
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90473 Erection of 1 dwelling Springfield Farm, Moorside, Cleckheaton, BD19 6JH

APPLICANT

Mr & Mrs Lodge

DATE VALID

14-Feb-2017

TARGET DATE

11-Apr-2017

EXTENSION EXPIRY DATE

02-May-2017

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: Cleckheaton

N

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The application is brought to Strategic Planning Committee as the development represents a departure from the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The application site currently has a single storey storage building that is proposed to be demolished. It is located off a well surfaced, single width private drive accessed from Moorside, Cleckheaton. There are currently a number of existing buildings including a day nursery outside the red line boundary of the application site, but within the applicants ownership. To the east, outside the application site are a number of agricultural buildings of mainly timber construction.

2.2 The land to the south, east and west is characterised predominantly by open fields allocated as Urban Green Space within the UDP. Moorside itself is predominantly residential in nature, however there are some commercial uses in the immediate vicinity.

3.0 PROPOSAL:

3.1 Full Planning Permission is sought for the erection of one detached dwelling. This would be located close to the south east boundary of the site, on land currently occupied by the existing store. The proposed dwelling would have the appearance of a dormer bungalow, constructed of natural stone with artificial stone roof tiles. Areas of hard and soft landscaping would be provided to the front, sides and rear of the site.

3.2 Access to the site would be via the existing driveway off Moorside.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2014/90108 – Erection of detached dwelling, change of use and extension to existing dwelling to out of hours club and erection of detached store – approved (implemented by change of use of existing dwelling to out of hours club)

2003/95098 – Deemed application (via enforcement appeal) for erection of field shelter/store and surfacing - approved

2002/93743 – Erection of extension to day nursery - refused (highways grounds)

2002/92219 – Erection of extension to day nursery - refused (highways grounds)

99/90457 – Erection of day care nursery - approved

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None undertaken.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety

T19 – Parking standards

National Planning Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, 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 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 – Promoting Healthy Communities

Chapter 11-Conserving and Enhancing the Natural Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notice and neighbour notification letter. No representations have been received as a result of publicity.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections subject to imposition of conditions

Non-statutory:

KC Environmental Services: No objections subject to imposition of condition

KC Ecology Unit: No objections subject to imposition of conditions

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is located within Urban Green Space (UGS). Policy D3 sets out the Council's approach to land designated as UGS. It states that permission will not be granted unless the proposed development is:
- (i) necessary for the continuation or enhancement of established uses or involves a change of use to alternative open land uses, or would result in a specific community benefit, and in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation, or (ii) includes alternative provision of UGS equivalent in both quantitative and qualitative terms to that which would be developed and be reasonably accessible to existing users.
- 10.2 The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the NPPF advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
- 10.3 Within the adopted UDP, the application site is designated as part of a larger area of UGS, where Policy D3 applies. In this respect, a residential scheme, as proposed, would not accord with Policy D3 of the UDP. However, the Council is unable to demonstrate a deliverable five year supply of housing, as required by the Framework. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date.
- 10.4 Paragraph 49 also records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.5 Although this represents a Departure from the Development Plan other material considerations outweigh the harm in this instance. These material considerations include the existing planning permission, the brownfield nature of the site and the lack of 5 year housing supply. It is noted that the principle of residential development on this site has previously been established in the granting of permission in 2014. At that time, Officers considered that the character and appearance of the land was not typical of land of this nature. The land was not considered to be used for outdoor sport and recreation and when viewing the site of the proposed dwelling in particular, the land was considered to be 'brownfield', having no character worthy of preserving for future outdoor sport and recreation. Furthermore the provision of housing in

this sustainable location would make a small contribution to the existing shortfall.

- 10.6 Part of the application site is currently occupied by existing buildings within a defined curtilage associated with the site and it is in this location that the proposed dwelling is intended to be developed, largely on the footprint of one of the existing outbuildings. The current application differs only from the previous approval with respect to the appearance of the development, and its slightly altered position.

Urban Design issues

- 10.7 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.
- 10.8 The proposed development would have the appearance of a dormer bungalow, constructed of natural stone with artificial stone slate roof. The scale and massing of the development is considered to be appropriate in this context, in accordance with relevant design policies. Notwithstanding this, due to the location of the site, Officers consider it necessary to remove permitted development rights for the erection of further extensions and outbuildings as these may have the potential to impact upon the visual amenities of the surrounding area. This matter could be addressed by condition.

Residential Amenity

- 10.9 The proposed dwelling would be located a significant distance from existing residential development, and would not therefore, have a detrimental impact upon the residential amenity of adjacent occupiers. As such, the proposal would accord with the aims of Policy BE12 of the Unitary Development Plan.
- 10.10 The development would be located to the south east of the existing nursery and to the west of other non-residential uses. However, the Council's Pollution and Noise Control Team raise no objections to the proposal, and thus the proposal would be in accordance with Policy D2 of the Unitary Development Plan.

Landscape issues

- 10.11 The development would include areas of both hard and soft landscaping in the form of a small area of amenity space to the front, sides and rear of the dwelling, and a vehicle parking area to the front. This would be commensurate to the scale of the proposals and in accordance with Policies BE1 and BE2 of the Unitary Development Plan, however, as noted below, some enhancement is considered to be possible from an ecological perspective.

Ecology

- 10.12 The site consists of cleared ground with rough grassland, and is consequently considered to be of very limited ecological value. No ecological information has been submitted with the application, however the Council's Ecology Officer recommends the imposition of conditions to ensure that the development incorporates some biodiversity enhancements, in the form of additional landscaping and the provision of a sparrow terrace nest box. This would ensure that the development accords with guidance set out within Chapter 11 of the NPPF.

Highway issues

- 10.13 The site is located off an unadopted access which serves two existing business and several dwellings. As noted above, the principle of the development has previously been established in the granting of permission in 2014. There has been no substantial change in circumstances since that time.
- 10.14 There have been no recorded injury accidents at the junction of the A643 and the unadopted access road leading to Springfield Farm in the last 5 years, and visibility onto Moorside is good in both directions.
- 10.15 With respect to the internal layout of the development, a double driveway is proposed with a width of 6m. This is considered to be acceptable from a highways perspective, in accordance with Policies D2 and T10 of the Unitary Development Plan,

Drainage issues

- 10.16 The applicant proposes to connect to the mains sewer. This arrangement was previously considered to be acceptable at the time of the 2014 application and there has been no change in circumstances since.

Representations

- 10.17 None received.

Other Matters

Land Contamination

- 10.18 Part of the proposed development site is shown as being potentially contaminated from its former use. The end user is one which is sensitive to contaminated land and as a consequence it is considered necessary to impose conditions in respect of site investigation and potential remediation, should any unexpected contamination be encountered. This would ensure that the development accords with the aims of Chapter 11 of the NPPF.

11.0 CONCLUSION

- 11.1 The erection of one dwelling is considered acceptable and whilst it would represent a departure from the plan would be beneficial in terms of providing and locating development in a relatively sustainable location. It is not considered that there would be any loss in terms of any visual and ecological impacts.
- 11.2 It is the opinion of officers that there would be no significant adverse impact on residential or visual amenity. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.
- 11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. 3 year time limit
2. Plans
3. Samples of materials
4. Removal of permitted development rights
5. Surfacing of parking areas
6. Electric vehicle charging point
7. Reporting of unexpected contamination
8. Ecological Design Strategy

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90473>

Certificate of Ownership – Certificate A signed: