
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Feb-2017****Subject: Planning Application 2016/93946 Demolition of existing building and erection of detached dwelling Bell Cabin, Opposite 17, Long Lane, Earlseaton, Dewsbury, WF12 8LG****APPLICANT**

A Yates

DATE VALID

30-Nov-2016

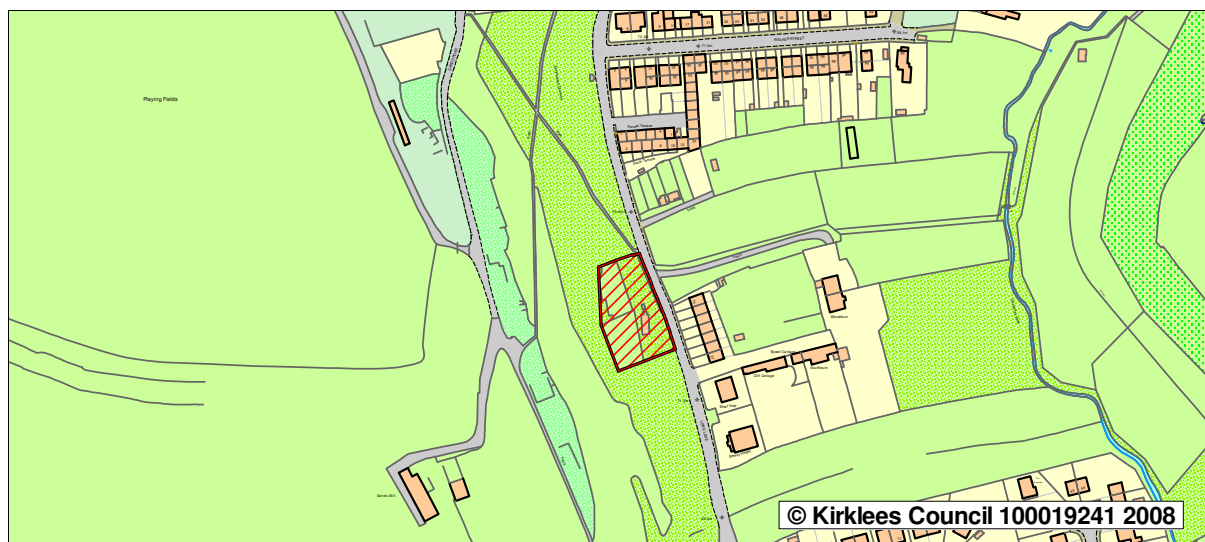
TARGET DATE

25-Jan-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

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Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East

No

Ward Members consulted

RECOMMENDATION: REFUSE

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework (NPPF), the construction of new buildings, subject to certain exceptions, is regarded as inappropriate development. The development would harm the openness of the Green Belt by introducing additional built form that would diminish the open space between existing buildings and thus harm the character of the street scene in this Green Belt location and no very special circumstances have been demonstrated to outweigh this harm. To approve the application would be contrary to the aims of Chapter 9 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's scheme of delegation at the request of Councillor Eric Firth for the following reason: *"this is an ideal windfall site, there has been a building on this site for many years and I think given the shortage of land supply and it's a brownfield site I am in full support"*.
- 1.2 The Chair of Sub-Committee has confirmed that Councillor Eric Firth's reason for making this request are valid having regard to the Councillor's Protocol for Planning Committees.
- 1.2 It is the opinion of officers that the erection of a dwelling on this site within the designated Green Belt is not considered to be acceptable and there are no very special circumstances that would outweigh the harm caused to the openness and amenity of the area contrary to Kirklees Unitary Development Plan Policy and the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms an area of land which is set down significantly from Long Lane. The site has been significantly cleared from trees and shrubbery with some excavation and removal of material to form an area of level hard standing with high stone wall and steep access up to the highway. The engineering works that have taken place on site do not have planning approval.

- 2.2 The site is bound by Long Lane to the east and dense areas of scrub/trees to the west and south. A large area of playing fields occupies the area to the north-west.

3.0 PROPOSAL:

- 3.1 The application is for the demolition of the remaining structure on the site and erection of a dwelling in its place. The footprint of the dwelling would occupy the area where the remnants of the previous structure are located.
- 3.2. The proposal also includes the engineering operations that have already taken place for the formation of the access.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/91833 – Demolition of building and erection of dwelling – this application was withdrawn after discussions with the agent. Following discussions it was considered relevant to forward details to the Enforcement Team as it was clear that works had taken place regarding the formation of a new access that were in breach of planning regulations.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been no negotiations during the course of this application.
- 5.2 Discussions took place with the applicant's agent prior to the submission of the planning application. It was raised at that time that there were concerns regarding the principle of development, which was considered, by officers, to be inappropriate within the Green Belt. Furthermore, the unauthorised works that have already taken place on site were discussed with the agent.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

The site is located within the Green Belt on the UDP proposals map.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design Principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety

Supplementary Planning Guidance / Documents:

- 6.3 None considered relevant

National Planning Guidance:

- 6.4 **Chapter 6** – Delivering a wide choice of high quality homes
Chapter 7 – Requiring good design
Chapter 9 – Protecting Green Belt land
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by site notice and neighbour notification letters which have expired. No comments have been received.
- 7.2 Ward Councillor Eric Firth has requested that the application be considered by the Heavy Woollen Planning Sub-Committee. The reason for his request are set out in section 1.0 of this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: The internal layout of the site parking and the proposed access track are considered acceptable from a highways point of view subject to conditions.

Coal Authority: The submitted Coal Mining Risk Assessment Report has been reviewed and conditions are recommended.

8.2 Non-statutory:

KC Environmental Services: The application site is partially on land that is potentially contaminated due to historic use. Conditions relating to contaminated land are recommended.

KC Ecologist: Because the site is in proximity to woodland habitat and is located within the Kirklees Wildlife Habitat Network and within the Kirklees Bat Alert Layer, a condition is suggested relating to the submission of an Ecological Design Strategy.

KC Arboricultural Officer: No objections

KC Strategic Drainage: Confirmed that there are “no comments”.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is located in the designated Green Belt on the UDP proposals map and as such policy contained in chapter 9 of the NPPF is relevant.
- 10.2 Paragraph 79 of the NPPF states that the “Government attaches great importance to Green Belts . . . (and that) the essential characteristics of the Green Belts are their openness and their permanence”.
- 10.3 The Green Belt serves five purposes that include safeguarding the countryside from encroachment. Paragraph 87 of the NPPF makes reference to “inappropriate development”, stating that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. When considering any planning application for development substantial weight should be 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.
- 10.4 The erection of a new building is considered as inappropriate, Paragraph 89 sets out the exceptions to this which includes the replacement of a building, providing that the new building is in the same use and not materially larger than the one it replaces. In addition Paragraph 90 sets out the other forms of

development that are not inappropriate in the Green Belt provided that they preserve the openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

- 10.5 Taking into account the points raised, it is the view of officers that it cannot be argued that the existing building is of permanent and substantial construction as what is left is a few small areas of walling. The remnants cannot be described as a building and as such its replacement is not considered appropriate development in the Green Belt.
- 10.6 The site has undergone extensive changes over recent years with substantial tree clearance and engineering operations to level the land. Whilst supporting information submitted with the application states that drive access exists to the site, it is clear from aerial photographs that this has not existed for some time. Whilst this access is showing on historic maps dated 1933 it does not appear from 1955 onwards. It is clear from this time that the land has become overgrown to the point it would be considered to have blended into the surrounding countryside, becoming greenfield in the Green Belt. It is therefore the view of officers that the proposal does not constitute a previously-developed site.
- 10.7 There are no planning permissions for the works that have been undertaken to date and, it is the opinion of officers that there is no justification or very special circumstances to justify approving the erection of a new dwelling in the Green Belt which is inappropriate and would cause harm to the character and openness of the area, contrary to the aims of chapter 9 of the NPPF.

Urban Design issues

- 10.8 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.9 The proposed building measures 4.6 metres by 13.9 metres and is single storey. It is simple in terms of its design. As it is set down from the public highway and is unrelated to any existing surrounding development the building would be obtrusive irrespective of its scale. Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history and reflects the identity of local surroundings and materials. The use of natural stone and stone slate would meet Policy BE11 of the Kirklees Unitary Development Plan however the development per se is not considered acceptable and would detract from the natural undeveloped character of the area contrary to the NPPF.

Residential Amenity

- 10.10 In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.
- 10.11 Due to the location of the development it is considered that the proposed dwelling would not result in any loss of privacy or amenity of any nearby occupants and would exceed the recommended separation distances set out in Policy BE12 of the UDP.

Landscape issues

- 10.12 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application plans do not show any areas of landscaping that are to be incorporated into the development, however the supporting information states that soft landscaping is to be incorporated into the development including grassed and planted areas and low maintenance gardens. Whilst any landscaping that would help to blend the development is welcomed that which is proposed is domestic in appearance and would need further consideration in order to protect the openness and character of the Green Belt. However, landscaping details could be conditioned.

Housing issues

- 10.13 As the principle of development is not considered to be acceptable the development would not contribute sustainably to the housing stock in the area.

Highway issues

- 10.14 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. It is considered that, subject to conditions regarding gradient, bin storage, surfacing, and cross-sectional information for any new retaining walls required adjacent to the existing public highway, the development would provide acceptable access to the public highway and adequate off street parking complying with the aims of Policies T10 and T19 of the Kirklees Unitary Development Plan.

Drainage issues

- 10.15 The Council's Flood Management & Drainage Team has confirmed that there are "no comments" to the proposed development. As such the proposals are considered to be in accordance with Chapter 10 of the National Planning Policy Framework.

Representations

- 10.16 There have been no representations received.
- 10.17 Comments have been received from Ward Councillor Eric Firth and have been addressed in the "Principle of Development" section of this assessment.

Other Matters

- 10.18 *Coal:* The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report (July 2016, prepared by Michael D Joyce Associates LLP); that a single mine entry (shaft) poses a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding it.
- 10.19 The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development (excluding demolition)
- 10.20 In the event that the site investigations confirm the need for remedial works to the mine entry beneath any parts of site where built development is proposed, this should be conditioned to ensure that the site layout is amended to avoid it.

11.0 CONCLUSION

- 11.1 The erection of a dwelling in the Green Belt would be inappropriate development for which there are no very special circumstances that have been demonstrated to justify the scheme.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the UDP and NPPF. Furthermore the Green Belt designation of the land is one of the specific policies in the Framework that indicate development should be restricted. The application is recommended to be refused.

Background Papers:

Application Details:

Website link to planning application reference 2016/93946:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93946>

Certificate of Ownership – Certificate A signed by the agent on behalf of the applicant dated 22 November 2016.

History File Details:

Website link to planning application reference 2016/91833:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91833>