DESIGN & ACCESS/PLANNING STATEMENT

location	The Old Quarry, Bank End Road, Bolster Moor, Golcar, Huddersfield, HD7 4JN.
application	Reserved Matters for the Removal of Portal Frame Commercial Building and Erection of 1 Detached Dwelling.
client/applicant	Mr C Gunby
job number	22/562
date	September 2023

PAUL MATTHEWS ARCHITECTURAL Ltd

ARCHITECTURE | PLANNING | DESIGN

Malkin Farm
Brow Lane
Holmfirth
HD9 2RJ
07946872499

www.paulmatthewsarchitectural.co.uk

INTRODUCTION

This Design and Access Statement has been produced on behalf of the applicant, this statement forms part of a Reserved Matters Planning Application for the erection of one detached dwelling.

This document provides background information on the matters taken into account in formulating the design, and explains parts of the development in relation to the site's surrounding area.

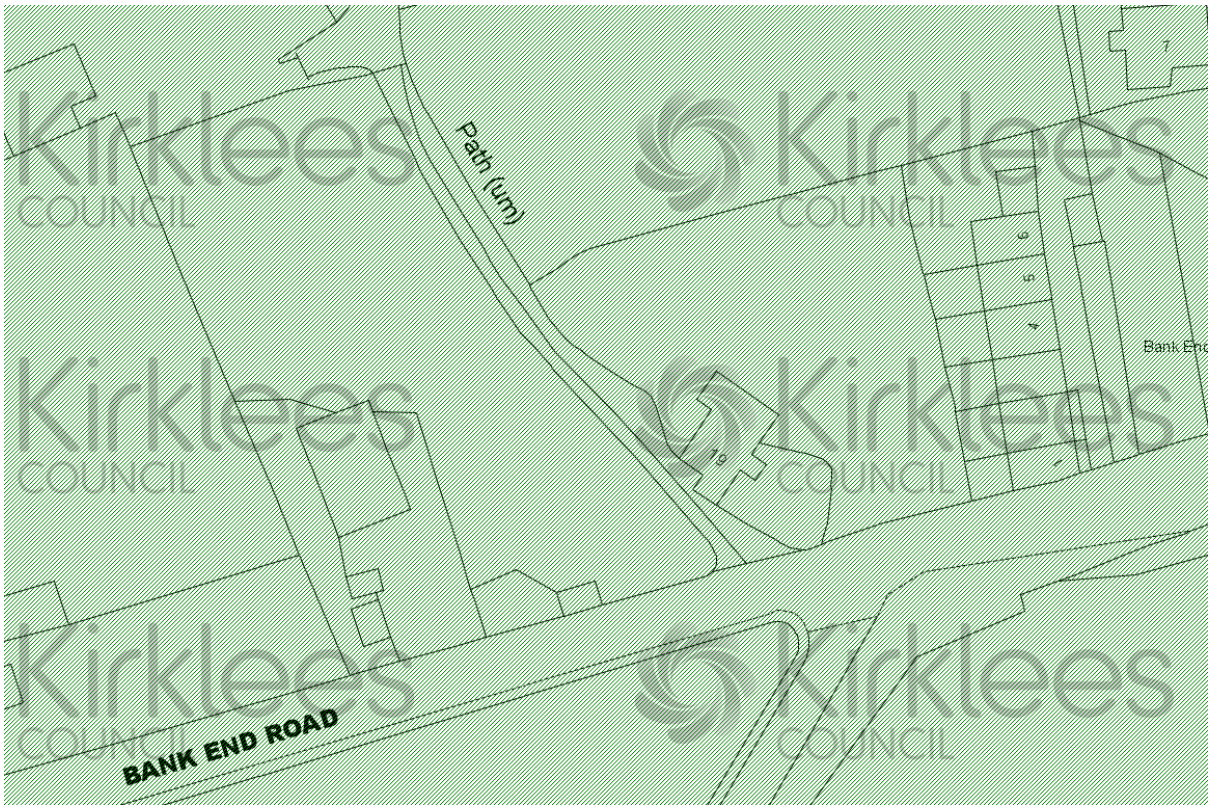
The site has a planning history as listed below:

2008/93446 – Erection of agricultural building

2021/CLD/94215 – Certificate of Lawfulness for existing builders yard/stone and motor vehicle workshop garage

2022/92592 – Outline application seeking access for erection of residential development (one dwelling)

The site is located within the Green Belt on the Kirklees Local Plan.



