. This parking provision is acceptable and complies with UDP policy T19 and policy PLP22 of the Kirklees Publication Draft Local Plan.

The access at the site will remain unchanged and there will be no highway safety issues as a result of the proposal. The proposal will also comply with policy T10 of the Kirklees Unitary Development Plan and policy PLP21 of the Kirklees Publication Draft Local Plan.

5 – Other matters:

The site is in the low coal mining risk area. Given that there no external changes to the building, a coal note has not been added to the decision notice.

6 – Representations:

No representations have been received.

Conclusion

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 – Conditional Full Permission

Decision Authorisation - Delegated Powers

Application Number: 2018/90300

Officer Recommendation: Conditional Full Permission

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 91 of the Town and Country Planning Act 1990.

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, and to accord with Policies BE1, BE2, BE12, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21, PLP22 and PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of Chapters 6 and 7 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing elevations	0003	A	29.1.2018
Existing floor plans	0002	A	29.1.2018
Proposed floor plans	0004	A	29.1.2018
Proposed elevations	0005	A	29.1.2018
Location plan	0001	A	29.1.2018

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. No amendments have been sought as the proposal is acceptable in its current form.

Report Dated:

28.03.2018