
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Feb-2017****Subject: Planning Application 2016/93177 Erection of detached dwelling with attached garage (within a Conservation Area) Adjacent to, 14, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL****APPLICANT**

Mr & Mrs Bullas

DATE VALID

30-Sep-2016

TARGET DATE

25-Nov-2016

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

Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton

Yes

Ward Members consulted

RECOMMENDATION: REFUSE

1. The proposal would result in the loss of an important open space between two distinct clusters of development which makes a positive contribution to the significance of the Conservation Area. The proposal provides no public benefit to outweigh the harm caused to the character of the Conservation Area, and as such would not constitute sustainable development, contrary to Policy BE5 of the Kirklees Unitary Development Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination due to previous Heavy Woollen Planning Sub-Committee interest in the wider site.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of an open piece of land measuring 672 sq m, forming part of a larger field located off Manor Road, Farnley Tyas. The site itself is within the Farnley Tyas Conservation Area which covers the majority of the village; the Conservation Area was designated as an area of high architectural and historic interest in the 1980's; it is a rural village of largely stone built houses which has an intimate relationship with its natural landscape surroundings. The houses within the Conservation Area are close knit and appear to have been developed along the principal thoroughfares but also in an organic nature. The houses vary in date but many appear to be of 18th and 19th century origin.
- 2.2 Manor Road contains two distinct clusters with the application site acting as the main separation of these clusters. To the west of the site is the larger cluster known as Farnley Tyas which includes the main amenities associated with the village. It also includes the recent development of Beech Farm. To the east is the smaller cluster known as Netherton which mainly comprises of larger dwellings in a linear layout.

- 2.3 There are two Listed Buildings within close proximity of the application site, 21 Manor Road which is located to the north-west on the site and 18 Manor Road to the east.

3.0 PROPOSAL:

- 3.1 The proposals relate to a full application for one detached dwelling. This would be of a two storey scale with integral garage and constructed of natural coursed stone with stone slate roof. Access would be taken directly off Manor Road leading to a parking and turning area to the front.
- 3.2 The proposed dwelling would address Manor Road with main habitable room windows located to the north (front) and south (rear) elevations. An area of private amenity space would be located to the rear of the dwelling.

4.0 RELEVANT PLANNING HISTORY:

2016/93524 (14 Manor Road) – Erection of two storey side extension and change of use of land to domestic curtilage – Approved

2015/90663 – Erection of 2 dwellings – approved at Heavy Woollen Planning Sub Committee (30 October 2015)

2015/90759 – (Park Farm) Erection of 6 dwellings and conversion of barn into dwelling and associated works, pending decision (amended plans received and re-consultation to take place)

2014/93187 – Erection of 3 detached dwellings - Withdrawn

2000/92243 – Erection of 4 dwellings with garages - Refused and dismissed at appeal

1999/91843 – Erection of 4 dwellings with garages - Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application site has been the subject of previous planning applications and discussions. Throughout these discussions, Officers have maintained the view that the open space between 14 Manor Road and Park Farm should be retained. Furthermore, a previous appeal decision has noted the importance of this, and the appeal was dismissed on this basis.
- 5.2 The previous application ref: 2015/90663 for two dwellings was approved at the Heavy Woollen Planning Sub Committee on 30 October 2015. This related to the provision of two dwellings closer to Park Farm to the east, forming part of the existing cluster of development at Park Farm and Netherton to the east. As a result, the two distinct clusters would remain intact and the land between would remain open providing the separation between the two. At that Committee Meeting, Members expressed their support for the two dwellings proposed, provided that no further applications were submitted for the remaining land.

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 Farnley Tyas Conservation Area on the Kirklees Unitary Development Plan.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas
BE11 – Materials
BE12 – Space about buildings
T10 – Highway safety
T19 – Parking standards

6.3 National Planning Guidance:

Chapter 6 - delivering a wide choice of high quality homes
Chapter 7 – Requiring Good Design
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notice, neighbour notification and press advert. As a result of site publicity, 34 representations have been received. The concerns raised in representations can be summarised as follows:
- Site is located within the Conservation Area on land that is currently used for agriculture. The land provides a gap between housing above and below on Manor Road and is important to the rural and agricultural character, location and setting of Farnley Tyas