PROPOSAL

This application seeks the approval of the erection of one detached dwelling. This building will replace the existing workshop garage that has an existing volume of 590m3.

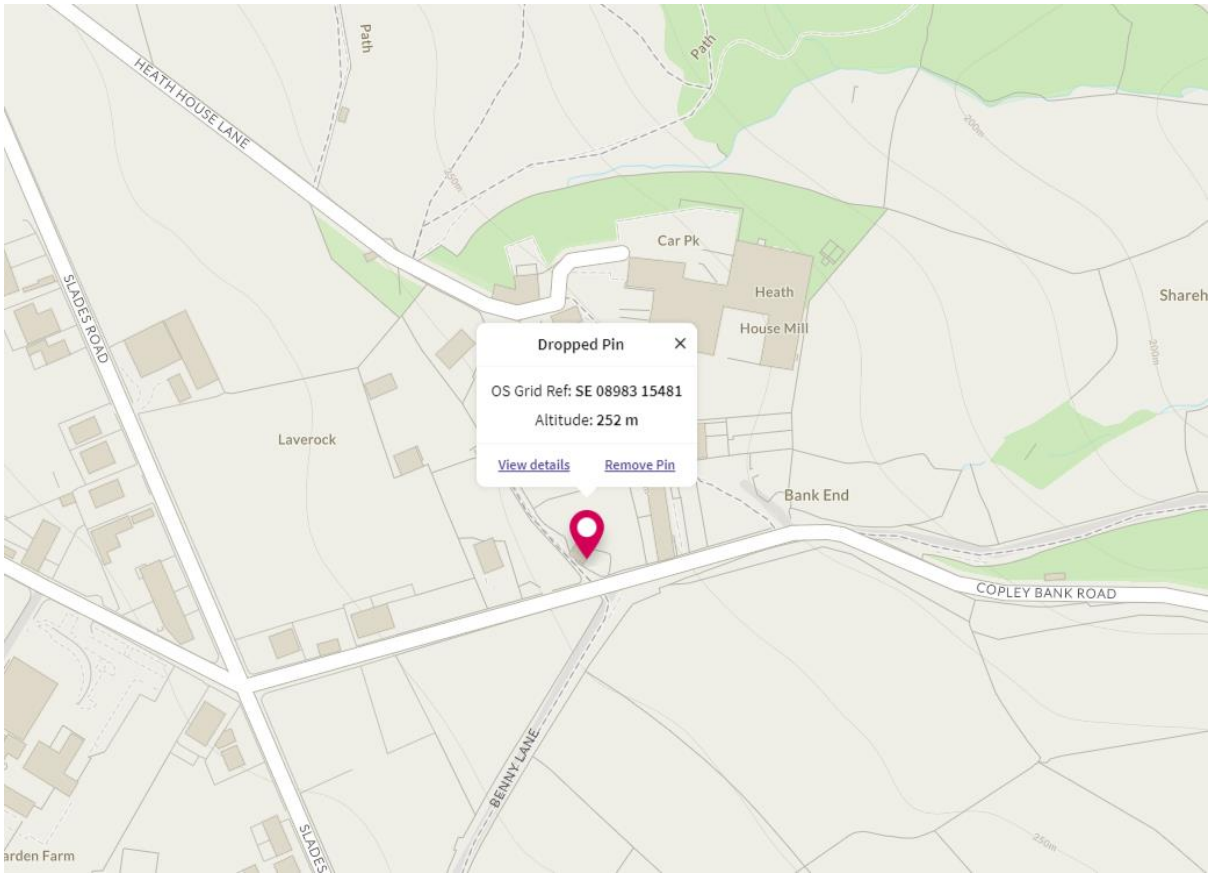
The proposals follow on from the Outline Approval, adding further detail to the indicative site layout and floor plans.

SITE LOCATION

The site is located on the north side of Bank End Road, within Bolster Moor, Golcar, having a grid reference of SE 08943 15477.

The site area amounts to 0.67 hectares.

The land hosts an existing commercial unit with an established use for a builder's yard and motor vehicle workshop.



SITE CONTEXT

The site is accessed off Bank End Road, leading onto a large hardstanding area for the provision of motor vehicles and building materials.

Situated on the sloping topography of the site, a commercial unit is positioned nearest the western boundary with a series of smaller cabins and storage units located within the site.

Located north, east and west of the site are residential properties, all demonstrating a mix of styles and shapes, with stone being the predominant feature amongst them.

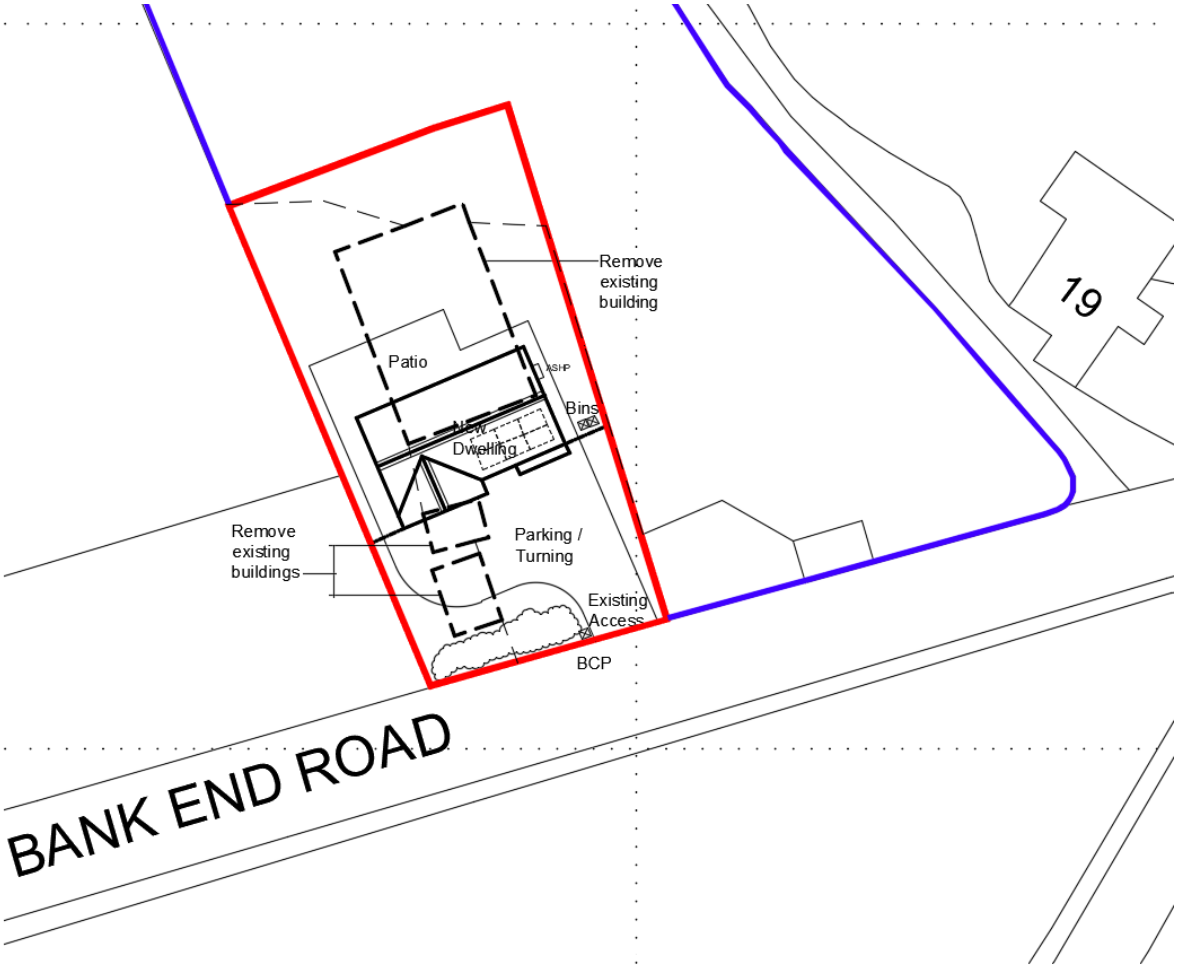
SITE ANALYSIS AND LAYOUT

The site layout follows the same form as the indicative layout and has been developed taking account of the surrounding context of the residential development on Bank End Road.

The proposal is for a dwelling with integral garage. The existing access would be utilised and the hardstanding improved and lessened where possible to limit the impact of the greenbelt. The driveway would provide sufficient area for vehicles to park, turn and also exit in a forward gear.

The dwelling has been set back from Bank End Road by circa 12m to reduce any dominance and fall in line with neighbouring properties.

Low level planting is proposed to the frontage and side (east) of the dwelling, with a modest patio and grassed garden area, as indicated on the plans, to the rear of the property. This is all limited to the red line that is associated with the commercial premises, all as previously approved.



DESIGN AND APPEARANCE

The proposed dwelling is to be a 3 bedroomed detached dwelling, with integral garage.

The proposed dwelling is shown as two storey, constructed from natural walling stone, with traditional features such as stone heads and cills, corbels and water tabling.

This design and traditional style of the dwelling would be in keeping with the local vernacular and provide an improvement on the existing appearance of the commercial unit.

