
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 29-Jun-2017

Subject: Planning Application 2015/92941 Outline application for erection of 1 dwelling rear of 371A, Halifax Road, Hightown, Liversedge, WF15 8DU

APPLICANT

S Tukes

DATE VALID

11-Nov-2015

TARGET DATE

06-Jan-2016

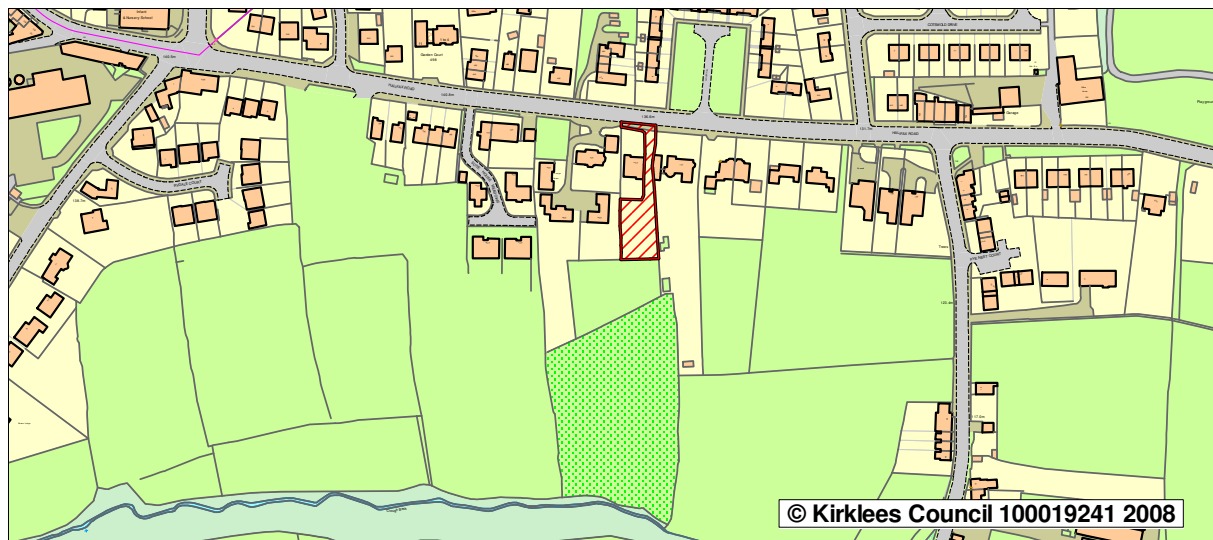
EXTENSION EXPIRY DATE

02-Sep-2016

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: Liversedge and Gomersal

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. No very special circumstances have been demonstrated that are considered to outweigh this harm. The development would harm the openness of the Green Belt by introducing additional built form that would diminish the open space and thus harm the character of the Green Belt and to approve the application would be contrary to the aims of Chapter 9 of the National Planning Policy Framework

1.0 INTRODUCTION:

- 1.1 This application has been brought to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's scheme of delegation at the request of Local Ward Councillor David Hall for the following reason:

"On the grounds of the difficulties with the application re green belt identification, and the fact of precedence of neighbouring properties which have had similar applications granted."

The Chair of the Sub Committee has confirmed that Councillor Hall's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

- 1.2 The site is located within the designated Green Belt where new development is classed as inappropriate and should only be approved in "very special circumstances" which outweigh the harm. In this instance there are no special circumstances that have been demonstrated that would justify approval of what is considered to be inappropriate development. As such the principle of residential development is not acceptable and contrary to policy contained in Chapter 9 of the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of the garden located to the rear of 371A Halifax Road, Liversedge which is a small detached bungalow. The existing property fronts Halifax Road and the existing access runs to the side of the existing building. The garden is overgrown with shrubbery and small trees.
- 2.2 The character of existing development forms an established linear pattern along the southern side of the road with limited development to the rear of the existing buildings. The site is bound by residential properties to the east and west and the road to the north beyond which are a number of dwellings. The area to the south is open and rural in character

3.0 PROPOSAL:

- 3.1 The application is in Outline with all matters reserved. The application details submitted include an indicative layout plan that show an “L” shaped dwelling situated adjacent to recently constructed development on the site adjacent. The garden extends to the south with a small area being retained for the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/91248 – Outline application for the erection of 3 dwellings and garages – granted outline consent (considered by the officer as unallocated but later transpired the development is located on Green Belt)
- 2010/90194 – Erection of 4 detached dwellings and formation of parking – Land rear of 377 Halifax Road - full permission (unallocated land on the UDP proposals map)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Due to the location of the site being within an area that is identified as ‘High Risk’ a Coal Mining Risk Assessment was requested. In addition, due to the characteristics of the site, an ecological survey was required. Both documents should have been submitted in order to validate the application.
- 5.2 In light of matters regarding the designation of the site, which is in the Green Belt, the agent has reduced the scheme to a single dwelling unit which seeks to reduce the impact of the development on the openness and character of the Green Belt.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design Principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety
H1 – Meeting the housing needs of the district

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

Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- 6.5 The site is allocated as *Green Belt* on the draft local plan.