- The gap has already been significantly reduced by the ongoing construction of two substantial dwellings to the eastern side of the same land; further development of the land would be detrimental to the conservation area as the gap would be practically non-existent
- Closing the gap would restrict views into and out of the Conservation Area and be detrimental to the wider area
- Proposed Dwelling is substantially larger than the houses opposite and adjacent to it
- The full extent of the current site must be retained and protected from future unnecessary development. Less than 1/3 of the original paddock will be undeveloped if the application is approved
- Previous applications for development on this site have been refused, even on appeal. The two properties currently under construction were given permission only if the third (i.e Orchard Cottage) was withdrawn
- Submitted plans do not indicate the location of the 2 dwellings currently under construction
- Highway safety concerns
- Proposed development would have an overbearing impact upon 29 Manor Road which is directly opposite and at a lower level
- The submitted Design and Access Statement incorrectly states that the site was historically the location of the old Parish Rooms
- Development offers no benefit to the public, and would only benefit those who want to profit from the site
- The emerging Local Plan has identified sites for future housing development and the application site is not included within this plan

7.2 Councillor Bill Armer and Councillor John Taylor have also commented on the application confirming that they object, and echoing the concerns raised above.

7.3 Kirkburton Parish Council has objected to the application on the grounds set out above.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management: Recommend amendments to the proposals

8.2 Non-statutory:

KC Environmental Services: Recommend the imposition of conditions, should permission be granted

KC Conservation and Design: Object to the development on this land.

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 site is a greenfield piece of land measuring 672 sqm in size, forming part of a larger field. It is situated within the Farnley Tyas Conservation Area. Planning permission is sought for the erection of one dwelling to be located to the east of 14 Manor Road.
- 10.2 As set out previously within the report, Farnley Tyas is made up of two character areas, both of which make a positive impact upon the Conservation Area as a whole. There is a cluster area centred on the village and includes the public house as well as the recently constructed 'Beech Farm' development. The second cluster is located to the east of Manor Road and is known as the hamlet of Netherton. The application land forms a natural separation between these two clusters and as such, consideration needs to be given to any potential development on the land.
- 10.3 The application site has been subject to a number of applications over the past 30 years with two applications in 1984 & 2001 being dismissed at appeal. The open gaps between the clusters were cited as been a main reason for the applications' dismissal. A more recent application was approved at the Heavy Woollen Planning Sub Committee on October 2015 relating to the erection of two dwellings adjacent to Park Farm. With this, Officers consider that there is an issue that any further development will erode this open space, to the detriment of the Conservation Area.
- 10.4 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that all applications must either preserve or enhance the character of the Conservation Area. The proposed development impacts upon the open space to such a degree that the character of the Conservation Area is substantially harmed and as such fails to meet the requirements of Section 72.
- 10.5 Paragraph 138 of the NPPF states that the loss of a building (or other element as is the case here) which makes a positive contribution to the significance of the Conservation Area should be treated as substantial or less

than substantial harm as defined by paragraphs 133 or 134. In this instance, the proposals would not result in the total loss of the open gap, therefore Officers consider that less than substantial harm occurs, and paragraph 134 applies. This requires a balance between the harm caused and the public benefit of the proposal, including securing its optimum use. Officers are of the view that the proposals offer no public benefit and therefore the balance is tipped towards the significance of this open gap being retained. As such, the proposed development would not comply with the guidance set out within Paragraphs 132, 134 and 138 of the NPPF.

- 10.6 The applicant considers that views into and out of the Conservation Area would be maintained, and with regard to Paragraph 134 of the NPPF, that the provision of one dwelling at a time when the Council is unable to demonstrate a 5 year supply of housing land, and its construction, which would provide work for local trades, represents a public benefit. Whilst this is noted, Officers would take the view that the provision of one dwelling would not overcome the Council's lack of a 5 year supply of housing land. Furthermore, whilst the use of local trades and contractors would be welcomed, it would be difficult for this to be enforced, nor is it considered to outweigh the harm caused. The harm, whilst less than substantial, is significant and as such significant public benefit has to occur. Officers do not consider the benefit afforded by the applicant to be significant.

Urban Design issues

- 10.7 The proposed development would comprise a two storey detached dwelling constructed of natural stone with stone slate roof. The submitted plans indicate that traditional features such as quoins, corbels and mullions would be incorporated within the design of the proposed dwelling. Notwithstanding this, the development is considered to have a contemporary layout, with the garage projecting from the front elevation and the dwelling set back from the road.

