

**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: 2021/59/92904/E

Site Address: Yangtze Chinese Restaurant, Park View,
149 Halifax Road, Liversedge, Dewsbury, WF15 6NU

Description: Application for permission in principle for conversion and alteration of existing restaurant to form up to 8 self-contained apartments along with formation of associated hardstandings, parking areas and domestic gardens

Recommending Officer: Callum Harrison

DECISION – GRANT PERMISSION IN PRINCIPLE

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: 27-Oct-2021

Officer Report

Application: 2021/92904 - Yangtze Chinese Restaurant, Park View, 149 Halifax Road, Liversedge, Dewsbury, WF15 6NU

Proposal: Permission in principle for conversion and alteration of existing restaurant to form up to 8 self-contained apartments along with formation of associated hardstanding, parking areas and domestic gardens.

Site Description

The application relates to a site consisting of a former Chinese restaurant and takeaway with associated parking area and access road. The site was formerly the site of a working men's club together with associated tennis courts and parking areas. Residential development is located to the north and east. Grazing/farmland, allocated as Green Belt land is located to the west and south. An industrial estate located a short distance to the south. The existing site is in a state of disrepair. The site is a part of allocated housing site HS118 as set out on the Kirklees Local Plan (HS118).

Description of Proposal

The application is seeking permission in principle for conversion and alteration of existing restaurant to form up to 8 self-contained apartments along with formation of associated hardstanding, parking areas and domestic gardens. As this is permission in principle stage, whilst additional details have been provided, these are merely informative whereby the details will be assessed at the technical details stage if this application is hereby approved.

History of Negotiations

The agent and case officer have held discussions regarding this application. The authority raised concerns regarding the high density of development that a minimum of 8 and maximum of 9 self-contained apartments would lead to very high density accommodation that exceeds the character of the area, contrary to Local Plan policy LP7. Officers discussed this matter with the agent who then agreed a revised figure of a minimum of 6 and a maximum of 8 self-contained apartments be proposed. 6 self contained apartments would create a density close to the 35 dwellings per hectare as set out in Local Plan policy LP7 and within the allocated site description. As per the Government's Permission in Principle guidance, the amount of residential development must be expressed as a range, therefore the newly proposed range is considered acceptable for the permission in principle stage.

Consultation Responses

KC Highways Development Management – No objections in principle but raised concerns regarding the potential future technical details application.

KC Environmental Health – No objections.

KC Public Rights of Way (PROW) – No objections however stated that the footpath diversion would have to be permitted via a separate process, application and cost with no guarantee of success.

Public / Local Representations

The application was advertised by neighbour notification letters, a site notice and in the press. Final publicity expired on 26th October 2021. No representations were received.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be 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 part of the allocated housing site HS118 on the Kirklees Local Plan.

Kirklees Local Plan (KLP):

- LP1 – Achieving sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP24 – Design

Supplementary Planning Documents (SPD):

Kirklees Council has adopted (as of 29th June 2021) supplementary planning documents for guidance on house building, house extensions and open space, to be used alongside existing SPDs previously adopted. Although the period for a potential judicial review has not yet expired, it is now being considered in the assessment of householder planning applications, with some weight attached. This guidance indicates how the Council will usually interpret its policies regarding such built development, although the general thrust of the advice is aligned with both the Kirklees Local Plan (KLP) and the National Planning Policy Framework (NPPF), requiring development to be considerate in terms of the character of the host property and the wider street scene. As such, it is anticipated that these SPDs will assist with ensuring enhanced consistency in both approach and outcomes relating to development. In this case the follow SPDs are applicable:

- Highways Design Guide
- Housebuilders Design Guide

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

Assessment

1. Permission in Principle Purpose

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. The technical details stage has the effect of granting planning permission.

The scope of Permission in Principle is limited to the following;

- Location
- Land Use
- Amount of Development

Issues relevant to these 'in principle' matters should be considered at the Permission in Principle Stage. Other matters should be considered at the technical consent stage (Local Authorities cannot list the information they require for applications for Permission in Principle in the same way they can for planning permission).

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development. The LPA can inform the applicants what they expect to see at the technical details stage.

It is not possible to secure a planning obligation at the permission in principle stage.

The LPA may not grant permission in principle for a major development. This means where the number of houses is 10 or more, the floor space created is 1,000sqm or more or the development is carried out on a site having an area of 1 hectare or more. In this case the development is for 5 units and the site has an area of less than 1 hectare. The floor-space to be created is unknown at this stage but would need to be assessed at the Technical Details Stage.

The LPA may not grant Permission in Principle for Schedule 1 development. This proposal would not be Schedule 1 development.