The south facing elevation will benefit from Solar Panels to reduce the carbon footprint along with a discreetly located air source heat pump to the East side of the property.

LANDSCAPING

The existing site would be improved, removing much of the existing hardstanding where possible.

The existing drystone wall to the site frontage would remain.

New boundary 1.2m high 3 rail (post and rail) timber fences will be erected to the remaining boundaries of the new plot, preventing encroachment into the adjacent greenbelt.

The proposed parking area will be tarmac with slight falls away from the highway.

The garden areas will be landscaped with the provision of grassed areas, patios and soft landscaped borders as indicated on the proposed block plan.

ACCESS/HIGHWAYS

The existing access from Bank End Road is to be utilised to serve the property. When in the site, the dwelling will have a driveway leading to parking and turning areas also leading to the integral 6 x 3m garage.

The proposed layout can accommodate at least 3 off street parking spaces.

The site will provide internal turning so that vehicles can exit onto Bank End Road in a forward gear.

The existing/extant use of the site, both the commercial car repair workshop (B2) and builder's yard (sui generis) are capable of operating independently. This, we contend, will create significantly more vehicle movements to and from the site as opposed to the proposed use as a single dwelling.

RELEVANT PLANNING HISTORY

The following planning history, relating to this application site, is listed on the local authority public planning application database;

2008/N/90694/W1 - Submitted on 20th February 2008 the prior notification application is titled "*agricultural notification for the prior approval of details for erection of agricultural/machinery/hay store*". This was determined invalid on 17th June 2008.

A subsequent application 2008/62/93446/W1 was submitted on 24th September 2008. The application is titled "*Erection of agricultural building*" this was conditionally approved on 11th November 2008.

2021/CLD/94215/W was submitted on 8th November 2021. The application is titled "*Certificate of lawfulness for existing builders yard/store and motor vehicle workshop/garage*" this certificate of lawfulness was granted on 31st March 2022

The applicant for this application and the above planning history is Mr Chris Gunby.

The most recent planning application is 2022/92592 submitted on 2nd August 2022. The application is titled "*Outline application seeking access for erection of residential development (one dwelling) and removal of portal framed commercial building and outbuildings and cessation of builders yard/compound"* This Outline Application, complete with an indicative outline site plan was approved on 1st December 2022. This site plan has been developed in arriving at the proposals contained within this reserved matters application.

PLANNING 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 within the Green Belt on the Kirklees Local Plan.

Relevant Kirklees Local Plan policies;

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 3 – Location of new development
- LP 7 – Efficient and effective use of land and buildings
- LP 20 – Sustainable transport.
- LP 21 – Highway safety and access

• LP 22 – Parking

• LP 24 – Design

• LP 28 – Drainage

• LP 51 – Protection and improvement of local air quality.

• LP 53 – Contaminated and unstable land.

• LP 59 – Infilling and redevelopment of brown field sites.

National Policies and Guidance: National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, 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 5 – Delivering a sufficient supply of homes

• 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

National Planning Practice Guidance, published online March 2014.

PLANNING ASSESSMENT

The proposals follows on from the previously approved outline application establishes the principle of development one dwelling, utilising the approved access.

We contend the principal issues are;

- Whether the proposed development would be inappropriate development in the Green Belt;
- The effect and impact of the development on the openness of the Green Belt;
- The effect of the development on the character and appearance of the site and surrounding area, and
- The effect of the development on the living conditions of adjacent and future occupiers of the dwelling.

The proposed site layout, along with plans & elevation indicate a reduced massing and size in the built form. Garden areas, parking and turning areas are restricted to prevent further sprawl into the

greenbelt above and beyond the extent of the current commercial site as confirmed under the recent certificate of lawfulness application.

Whilst the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development, at paragraph 149 of Chapter 13 (Proposal Affecting the Green Belt), it is stated that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless it falls within one of the stated exceptions set out within the Chapter. Para 149, exception '*g*' allows *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would either:*

- not have a greater impact on the openness of the Green Belt than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Regarding the definition of *previously developed land*, annex 2 of the NPPF defines it as "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds 71 and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*"

The above definition excludes buildings used for agriculture or forestry. The confirmed commercial use of the land and building clearly does not fall within these exclusions and, as such, should be considered as *previously developed land*.

The existing building and yard area has significant history and has been proven to have been in-situ for in excess of 10 years, this is considered within the curtilage of the commercial building and should also be considered as previously developed land.

In terms of the *permanence of the building*, it is clear given previous information and photographs supplied to the planning authority that the building is of permanent construction, connected to services and has been maintained over time.

Furthermore, previous inspector's decisions have taken the view that *less substantial structures* can be considered permanent for the purposes of planning law (Skerritts case March 22, 2000).

KLP policy LP 59 is also relevant in this instance and suggests that in the proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;

b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and

c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.

The justification policy for Kirklees Policy LP 59 also suggests that redevelopment of a site may be acceptable provided that the redevelopment is designed so as not to have any more impact on the openness of the Green Belt than the existing built form.

The proposed new dwelling will be built using locally sourced natural materials, such as reclaimed natural stone with a stone slate roof covering. These reflect the local vernacular and should be considered as a vast enhancement on the current powder coated profiled sheeting to the commercial building.

The footprint of the proposed dwelling is reduced over the current built form. The existing building has a volume of 604m^3 (44.1 gable area x 13.7m length). The proposed replacement dwelling has a volume of 590m^3 (97m^2 plan area x 6.1m average height). Significantly the external store/builders yard would also be permanently removed from the site as a result of this reserved matters application. Whilst the builders material store may fluctuate from time to time the impact on the openness, visual amenity and harm to the green belt is quite clear and demonstratable, no volume for this aspect has been factored into these calculations. Appropriate landscaping as opposed to builders materials, plant and machinery will have a positive impact on the green belt setting. The rear garden are has been purposely kept clear to reduce the encroachment into the greenbelt.