Residential Amenity

- 10.8 The impact of the development on residential amenity needs to be considered in relation to Policy BE12 of the Unitary Development Plan. Policy BE12 sets out recommended distances that are suggested to be achieved between existing and proposed dwellings.
- 10.9 The layout of the proposed development is such that the aims of Policy BE12 would generally be met in relation to adjacent existing residential development (the separation distance between the front elevation of the proposed dwelling and 29 Manor Road would be 20m, where 21m is recommended within Policy BE12 of the Unitary Development Plan). Separation distances amongst existing dwellings vary and as such, this relationship is considered to be acceptable.

Highway issues

- 10.10 Access to the development would be taken from Manor Road, leading to a driveway and turning area. The dwelling would also have the benefit of a double garage, and therefore adequate off street parking and internal turning provision is provided by the development.
- 10.11 The application site is located on the southern side of Manor Road, in excess of 50m from the junction with The Village. The carriageway to the frontage of the development site varies in width between approximately 3.8m on the western side and 4.5m on the eastern side. There is a 0.6m wide verge to the development site frontage and a 1.1m wide footway on the opposite side.

Ecology

- 10.12 Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.
- 10.13 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.
- 10.14 The application site consists of part of an open field enclosed by dry stone walls. No ecological information has been submitted with application. However, the previous application (2015/90663) was accompanied by an ecological survey in order to determine the overall ecological value of the land as well as proposing mitigation measures for the loss of the field.
- 10.15 The previously submitted survey report established that the grassland is of low ecological value and the site overall is of limited value. A series of mitigation and enhancement recommendations were made. Furthermore, additional measures were recommended in order to improve biodiversity in the local area. Such measures would accord with the aims of Chapter 11 of the NPPF.

Drainage

- 10.16 The development proposes to dispose of foul drainage via the existing mains sewer and surface water drainage to soakaway, however no further information has been supplied to demonstrate that the use of soakways is feasible in this instance.

10.17 Representations

The representations set out above relate are addressed as follows:

Principle of Development/Planning History of the site:

Response: These matters are addressed above.

Proposed Dwelling is substantially larger than the houses opposite and adjacent to it

Response: There is a mix of house types within the immediate locality, however the dwellings immediately to the west and opposite the site are smaller than that which is proposed.

Submitted plans do not indicate the location of the 2 dwellings currently under construction

Response: This is correct. The submitted plans do not show the development approved as part of application ref: 2015/90663.

Highway safety concerns

Response: This matter is addressed above.

Proposed development would have an overbearing impact upon 29 Manor Road which is directly opposite and at a lower level

Response: The impact of the development upon the amenity of the occupiers of No.29 is assessed above.

The submitted Design and Access Statement incorrectly states that the site was historically the location of the old Parish Rooms

Response: Analysis of historic maps indicates the "Parish Room" within the vicinity of the site, although it is not clear specifically where this was located. In any case, the character of the site is that of an open field and the principle of the development must be assessed on that basis.

Development offers no benefit to the public, and would only benefit those who want to profit from the site

Response: As stated above, the harm resulting from the proposals, whilst less than substantial, is significant and as such significant public benefit has to occur. Officers do not consider the benefit afforded by the applicant to be significant.

The emerging Local Plan has identified sites for future housing development and the application site is not included within this plan.

Response: The site is not included on the draft local plan as an accepted housing option.

Other Matters

- 10.18 **Air Quality:** Paragraph 109 of the NPPF states that "the planning system should contribute to and enhance the natural and local environment by....preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution". On relatively small new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This could be secured by planning condition, if the proposals were considered to be acceptable.
- 10.19 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.
- 11.3 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted. It is recommended that the application be refused.

12.0 Reason for Refusal

1. The proposal would result in the loss of an important open space between two distinct clusters of development, which makes a positive contribution to the significance of the Conservation Area. The proposal provides no public benefit to outweigh the harm caused to the character of the Conservation Area, and as such would not constitute sustainable development, contrary to Policy BE5 of the Kirklees Unitary Development Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework.

Background Papers:

Application and history files:

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93177>

Certificate of Ownership – Certificate A signed on 30 August 2016