

**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: 2019/62/94114/E
Site Address: Somerville, 105A, Leeds Road, Mirfield, WF14 0DE
Description: Erection of two dwellings
Recommending Officer: Rebecca Drake

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 02-Jun-2020

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Officer Report

Site Description

The application relates to land associated with Somerville, located on the northern side of Leeds Road and adjacent Slipper Lane. Somerville itself is a two storey detached dwelling constructed from stone. It occupies an elevated position, set back from Leeds Road. The dwelling is constructed from red brick, with the side and rear elevations faced in render. There is a garden area to the front, hardstanding area to the rear which contains two large outbuildings connected by a car port. Beyond this is an additional area of land which appears to serve as additional amenity space for the dwelling, as well as providing access to two further outbuildings. This area contains ample trees and a gravel track hardstanding area in front of the existing outbuildings. This land possesses a distinctly difference character to the agricultural/grazing land that bounds the site to the east. To the north west of the site is another residential property.

As set out in the supporting information, the outbuildings have been used for the applicant's engineering business.

Description of Proposal

Planning permission is sought for the demolition of the existing outbuildings and the erection of two dwellings.

Plot 1 would be erected on the footprint of the existing outbuilding to the north east of the site. This would also be a single storey dwelling, with a dual pitched roof form and a porch to the front elevation. Internally, this would contain 3 bedrooms.

Plot 2 would be located on the footprint of the two outbuildings and carport structure that are positioned to the rear of the host property. Its principal elevation would face north. The dwelling would contain a single storey and feature a dual pitched roof form with a small porch to the front elevation. This would contain 4 bedrooms.

As set out within the accompanying planning statement, the dwellings would be constructed with stone plinths, timber cladding above and blue slate for the roof covering.

Access to the site would be provided via the additional hardstanding from Slipper Lane. The proposal would see a driveway being formed to the rear of the existing tarmac hardstanding, connecting to the existing gravel hardstanding which provides access to the existing outbuildings. A parking area and garden space would be provided for each dwelling. The dense area of trees to the west of this would be retained and are located outside of the redline boundary for this application.

History of negotiations/amendments received

Discussions have been held with the agent on the application in order to reduce the impact on the Green Belt from the proposed turning head, ensure that the access is properly illustrated within the red line boundary and to provide a suitable arrangement for fire access.

Relevant Planning History

2019/91090 – Demolition of existing building and erection of 3 dwellings – withdrawn

2019/92698 – Demolition of existing dwelling and erection of detached dwelling with garage at 50, Slipper Lane

2007/94866 – Conversion and extension of workshop to form 1 dwelling – approved

2002/93869 – Erection of extension and alterations to convert workshop to dwelling – approved; and application to extend the time limit to this approved in 2011

96/92702 and 97/91200 – Outline application for erection of detached dwelling and garage on land adj. 48, Slipper Lane – refused, appeal dismissed

Representations

The application has been publicised by site notice and neighbour notification letter. As a result of the publicity process, no representations have been received.

Consultation Responses

- KC Highways DM: no objection on the basis of additional information subject to condition
- KC Trees: no objection on the basis of amended plans
- KC Environmental Health: informal: no objection subject to condition

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 27th February 2019).

The site is designated as Green Belt on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place-shaping
- LP 21 – Highway Safety
- LP 22 – Parking
- LP 23 – Core walking and cycling network
- LP 24 – Design
- LP 27 – Flood Risk
- LP 28 – Drainage
- LP 30 – Biodiversity
- LP 53 – Contaminated and unstable land
- LP 59 – Brownfield sites in the Green Belt

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th 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 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt Land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and Enhancing the Natural Environment

Assessment

Principle of Development

The applicant seeks permission for the erection of 2 dwellings, following the demolition of the existing outbuildings on the site. A parking area and garden space would also be provided.

The site is located within the Green Belt and paragraphs 143 and 144 of the National Planning Policy Framework (NPPF) apply. Paragraph 143 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, paragraph 144 requires that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green

Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 145 identifies a list of exceptions to inappropriate development; point (g) relates to limited infilling or the partial or complete redevelopment of previously developed land whether redundant or in continuing use, which would, not have a greater impact on the openness of the Green Belt than the existing development. In addition to this, Policy LP59 of the Kirklees Local Plan relates to previously developed site within the Green Belt. This policy requires that the extent of the existing footprint is not exceeded and that land of a high environmental quality is not lost which cannot be mitigated or compensated for.

Under the previous withdrawn application at the site, the agent submitted evidence that the buildings to be demolished under this proposal were associated with the applicant's business and not used in conjunction with agricultural activity. As such, officers are satisfied that this is previously developed land.

The scheme in its amended form is considered to comply with the above national and local policy guidance. The proposed dwellings reflect the scale, footprint and heights of the development that is present within the site. As such, in terms of the built form proposed on the site, it is considered that there would be no greater impact than the existing buildings. As set out above the land has an overgrown domestic character, containing trees and also the access track to the existing outbuildings which consists of gravel and paving slabs. Whilst the proposed driveway would be pulled further away from the buildings than present, given the existing character of the land, together with the presence of existing hardstanding, the impact from the proposed drive and curtilage is considered to be on balance acceptable in relation to its impact on openness. The amended scheme removes the large turning head which appeared too engineered within its setting. It is also noted that none of the proposed development would encroach onto the agricultural/grazing land located to the east of the application site.

In order to ensure that any future additions would not result in unacceptable harm to the Green Belt, a condition will be imposed withdrawing permitted development rights for any extensions within Classes A – E of Part 1, Schedule 2 of the Permitted Development Order.

In addition to this, a hard and soft landscaping plan will be considered to ensure that the treatment of surfaces and soft landscaping can be approved by the LPA to ensure a sensitive finish in this Green Belt location.

In relation to boundary treatment, whilst a stone boundary wall could be acceptable alongside the side boundary with the agricultural field, the stone boundaries within the site currently appear contrived and it is felt that post and rail fencing, together with native hedging for additional screening, could work better within this location. Amended details can be sought by condition.

In conclusion, the proposed development is considered to be acceptable in principle, as the proposed development would not, on balance, result in any additional harm to openness that the existing development. It is therefore considered acceptable in principle in the context of Chapter 13 of the NPPF and Policy LP59 of the KLP. The proceeding section will assess the visual impact of the proposal, including its design.

Impact on Visual Amenity

The impact on visual amenity is considered to be acceptable. The proposed dwellings would be erected on the footprint of the existing structures and the proposed heights remain similar to those on the site. The development would not result in encroachment into any surrounding agricultural land and as set out above, appropriate boundary treatment would be secured by condition to prevent any future encroachment.

The design of the dwellings is considered to be acceptable and responds to the setting well. The simple design and single storey nature of the proposed development means that the dwellings would not look out of place on the site. This is reinforced by the selection of materials; stone, timber and blue slate, which are considered appropriate for the dwelling. A condition for samples to be provided will be imposed.

The landscaping plan will also include a requirement for hard landscaping details to be submitted; this is to ensure that the development will have as soft a finish as possible within this Green Belt setting.

In summary, the proposed development is considered to be acceptable in terms of visual amenity and complies with the aims of Policies LP24 and LP60 of the Kirklees Local Plan as well as the aims of the NPPF.

Residential Amenity

The impact on residential amenity is considered to be acceptable. There are no properties close enough to Plot 1 to be significantly impacted by the proposals. The rear elevation, which overlooks the adjacent land, contains only high level or non-habitable rooms. It is considered that the future occupants would have a good standard of amenity. Whilst there would be a degree of overlooking from Plot 2 towards the garden area, given the separation distance together the fact that this is a new relationship with another proposed dwelling, this is considered acceptable.