Policies:

- PLP21** – Highway Safety and Access
PLP24 - Design
PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The original application for 2 dwellings was advertised by site notice and neighbour notification letters and has subsequently expired. One representation has been received and is summarised below:

- Loss of view
- Vehicular noise
- Waste collection
- Loss of privacy
- Loss of value

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority: No objections subject to conditions

8.2 Non-statutory:

K.C. Biodiversity Officer: No objections following receipt of ecological survey.

9.0 MAIN ISSUES

9.1 The main issues for consideration are as follows:-

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- 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 of the NPPF sets out the exceptions to this which includes the replacement of a building. Additionally Paragraph 90 of the NPPF sets out 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. Taking into account the exceptions outlined in the NPPF it is considered that the principle of erecting a dwelling in this location is not appropriate.
- 10.5 Whilst the interpretation of where the Green Belt boundary is drawn on the UDP proposals map may not be easily interpreted the boundary has been checked and the fact remains that the land is designated as Green Belt and therefore should be assessed as such. It is the view of officers that there are no ‘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

- 10.6 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.
- 10.7 The indicative site plan provides limited details but shows a single “L” shaped dwelling located adjacent to existing neighbouring development. 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. As the application is in outline with all matters reserved there are no details of landscaping, scale, materials or design.
- 10.8 The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent. It is considered that a dwelling could be designed to complement existing buildings. It must, however, be recognised that any building in this location would reduce the openness, detract from the general rural context and natural undeveloped character of the area, contrary to the aims of the NPPF and Draft Kirklees Local Plan policy 55.

Residential Amenity

- 10.9 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.
- 10.10 Due to the location of the development it is considered that a dwelling could be designed so as to avoid any loss of privacy or amenity of any nearby occupants and ensure separation distances as set out in Policy BE12 of the UDP.

Landscape issues

- 10.11 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application does not include landscaping for consideration and the plans do not show any areas of landscaping that are to be incorporated into the development.

Highway issues

- 10.12 The application is submitted in outline with all matters reserved, including access. The application site currently has driveway access from Halifax Road directly into the site passing down the side of the existing dwelling. There is existing hardstanding to the front of the existing dwelling that would provide parking. The indicative site layout plan shows adequate space for vehicles associated with the proposed dwelling. It is considered that with the inclusion of appropriate conditions the proposals would not materially add to any undue highway safety implications, complying with the aims of Policies T10 of the UDP.

Representations

- 10.13 Loss of view
Officer Response: An indicative plan shows the dwelling as two storey. The indicative site section shows the land to slope gradually away thereby reducing any impact of the development on any neighbouring occupant. The location of a dwelling in the rear garden would reduce the open spaces between the existing dwellings and open spaces to the rear and as such whilst loss of view is not a material consideration the loss of openness is and is recommended for refusal on this basis.

10.14 Vehicle noise

Officer Response: It is considered that the erection of a dwelling would not lead to a material loss of amenity to any adjoining occupants due to noise generation over and above the existing traffic and vehicular noise.

10.15 Weekly collection point for waste bins at the front wall of my home

Officer Response: It is considered that development would not lead to a material loss of amenity as a result of the location of bin stores.

10.16 Loss of privacy in my garden and patio area

Officer Response: It is considered that development can be designed so as to avoid any loss of privacy to any adjoining occupant.

10.17 Devaluation of my property if is overlooked by other properties

Officer Response: Loss of value is not a material planning consideration.

Other Matters

10.18 *Coal Mining Legacy*

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. A Coal Mining Risk Assessment has been submitted with the application and comments obtained from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development, in accordance with the aims of chapter 11 of the NPPF.

10.19 *Biodiversity & Bats*

In order to ensure compliance with the aims of the NPPF, the site has been assessed with regards to its ecological merits in addition to bat activity. Paragraph 118 of the NPPF states that: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

In view of the potential for bats using the surrounding habitats further evidence has been provided to support initial assessments that the site can be developed without resulting in any harm to bats, in accordance with the aims of chapter 11 of the NPPF.

11.0 CONCLUSION

- 11.1 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 and thus harm the character of the Green Belt and no very special circumstances have been demonstrated that are considered to outweigh this harm. To approve the application would be contrary to the aims of Chapter 9 of the National Planning Policy Framework.

Background Papers:

Application and history files:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92941>

Certificate of Ownership – Certificate A signed and dated: 14 September 2015