
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 27-Sep-2018****Subject: Planning Application 2018/90403 Erection of detached dwelling
(modified proposal) Springfield Farm, 15, Moorside, Cleckheaton, BD19 6JH****APPLICANT**

Mr & Mrs Lodge

DATE VALID

26-Feb-2018

TARGET DATE

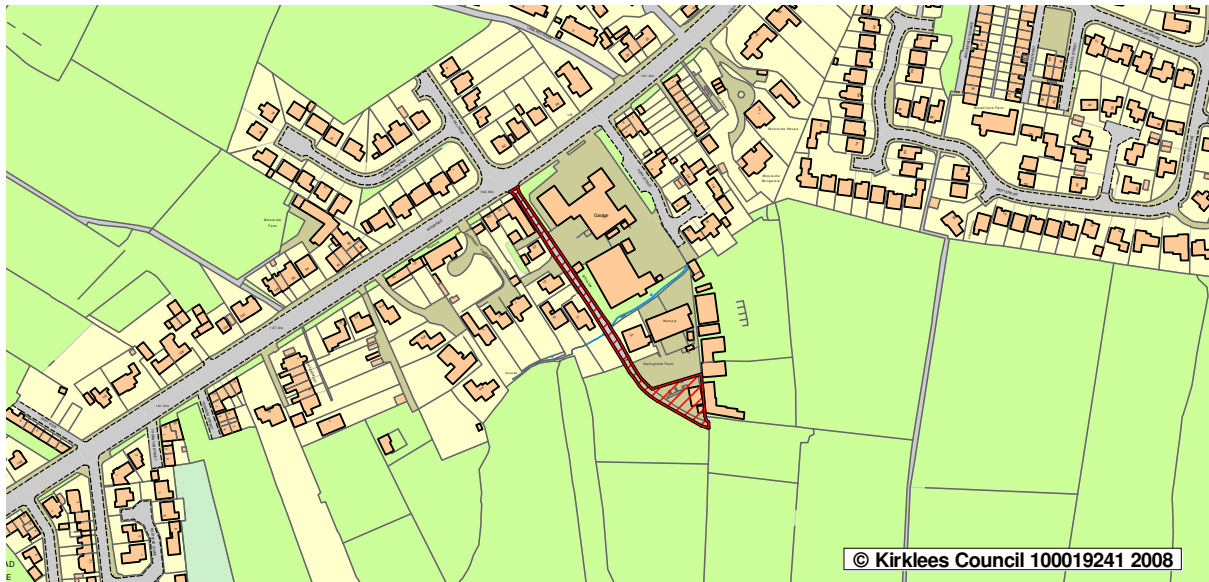
23-Apr-2018

EXTENSION EXPIRY DATE

09-Jul-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: Cleckheaton Ward

N

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee as the development represents a departure from the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site currently contains a single storey storage building that is proposed to be demolished. It is located off a well surfaced, single width private drive accessed from Moorside, Cleckheaton. There are currently a number of existing buildings including a day nursery outside the red line boundary of the application site, but within the applicant's ownership. To the east, outside the application site are a number of agricultural buildings of mainly timber construction.
- 2.2 The land to the south, east and west is characterised predominantly by open fields allocated as Urban Green Space within the UDP. Moorside itself is predominantly residential in nature, however there are some commercial uses in the immediate vicinity.

3.0 PROPOSAL:

- 3.1 Full Planning Permission is sought for the erection of one detached dwelling. This would be located close to the south east boundary of the site, on land currently occupied by the existing store. The proposed dwelling would have the appearance of a dormer bungalow, constructed of natural stone with artificial stone roof tiles. Areas of hard and soft landscaping would be provided to the front, sides and rear of the site.
- 3.2 The current application is a modified proposal to one which was approved in 2017 by the Strategic Planning Committee.
- 3.3 Access to the site would be via the existing driveway off Moorside.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/92760 – Variation of condition 2 (plans) on previous permission 2014/90108 for erection of detached dwelling, change of use and extension to existing dwelling to form children's day nursery and erection of detached store (approved)

2017/90473 – Erection of detached dwelling – approved

2014/90108 – Erection of detached dwelling, change of use and extension to existing dwelling to out of hours club and erection of detached store – approved (implemented by change of use of existing dwelling to out of hours club)

2003/95098 – Deemed application (via enforcement appeal) for erection of field shelter/store and surfacing - approved

2002/93743 – Erection of extension to day nursery - refused (highways grounds)

2002/92219 – Erection of extension to day nursery - refused (highways grounds)

99/90457 – Erection of day care nursery - approved

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

- 5.1 Through the course of the current application, discussions have taken place with the applicant regarding the extent of development and off street parking provision. An amended plan has been received which demonstrates an updated layout.

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 (2018). 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 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D3 – Urban Greenspace
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway safety
- T19 – Parking standards

6.3 Kirklees Publication Draft Local Plan

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP21** – Highway safety and parking
- **PLP 24** – Design
- **PLP25** – Highway safety and access
- **PLP 28** – Drainage
- **PLP 30** – Biodiversity and Geodiversity
- **PLP53** – Contaminated and unstable land
- **PLP61** – Urban Green Space

6.4 National Planning Guidance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was publicised by site notice and neighbour notification letter, and re-advertised as a departure (site publicity ends on 21 September 2018). No representations have been received to date as a result of site publicity.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

KC Highways DM: No objections

8.2 **Non-statutory:**

KC Environmental Services: No objections subject to imposition of condition

KC Ecology Unit: No objections subject to imposition of conditions

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Ecology

- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is located within Urban Green Space (UGS). Policy D3 sets out the Council's approach to land designated as UGS. It states that permission will not be granted unless the proposed development is:
- (i) necessary for the continuation or enhancement of established uses or involves a change of use to alternative open land uses, or would result in a specific community benefit, and in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation, or (ii) includes alternative provision of UGS equivalent in both quantitative and qualitative terms to that which would be developed and be reasonably accessible to existing users.
- 10.2 NPPF paragraph 96 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. The site is part of a larger area of Urban Greenspace in the Publication Draft Local Plan on which the proposed residential development would normally be contrary to UDP Policy D3.
- 10.3 Policy PLP 61 of the Publication Draft Local Plan states development will not be permitted within urban green space unless the proposal meets the exception criteria. Exceptions include where it can be demonstrated that the open space is clearly no longer required to meet local needs, that the proposal will provide replacement provision of equivalent or better in size, quality and accessibility, or that it is for alternative open space, relates to the continuation or enhancement of the use of the site and maintains the quality and function of the green space, or that it would result in a substantial community benefit that clearly outweighs the harm resulting from the loss of the green space.
- 10.4 In this case, planning permission has previously been granted for residential development on the site, and therefore the principle of residential development has been established. In the granting of permission in 2014 and then again in 2017 (which remains extant), other material considerations were deemed to outweigh the harm in this instance. These included the brownfield nature of the site and the lack of a 5 year housing supply. Officers considered that the character and appearance of the land was not typical of land of this nature. The land was not considered to be used for outdoor sport and recreation and when viewing the site of the proposed dwelling in particular, the land was considered to be 'brownfield', having no character worthy of preserving for future outdoor sport and recreation. Furthermore the provision of housing in this sustainable location would make a small contribution to the existing shortfall.

Urban Design Issues

- 10.5 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant

character of the area. Policy PLP 24 of the Publication Draft Local Plan and Chapter 12 of the NPPF emphasises the importance of good design.

- 10.6 Part of the application site is currently occupied by existing buildings within a defined curtilage associated with the site and it is in this location that the proposed dwelling is intended to be developed. The current application differs from the previous approval with respect to its appearance and footprint, resulting in a larger dwelling than that which was previously approved. Notwithstanding this, the proposals would still have the appearance of a single storey dwelling with accommodation in the roof space, constructed of natural stone with artificial slate roof. The current proposal includes additional accommodation located adjacent the northern boundary of the site closest to the existing Day Nursery, and therefore existing development. The scale and massing of the development is considered to be appropriate in this context, in accordance with relevant design policies. Notwithstanding this, due to the location of the site, Officers consider it necessary to remove permitted development rights for the erection of further extensions and outbuildings as these may have the potential to impact upon the visual amenities of the surrounding area. This matter could be addressed by condition.

Residential Amenity

- 10.7 The proposed dwelling would be located a significant distance from existing residential development, and would not therefore, have a detrimental impact upon the residential amenity of adjacent occupiers. As such, the proposal would accord with the aims of Policy BE12 of the Unitary Development Plan.
- 10.8 The development would be located to the south east of the existing nursery and to the west of other non-residential uses. However, the Council's Pollution and Noise Control Team raise no objections to the proposal, and thus the proposal would be in accordance with Policy D2 of the Unitary Development Plan.

Landscape issues

- 10.9 The development would include areas of both hard and soft landscaping in the form of a small area of amenity space to the front, sides and rear of the dwelling, and a vehicle parking area to the front. This would be commensurate to the scale of the proposals and in accordance with Policies BE1 and BE2 of the Unitary Development Plan, however, as noted below, some enhancement is considered to be possible from an ecological perspective.

Ecology

- 10.10 The site consists of cleared ground with rough grassland, and is consequently considered to be of very limited ecological value. No ecological information has been submitted with the application, however the Council's Ecology Officer recommends the imposition of conditions to ensure that the development incorporates some biodiversity enhancements, in the form of additional landscaping and the provision of a sparrow terrace nest box. This would ensure that the development accords with guidance set out within Chapter 15 of the NPPF.

Highway issues

- 10.11 The site is located off an unadopted access which serves two existing businesses and several dwellings. As noted above, the principle of the development has previously been established in the granting of the original permission in 2014 and again in 2017. Notwithstanding this, Officers are currently considering the matters of service vehicle turning and provision for storage and collection of waste from the site, given its distance from Moorside.
- 10.12 There have been no recorded injury accidents at the junction of the A643 and the unadopted access road leading to Springfield Farm in the last 5 years, and visibility onto Moorside is good in both directions.
- 10.13 With respect to the internal layout of the development, a double garage is proposed with driveway to the front and side. Adequate off street parking provision would be included within the proposals. This is considered to be acceptable from a highways perspective, in accordance with Policies D2 and T10 of the Unitary Development Plan and Policy PLP 21 of the Publication Draft Local Plan.

Drainage issues

- 10.14 The applicant proposes to connect to the mains sewer. This arrangement was previously considered to be acceptable at the time of the 2014 application and there has been no change in circumstances since.

Representations

- 10.15 None received.

Other Matters

Land Contamination

- 10.16 Part of the proposed development site is shown as being potentially contaminated from its former use. The end user is one which is sensitive to contaminated land and as a consequence it is considered necessary to impose conditions in respect of site investigation and potential remediation, should any unexpected contamination be encountered. This would ensure that the development accords with the aims of Chapter 15 of the NPPF.

11.0 CONCLUSION

- 11.1 The erection of one dwelling is considered acceptable and whilst it would represent a departure from the plan would be beneficial in terms of providing and locating development in a relatively sustainable location. It is not considered that there would be any loss in terms of any visual and ecological impacts.
- 11.2 It is the opinion of officers that there would be no significant adverse impact on residential or visual amenity. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.

11.3 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.

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

1. 3 year time limit
2. Plans
3. Samples of materials
4. Removal of permitted development rights
5. Surfacing of parking areas
6. Electric vehicle charging point
7. Reporting of unexpected contamination
8. Ecological Design Strategy

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90403>

Certificate of Ownership – Certificate A signed: