

**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:** 2019/62/91421/W

**Site Address:** Highfield House, 63, Helme Lane, Meltham, Holmfirth, HD9 5PE

**Description:** Erection of extensions and alterations to stable/store to create dwelling forming annex accommodation associated with Highfield House, 63, Helme Lane, Meltham, Holmfirth, HD9 5PE

**Recommending Officer:** Farzana Tabasum

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 26-Sep-2019**

## **Officer Report**

### **Site Description**

The application red line relates to no. 63 Helme Lane, Meltham and a piece of land within the site. This site is situated off and served from a private access/track, from Helme Lane, which also carries the public footpath no. MEL55/10. The site currently accommodates a detached dwelling, two detached outbuildings, one which is a garage and the other a stable/store (which is the subject to this application) and a shed. The site is bordered by residential properties to the south, east and west and open fields to the north, land which is in the green belt.

### **Description of Proposal**

Permission is sought for the erection of extensions and alterations to the stone constructed single storey stable/store to create, an annexe associated with Highfield House, 63 Helme Lane. The revised plans indicate bin storage areas and car parking on site for the proposed annexe as well as the existing dwelling.

The proposed extension would be single storey to be sited to the rear of the stable/store and shown to project out 4m with a width of 6.8m and a lean to roof over. Within the proposed rear extension, it is also proposed to have two openings to serve the bedroom, with the larger of the two in the north side elevation. This opening has been amended from double patio doors to a window to avoid encroaching into an area of green belt.

External alterations would result in replacing the large opening to the front with a small window opening and the creation of an opening in the north, side elevation, to serve the kitchen area in the annexe.

### **History of negotiations/amendments received**

Revisions were sought to the opening to replace the bedroom opening in the side elevation, from double patio doors to a window to avoid encroaching into an area of green belt. The applicant was given the option relocate the large bedroom opening to the rear instead of the side.

Car parking, bin storage and location of the electric vehicle charging point have now been shown on the block plan along with the location of where the nesting bird habitat is to be incorporated into the development as stated in the recommendations on page 10 of the submitted bat roost assessment, to avoid any discharge of conditions. The final revised plans received on 25<sup>th</sup> September 2019.

Preliminary bat roost/ecological assessment received, as requested by the Ecological Officer.

The revisions sought to address officers concerns and to avoid any conditions to be discharged. The provision of an annexe on this plot is unlikely to affect any neighbouring sites as such it was not considered necessary to

send out neighbour letters. Furthermore no local representations were received following the first round of publicity.

### **Relevant Planning History**

None relevant

### **Representations**

Final publicity date expired 4<sup>th</sup> June 2019. No representations received.

Meltham Town Council comments – 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 conditions

Ecology Officer comments – requested a PEA report, received

Tree Officer comments – no objections as no trees on the site appeared to be worthy of a TPO.

### **Policy**

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **Kirklees Local Plan (LP):**

LP 1 – Presumption in favour of sustainable development

LP 2 – Place shaping

LP 3 – Location of new development

LP 21 – Highway safety and access

LP 22 – Parking

LP 24 – Design

LP30 - Biodiversity

LP33 – Trees

LP51 – Protection and improvement of local air quality

#### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19<sup>th</sup> February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

## **Assessment**

### **Principle of development:**

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Chapter 2 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations) which are interdependent and need to be pursued in mutually supportive ways. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where 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. Amongst other things, residential or visual amenity, highway safety or the character of the area are all considerations addressed later in this assessment.

Whilst the proposal seeks to form an annex accommodation to no.63 Helme Road it would provide residential accommodation for the occupier. It is therefore considered appropriate to condition the housing position for the LPA. The recently adopted Kirklees Local Plan the council have demonstrated 5.51 years supply of deliverable housing capacity (including incorporation of the required 20% buffer). As the Local Plan was adopted within the last five years the five year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019) and takes account of shortfalls in delivery since the Local Plan base date (1st April 2013).

Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

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". The development site forms a small plot surrounded predominantly by residential development. Although the Local Planning Authority can demonstrate a five year land supply, the development of this plot for an annexe can be considered as a windfall site, which has an existing dwelling which is likely to be converted quickly and contribute to the delivery of housing by providing an additional dwelling.

### **Impact on visual amenity:**

The proposed annex would be formed from an existing stone building with pitched roof and an extension to the rear. The reuse of the existing building

would for the most part reuse existing openings with the main change being the part blocking up of a large opening and the provision of a window in the northern side elevation.

The extension in the siting and design is considered sympathetic to the host building and in the scale proposed would appear as a sensitive addition to the existing stable /store and provide the accommodation required. Whilst, the use of natural stone would be more in keeping with the buildings on this site, the use of render would not detract from the surrounding development as the proposed extension would largely be hidden by the existing buildings.

In the design, scale and materials the proposals are considered acceptable in visual amenity terms and would accord with Policy LP24 of the KLP and guidance within the NPPF.

**Impact on residential amenity:**

The annexe would be created from converting and extending an existing building in the residential garden of no. 63 Helme Lane. It would not be in close proximity of neighbouring residential properties. Therefore there would be no concerns in relation to the impact on the amenity of others. With regard to the space provided, the internal floorspace provided would be sufficient for a single bedroom property being 52 square metres in size. However to ensure that the relation with no.63 remains acceptable it will be conditioned to be restricted as an annex.

**Highway issues:**

Policy LP21 of the Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. On assessment of the proposals, the Highway Officer initially requested that bin storage and parking for both the existing and proposed annexe be shown on the site block plan. A revised site block plan is now received including these details. It is assumed that the collections will be made as current, as such it was not considered necessary to seek further details nor impose the condition suggested by the Highway officer.

Furthermore, it is advised as the proposals are to be an annexe to the existing residential accommodation and would be ancillary to it, the proposals are not expected to generate sufficient additional traffic as to have an impact on the operation of the local highway network. In addition as the private track carries a footpath it would be appropriate to include a footnote to prevent any interference or obstruction, prior to, during or after development works

To summarise, the access from the public highway is to remain the same, and it is assumed bin collection and storage will also carry on as per the existing. Nevertheless, it would be reasonable to condition the parking spaces to be marked out and made operational prior to the occupation of the annexe. This can be conditioned. Furthermore the use of the unit will be conditioned to be an annex in the interests of highway safety given the nature of the access. The

proposal is therefore not considered to give rise to any highway safety issues and is considered to comply with Policies LP21 & LP22 of the Local Plan.

**Electric vehicle charging points:**

The site does not lie in an area known to have air quality issues, nonetheless in line with local and national policy any approval for new dwellings will include a condition for electric vehicle charging points, to accord with guidance set out in the NPPF (paragraph nos. 105, 110 & 170) and Policy LP24 of the Local Plan. It would be reasonable to condition one charging point for the new annexe in close proximity to the car park spaces, which can be utilised by occupiers of both the existing and proposed residential units.

**Ecology:**

The structure(stable/store) is of an age, construction and type where roosting bats are likely to be present. Therefore, the applicant was required to submit a bat roost assessment on the likelihood on the presence or absence of roosting bats.

This was received and assessed by the Council's Biodiversity Officer, who concurred with the conclusion of the survey that, in respect of bats, the building is considered to have negligible potential for roosting bats, therefore no further surveys or mitigation is recommended with regards to bats. However, the report states that:

*“Barn swallow nests were observed within the northern open portion of the stable, to prevent disturbance to nesting birds it is recommended that no work to the building is undertaken within nesting bird season (1st March – 31st August inclusive). If this is not possible, a nesting bird check should be undertaken by a suitably qualified ecologist within 48 hours prior to work commencing to ensure all nestlings have fledged. To mitigate the loss of opportunities for nesting birds on the site and in accordance with the NPPF it is recommended that nesting bird habitat is incorporated into the development. This should consist of two No.10B Schwegler Swallow Nests (or similar alternative) to be installed within an outbuilding with a gap of at least 6cm between the top of the nest and the ceiling. Constant access to the interior of the outbuilding should be maintained via an open doorway or window to allow swallows to access the nests.”*

In light of the above, the applicant was advised to incorporate the opportunities for nesting birds on the site in accordance with the recommendations on page 10 of the Bat roost assessment. This has been indicated on the revised plans and a condition will be necessary making reference to this and to accord with Policy LP30 of the Local Plan and chapter 15 of the NPPF.

**Conditions:**

Finally, in the interests of Green belt which is located on the adjacent land to the north, the plans were revised through the course of the application to indicate a window opening in the side elevation to serve the bedroom. It is considered necessary to condition that this shall remain as a window and not

be replaced by a door to allow external access from this side elevation (into green belt) and no other openings to be incorporated.

**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 – Approve**

## **Decision Authorisation - Delegated Powers**

**Application Number:** 2019/91421

**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 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 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 LP1 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The annex accommodation hereby approved as shown on drawing nos. 2002 revision P06 & 9001 revision P04 shall be used solely as ancillary accommodation in association to Highfield House, 63 Helme Lane, Meltham and for no other use and not at any time be used as an independent dwelling.

**Reason:** For the avoidance of doubt, in the interests of highway safety, to preserve the amenities of the occupiers of both the host dwelling and the annexe in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to the occupation of the hereby approved annexe, the car park spaces to serve both the existing dwelling and approved annexe as shown on drawing no. 9001 revision P04 shall be marked out and made operational and thereafter retained in accordance with these details.

**Reason:** In the interests of highway safety, to achieve a satisfactory layout and parking provision within the site for the approved development and to accord with Policy LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

5. Prior to occupation of the hereby approved annexe one electric vehicle recharging point shall be installed within the vicinity of the car park spaces as shown on drawing no. 9001 rev P04. 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 vehicles charging point so installed shall thereafter be retained.

**Reason:** To accord with the guidance contained in Part 9 of the National Planning Policy Framework "Promoting sustainable transport", guidance in the West Yorkshire Low Emissions Strategy and to encourage low carbon forms of transport in accordance with guidance in the National Planning Policy Framework as well as Policy LP24 of the Local Plan

6. The recommendations as set out on page 10 of the submitted Bat Roost Assessment ref: BE1092.1a shall be completely adhered to and the provision of two no. 10B Schwegler Swallow Nests (or similar alternative) shall be installed within the existing garage, with a gap of at least 6cm between the top of the nest and the ceiling, as shown on drawing no. 9001 revision P04, prior to the occupation of the approved annexe and thereafter retained in accordance with these details.

**Reason:** To mitigate the loss of opportunities for nesting birds on the site and to accord with Policy LP30 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

7. The opening in the northern side elevation of the hereby approved annex, shown to serve the bedroom shall be constructed of the size and scale detailed on the hereby approved plan drawing no. 2002 revision P06 and shall be provided before the annexe is first brought into use. Thereafter notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (or anything revoking or re-enacting that Act with or without modification) the opening shall not be replaced by a door opening.

**Reason:** In the interests of preventing encroachment into and preserving the openness of the adjacent Green Belt land and to accord with guidance within Chapter 13 of the National Planning Policy Framework.

#### **Footnote**

Public footpath MEL/55/10 is the access to and adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works

The Council's public rights of way unit may be contacted by telephone 01484 221000

Public rights of way is based at Flint Street, Fartown, Huddersfield HD1 6LG, email address is [publicrightsofway@kirklees.gov.uk](mailto:publicrightsofway@kirklees.gov.uk)

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	0101 rev P03		
Existing elevations & floor plan	2001 rev P02		30/04/19
Proposed site block plan	9001 rev P04		25/09/19
Proposed elevations and floor plans	2002 rev P06		25/09/19
Bat roost Assessment	BE-1092.1a		01/08/19

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. The case officer undertook negotiations with the applicant to secure a preliminary ecological assessment and revised plans to ensure the proposals did not impact on any biodiversity interests within the site and to avoid encroachment into an area of green belt. The applicant is agreeable with the above conditions.

**Report Dated:**