In relation to Plot 2; this dwelling has a closer relationship with the host property, Somerville. However, this too has been designed such that there are no habitable room openings in this rear elevation. The rear elevation of Somerville also contains non-habitable openings at ground floor level; as such, this would have an acceptable impact on the amenity of the occupants. The future occupants of Plot 2 would also have a good standard of amenity.

In summary, the proposed development is considered to have an acceptable impact on residential amenity and complies with the aims of Policy LP24 of the KLP and the aims of the NPPF.

Impact on Highway Safety

During the course of the application, discussions have been held in relation to highway safety. In particular, the need to secure vehicle turning within the site for emergency access. In this instance, the agent submitted a new set of plans which demonstrated a turning head being positioned at the head of the driveway. Whilst this could have been acceptable in relation to highways, this appeared too engineered within the Green Belt. As such, a dry riser has been proposed and the turning head removed from the proposals meaning that the top end of the site will remain as existing with only the existing hardstanding being retained.

A sufficient number of parking spaces have been proposed. KC Highways DM are satisfied with the arrangements shown in relation to parking, emergency access and bin collection.

The application is therefore considered acceptable, subject to conditions. It is accordant with Policies LP21 and LP22 of the KLP.

Ecology

A bat survey has been submitted in support of this application, prepared by Bagshaw Ecology. This report concludes that it is unlikely that bats are present in any of the existing structures; as such, no further surveys are recommended. However, there are a series of recommendations contained within the report, relating to any external lighting, clearance of the site for development with respect to nesting birds and the provision of bat roosting features within the development site. A condition will be added, requiring the development to be carried out in accordance with the recommendations contained within this report. This is in order to ensure that the proposal complies within the aims of Policy LP30 of the Kirklees Local Plan and the aims of Chapter 15 of the NPPF.

Trees

In relation to trees, it is acknowledged that the scheme under consideration has a much lesser impact on Trees. Notwithstanding this, it is noted that a number of trees within the site would be removed for this development. However, none of the trees to be removed are considered to have any particular arboricultural merit. A tree survey, impact assessment and method statement support this application. These documents have been reviewed by the KC Trees Officers who raise no objection subject to a condition requiring that works are carried out in accordance with the method statement. Subject to this imposition of this condition, the proposal is considered to accord with the aims of policy LP33 of the KLP and the aims of the NPPF.

Contamination

Given the current use of the site, KC Environmental Health were informally consulted on the previous application. They commented that a ground condition reports were not required to support this application; however, as a precautionary measure, a condition should be added that if contamination is founded during development, works shall cease and the site shall be remediated appropriately. This is in the interest of health and safety, in accordance with the aims of Policy LP53 and Chapter 15 of the NPPF.

Drainage

The application form indicates that surface water will be disposed of via a sustainable drainage system, however, no other information is provided. In order to ensure that the site is adequately drained, a condition will be imposed requiring a drainage scheme to be submitted, that is designed in accordance with the hierarchy of sustainable drainage. This is to ensure compliance with the aims of Policy LP28 of the KLP and the aims of Chapter 14 of the NPPF.

Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change.

In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group. A condition will therefore be added to this effect, requiring one to be provided per dwelling in accordance with Policy LP24 of the KLP, Chapter 9 of the National Planning Policy Framework and the West Yorkshire Low Emissions Strategy. In addition, a condition requiring a drainage scheme has been recommended, as well as a condition for permeable surfacing. It is also acknowledged that this application would retain the majority of trees adjacent the site, as opposed to the previous scheme. Also, the building regulations process will ensure that a high standard of thermal efficiency is achieved through that part of the process.

Representations

None 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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2020/94114

Officer Recommendation: APPROVE

Conditions and Reasons

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 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, and to accord with Policies LP21, LP24, LP30, LP 33 and LP59 of the Kirklees Local Plan as well as the aims of the National Planning Policy Framework.

3. Development shall not commencement until details and samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity and character of the surrounding area and to accord with Policies LP24 and LP59 of the Kirklees Local Plan and Chapters 12 and 13 of the National Planning Policy Framework.

4. 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) no development included within Classes A – E of Part 1 of Schedule 2 to that Order shall be made to the dwellinghouses hereby permitted without the prior written consent of the Local Planning Authority.

Reason: In order to safeguard the openness of the Green Belt and the character of the area in accordance with Policies LP24 and LP59 of the Kirklees Local Plan and the aims of Chapters 12 and 13 of the National Planning Policy Framework.

5. A landscaping scheme relating to the development site shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Details of soft landscaping
- Details of hard landscaping (including boundary treatments)

The development shall then be carried out in accordance with the approved details before the dwellings are first occupied and the hard landscaping (including boundary treatments) shall be thereafter retained.

Reason: in the interest of visual amenity and the openness of the Green Belt, to accord with the aims of Policies LP24 and LP59 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. Unless otherwise agreed in writing, prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 (ISBN 9781409804864) as amended or superseded; and thereafter retained, free of obstructions and available for parking.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21 and LP22 of the Kirklees Local Plan.

6. A dry riser shall be installed on the site in accordance with the approved details, prior to occupation of the dwellings hereby approved. The development shall be thereafter retained in accordance with these details.

Reason: In the interests of amenity and highway safety and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

7. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference James Royston 191030. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policies LP24 and LP33 of the Local Plan.

8. The development shall be undertaken in complete accordance with the recommendations (Section 5) contained within the Bat Survey undertaken by Bagshaw Ecology (ref: BE1190.1 Rev A) dated: 9th December 2019).

Reason: In order to ensure that there is an acceptable impact on ecology in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning

Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

10. Prior to occupation of the dwellings hereby approved an electric vehicle recharging point shall be installed. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16Amps and a maximum demand of 32Amps. The electric vehicle charging point approved shall be thereafter retained.

Reason: To accord with the guidance contained within Policy LP24 of the Kirklees Local Plan, Chapter 9 of the National Planning Policy Framework and the aims of the West Yorkshire Low Emissions Strategy.

11. A scheme detailing surface water drainage (designed in accordance with the Hierarchy of Drainage) shall be submitted to and approved in writing by the Local Planning Authority before development commences on the superstructure of the dwellings hereby approved. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway that is an effective means of drainage of surface water on the site. The dwellings shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Construction Site Working Times

Noisy construction related activities shall not take place outside the hours of:
07.30 to 18.30 hours Mondays to Fridays
08.00 to 13.00hours , Saturdays
With no noisy activities on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act

1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists, or is likely to occur or recur. Failure to comply with a notices served using the above mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2586 - LOC B	B	29 th January 2020
Existing Site Plan	2585 01	-	6 th January 2020
Existing Site Sections	2585 02	-	6 th January 2020
Existing Plans and Elevations	2585 03	-	6 th January 2020
Proposed Site Plan	2586-04C	C	7 th May 2020
Proposed Site Sections	2585 05A	A	6 th January 2020
Plot 1 Plans and Elevations	2585 06A	A	6 th January 2020
Plot 2 Plans and Elevations	2585 07A	A	6 th January 2020
Proposed Site Plan showing fire strategy	2586 - 08B	B	7 th May 2020
Tree Survey prepared by James Royston dated 9 th December 2019	191030a	-	6 th January 2020
Arboricultural Impact Assessment by James Royston dated 14 th December 2019	191030 AIA	-	6 th January 2020
Arboricultural Method Statement by James Royston dated 14 th December 2019	191030 MS	-	6 th January 2020
Bat Roost Assessment prepared by Bagshaw Ecology dated 9 th December 2019	BE1190.1	A	6 th January 2020
Planning, Design and Access Statement prepared by Acumen dated December 2019	2586	-	6 th January 2020

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 entered into discussions with

the agent in relation to the site layout and highways arrangements and amendments were sought in the interest of preserving the openness of the Green Belt and ensuring suitable access arrangements were achieved.

Report Dated:

1st June 2020