We have no objection to PD rights being removed as a result of this application which will further serve to protect the greenbelt location.

The existing access would be retained and reused with external car parking and parking within the garage.

We contend this offers a visual enhancement in regards to the openness and visual amenity of the green belt on the current parking and use of the land as a builders store with larger type vehicles such as vans and pickups (as have been witnessed by planning case officers as part of the previous site assessment).

The proposals, considered as a whole, require very little in the way of engineering work.

The adjoining highway is unclassified therefore, as previously confirmed on a separate KMC planning application, planning permission would not be required for an alternative access.

Given the clear reduction in volume and floor space resulting from the proposal along with the removal of the builders yard we contend, in this instance, *very special circumstances,* are not required to be demonstrated.

A direct comparison needs to be made with regards to the impact on the openness of Green Belt.

It is accepted that the formation of a dwelling may result in some domestic paraphernalia, but this would still fall within the accepted commercial site curtilage, we consider such paraphernalia would

have lesser impact on the openness of greenbelt when compared to the use of the site as a builders yard.

Naturally it would be important to clearly define the domestic curtilage, specifically as this adjoins land also within the same ownership (a small parcel of agricultural land). It is proposed to erect a post and rail (3 rail) timber fence to clearly denote the boundary on site and prevent encroachment into the greenbelt.

We consider the above points demonstrate compliance with Kirklees Policy LP 59 (Brownfield Sites in the Green Belt) and Chapter 13 of the NPPF (Protecting Green Belt Land).

RESERVED MATTERS

This application follows the previously approved outline planning application.

Materials, Scale, Landscaping and Layout are the reserved matters that this application is subject to.

Layout is indicated on the accompanying application plans, closely following that of the previous outline application with regards to layout on site and proposed elevations.

The Scale of the proposed dwelling again follows details previously submitted and forming part of the previous approval. They also relate to the planning decision, 2022/60/92592/W, notice dated 01-Dec 2022 where condition 5 states "*The residential development hereby approved shall not exceed a maximum of one dwelling that is no more than 2 storeys in height.*

Reason: For the avoidance of doubt as to what is authorised by this permission to ensure that the development conforms to the approved outline planning permission as well to safeguard the special character of the Green Belt, in the interest of visual amenity and to accord with Policies LP24 and LP59 of the Kirklees Local Plan, Principles 2, 6, 16 and 17 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapters 12 and 13 of the National Planning Policy Framework." This in itself we contend illustrates compliance with Kirklees planning policy LP24, 59 and principles 2, 6, 16 and 17 of the authorities adopted Housebuilders Design Guide SPD along with the Policies within Chapters 12 and 13 of the NPPF (National Planning Policy Framework).

Landscaping

The proposed block plan indicates the extent of the proposed landscaping. This has been kept to a low level to the site frontage to prevent highway safety issues. Planting within the site is also indicated along with the proposed hard and soft landscaping to the rear of the proposed property

Materials

Natural coursed stone is proposed for the external walling with features such as natural stone kneelers to the eaves of gables. Natural stone corbels below gutter level, Natural stone corbels below the seamless aluminium gutters, Natural stone cills and heads with natural stone jambs to some of the openings.

The roof will be covered In a natural stone slate with water tabling to the gables.

Windows will be Upvc with composite doors, powder coated, thermally broken, aluminium sliding doors to the rear with an insulated sectional roller garage door.

We consider these materials, which are prevalent in the immediate locality are in keeping, appropriate and acceptable.

IMPACT ON VISUAL AMENITY AND CHARACTER OF THE LOCALITY.

The context of the proposal and setting with other nearby buildings has been considered. Other nearby buildings are all residential properties with no other commercial properties within close proximity. The adjacent and nearby dwellings are all of very traditional construction and appearance. Consequently, the setting of these properties flanking the subject commercial site is already affected by the existing use of the land (builders yard) and building (vehicle repair workshop).

The proposed site development of a replacement dwelling partly follows the historical design of the nearby residential properties with a gabled roof and a gabled projection to the frontage.

The design of the proposed dwelling, as a two storey dwelling also replicates the neighbouring properties, the use of natural, locally sourced materials will assist in providing an enhanced impact on the setting above and beyond the green powder coated industrial unit.

As noted earlier within this statement permitted development rights could be removed to prevent sprawl into the Green Belt or prevent inappropriate additions such as extensions, roof extensions, detached ancillary outbuildings, etc.

The proposed elevations illustrate how the new dwelling will be developed in the form of a traditional farmhouse type appearance akin with this rural setting.

We contend visual amenity and character of the area resulting from the proposed site redevelopment in creating a new dwelling is acceptable and in accordance with Kirklees Local Plan Policy LP 24 (design) and Chapter 12 of the NPPF (Achieving Well-Designed Places).

RESIDENTIAL AMENITY

Para. 130 of the NPPF, together with Kirklees Local Plan Policy LP 24 are consistent in stating that proposals should promote good design by ensuing "*they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary*". Given the proposals. Siting, layout and space separation including the development free buffer zones as indicated on the proposed site plan we contend this aspect does not give rise for concern.

OCCUPANTS OF NEIGHBOURING DWELLINGS

The proposed dwelling is indicated as being positioned pretty much where the current commercial unit is, albeit on a smaller footprint. Given the existing use and proposed residential use we contend this ensures less impact on the neighbouring/nearby residential properties by way of vehicle movements and noise.

In terms of the proposed dwelling, it would not be materially larger than the existing commercial unit. Therefore there would be no material impact arising from the physical presence of the dwelling on the directly adjacent dwellings.

Regarding openings, the proposed elevations indicate a traditional farmhouse type property with the principle elevation facing the highway and the rear of the dwelling overlooking the rear garden area.

The proposed dwelling is nestled in between other residential properties along Bank End Road. The road and general landform slopes down from West To East. Openings have purposely been omitted from the East elevation with only one opening (a first floor ensuite, obscure glazed window) incorporated on the West Elevation.

As indicated the proposals have been designed and arrived at considering the other nearby residential properties.

There are no other properties, around the application site that would be impacted in terms of loss of amenity.

FUTURE OCCUPANTS

Regarding the amenity of the future occupants of the proposed dwelling, the proposals are for a three bedroomed property with a reasonable amount of living space, providing flexibility and the norm of a home office (study) which has become a high priority since covid and the increase in working from home arrangements.

Externally, as indicate don the proposals there is a parking and turning area to the front comfortably capable of accommodating 3 vehicles, a path to both sides leading to a patio and formal garden to the rear of the property providing adequate outdoor amenity space.

NOISE

The site is not close to any other noise producing commercial sites or buildings.

The existing site itself however, in its current commercial use, will generate noise levels not usually expected in a semi-rural location between other residential properties.

We consider noise to be a very significant factor as part of this application. If this application is not supported/remains in commercial use it's highly likely it will be sold on for others to continue the extant use.

We contend the noise produced, as a standard dwelling, will be significantly less than the commercial site/building as existing. It is important to note the site is not subject to any restrictive operating hours.

We contend the proposals should be deemed acceptable in terms of residential amenity and in accordance with Kirklees Local Plan Policies LP 24 (design) and LP 52 (Protection and improvement of environmental quality) and Chapter 15 of the NPPF (Conserving and enhancing the natural environment).

IMPACT ON HIGHWAY SAFETY

As indicated, and as illustrated on the previously approved proposals, the proposed dwelling will continue to use the existing access point. The commercial uses (vehicle repair workshop and builder's yard) will cease. This would result in a reduction of vehicular movements to and from the site and the immediate highway network.

The frontage to the property, as shown on the proposed block plan, provides a spacious area enabling domestic vehicles to enter and exit in forward gear. This area also provides adequate space for parking along with bin storage and collection.

Bin storage space is provided to the front corner of the dwelling, the bin collection point is indicated by the entrance, bins would be presented to the site frontage on respective collection day.

We contend these aspects illustrate compliance with the Kirklees Local Plan Policies LP 21 (highways and access) and LP 22 (parking).

LAND STABILITY AND CONTAMINATION

The site, historically, is a former agricultural holding. In more recent years it has been used as a builders yard and vehicle repair workshop. Following the outline planning approval, conditions 10-14 a phase 1 report accompanies this application.

Land stability is not considered to be an issue, naturally LABC (Local Authority Building Control) will carry out site inspections for any new foundations for the proposed property.

AIR QUALITY

Chapter 9 of the NPPF (Promoting sustainable transport) states the Government's intentions for the decision making process to maximise sustainable transport solutions, which includes supporting the transition to low emission vehicles. This is also set out within the West Yorkshire Low Emissions Strategy.

An EVCP (electric vehicle charging point) has been integrated within the proposed garage. This illustrates compliance with the aims of Kirklees Local Plan Policy LP 51 (Protection and improvement of local air quality) and Chapter 9 of the NPPF (Promoting sustainable transport), as well as the Low Emissions Strategy.

ECOLOGY

This proposal creates an opportunity to positively contribute and provide ecological enhancements possibly by way of bird nesting boxes and appropriate planting to promote and assist with ecological enhancement of the site as a result of the proposed development.

The proposals integrate the previous recommendations, within the bat survey for the site. Swift boxs and a sparrow terrace is included within the proposals as noted within the mitigation measures within the previously submitted/approved report.

We contend this achieves compliance with Kirklees Plan Policy LP30 (biodiversity & Geodiversity).

DRAINAGE

The existing site is considered as Brownfield. Given this is a redevelopment proposal, Kirklees Local Plan Policy LP 28 (Drainage) is relevant. This policy suggests that for proposals on Brownfield sites, there should be a minimum 30% reduction in surface water run-off, where previous positive surface water connections from the site can be proven. New connections will be subject to at least Greenfield restrictions.

Given the former uses of the site we consider that soakaways, to deal with surface water would be a suitable method of dealing with surface water runoff. Such a system provides a groundwater recharge and makes for more a more ecologically sustainable living environment. Soakaway have been indicated on the proposed site plan to the rear of the property, away from the highway, boundaries and proposed dwelling.

There is a sewer within the highway which will be connected into to deal with the foul effluent from the proposed dwelling. This will be a separate system with surface water being disposed of on site.

It is also important to note that the proposed landscaping to the site (domestic curtilage) results in larger permeable area that those that currently exist on site associated with the commercial use.

Furthermore the roof areas of the three existing permanent buildings on site amount to a larger area than the proposed dwelling roof area, this in turn will ensure a reduced surface water run off intensity over the existing run off.

We consider this indicates compliance with the requirements of Kirklees Local Plan Policy LP 28 (drainage) LP 52 (Protection and improvement of environmental quality) and Chapter 15 of the NPPF (Conserving and enhancing the natural environment).

CONCLUSION

As demonstrated this reserved matters application, follows on form the outline approved with significant further information provided.

We contend this application provides an excellent opportunity to reallocate this brownfield site (*previously developed land)*. The proposals and knock on benefits, bulk, massing, volume, openness, design/materials, noise, highway movements, etc all provide positive benefits for the Green Belt location.

We consider the information within this statement and accompanying plans provide the local planning authority with more than sufficient information to support this application and approve it without delay.

Should the Local Authority Planning Department require any further information or clarification, please contact Paul Matthews Architectural Ltd.

We respectfully ask for contact from the case officer prior to the formal determination of this application.