Local Planning Authorities must not grant permission in principle for development which is likely to effect a Habitat Site (as defined within the NPPF). The Councils Ecologist has confirmed that the site does not trigger Natural England's SSSI impact risk zones so there are unlikely to be any issues with sites designated under the Habitat Regulations.

2. Housing Land Supply

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees 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). 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.

3. Location and Land Use

The application site is a part of housing allocation HS118 in the Kirklees Local Plan (2019). The application site covers a 0.2ha whereby the wider allocation covers an area of 1.2ha. Allocation HS118 has an indicative capacity of 42 dwellings. The proposed application site covers the access required to serve the whole allocation. Housing allocation HS122 is another allocation set to the east of HS118 and has an indicative housing capacity of 37 dwellings. Access for 1.08ha allocation must be achieved through adjoining housing allocation HS118.

Although the site was previously Green Belt this allocation was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet

development needs. Therefore, given the housing allocation of the site, the location and proposed land use is policy-compliant. The proposed dwellings proposed would contribute towards meeting the housing delivery targets of the Local Plan.

4. Amount of Development

The proposed development is now seeking permission in principle for up to 8 apartments, with a minimum amount of 6. As per Local Plan Policy LP7 and the Housing Allocation, the density on this site should be 35 dwellings per hectare. The provision of 6 or 7 dwellings on a site of 0.2 hectares achieves the required density as closely as possible. The provision of 8 dwellings may be over the required density, however given this site make up a smaller part of a wider allocation, this could offset through the wider development of the HS118. For this reason, the amount of development proposed, (between 6 and 8 apartments) is considered to accord with Local Plan policy LP7 and Chapter 11 of the NPPF.

5. Other Matters

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. This matter would be dealt with at the Technical Details Stage.

Air Quality

Policy LP52 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 170 of the NPPF and the Government's Air Quality Strategy. The conditions requested by the Environmental Health Officer are noted. However, the matter will be dealt with at the Technical Details stage.

Highways

Technical matters such as access safety or layout details are considered at a later Technical Details Stage if this application is approved.

Residential Amenity

Matters involving the residential amenity of future and neighbouring occupiers would be dealt with at the Technical Details stage.

All other matters would be dealt with at the Technical Details stage.

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Proposal: Permission in principle for conversion and alteration of existing restaurant to form up to 8 self-contained apartments along with formation of associated hardstanding, parking areas and domestic gardens.

Kirklees Council hereby give notice that **PERMISSION IN PRINCIPLE HAS BEEN GRANTED** for the carrying out of the above development in accordance with the application plans and documents submitted or as may otherwise be amended following written approval by the Local Planning Authority. Permission in Principle is Granted for a minimum of 6no apartments and a maximum of 8no self-contained apartments in the form of the conversion and alteration of existing restaurant.

Note: You are advised that an application for approval of Technical Details Consent must be made no later than the expiration of three years beginning with the date of this permission.

Plans and Specifications Table:

Plan Type	Reference	Version	Date Received
Design and Access Statement	FAN/01/1 – PDA	1	19/07/2021
Location Plan	21028 200A	1	19/07/2021
Existing Site Plan	21028 020A	1	19/07/2021
Existing Elevation	21028 002A	1	19/07/2021
Ecology Report	Dated 05/2021	1	19/07/2021
Badger Survey	Dated 05/2021	1	19/07/2021
Indicative Proposed Site Plan	21028 121B	1	19/07/2021
Indicative Proposed Block Plan	21028 101B	1	19/07/2021
Indicative Proposed Basement Floor Plan	21028 102A	1	19/07/2021
Indicative Proposed Ground Floor Plan	21028 103A	1	19/07/2021
Indicative Proposed First Floor Plan	21028 104A	1	19/07/2021
Indicative Proposed Elevation	21028 110	1	19/07/2021

Covering Letter	-	1	19/07/2021
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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 Planning Authority has, 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 agent and case officer have held discussions regarding this application. The authority raised concerns regarding the high density of development that a minimum of 8 and maximum of 9 self-contained apartments would lead to very high-density accommodation that exceeds the character of the area, contrary to Kirklees Local Plan Policy LP7. Officers discussed this matter with the agent who then agreed a revised figure of a minimum of 6 and a maximum of 8 self-contained apartments be proposed. 6 self contained apartments would create a density close to the 35 dwellings per hectare as set out in Kirklees Local Plan Policy LP7 and within the allocated site description. As per the Government's Permission in Principle guidance, the amount of residential development must be expressed as a range, therefore the newly proposed range is considered acceptable for the permission in principle stage.