
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2015/90759 Erection of 6 dwellings and conversion of barn into dwelling and associated works (Listed Building within a Conservation Area) 18, Manor Road, Farnley Tyas, Huddersfield, HD4 6UL

APPLICANT

John Radcliffe, Park
Farm (Farnley) Ltd.

DATE VALID

14-Oct-2015

TARGET DATE

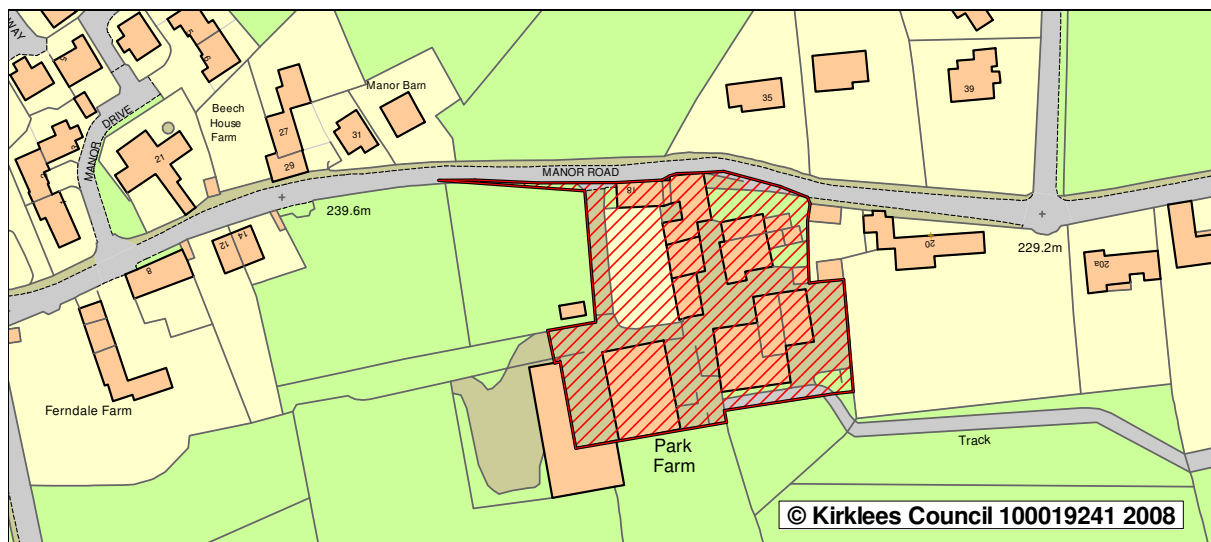
09-Dec-2015

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
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

- 1. Await the expiration of the additional site publicity, which ends of 10th November 2017.**

Provided that there are no new material considerations raised as result of the publicity, complete the list of conditions including those contained within the report.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub Committee due to the significant number of representations received in objection to the proposals. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the east of the village of Farnley Tyas, comprising a series of redundant agricultural buildings. These are predominantly of metal portal frames with corrugated sheet roofs, in addition to a number of stone built farm buildings including a traditional barn and Grade II listed barn fronting Manor Road. The site slopes downwards to the south.
- 2.2 The majority of the site is within the Farnley Tyas Conservation Area which covers most 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. The southernmost part of the site is located within the Green Belt.
- 2.3 The site is accessed directly from Manor Road.

3.0 PROPOSAL:

- 3.1 Planning permission is sought for the erection of 6 dwellings and the conversion of the Grade II listed barn to dwelling (a separate application for Listed Building Consent accompanies this application, ref: 2015/90758).
- 3.2 The development would consist of a series of two storey dwellings of varying house types with attached or detached garages, constructed of stone with stone slate roofs. These would be arranged around two private driveways with access taken off Manor Road.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2015/90758 – Listed Building Consent for conversion of barn into a dwelling and associated works (within a Conservation Area) – under consideration as part of this agenda
- 2016/93177 (adjacent 14 Manor Road) – Erection of one dwelling – refused at Heavy Woollen Planning Sub Committee on 23 February 2017 (appeal dismissed)
- 2015/90663 – Erection of 2 dwellings – approved at Heavy Woollen Planning Sub Committee (30 October 2015)
- 2014/93187 – Erection of 3 detached dwellings – Withdrawn

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to submitting the application, the applicant entered into pre-application discussions with Officers. Through the course of the application, the proposed site layout has been amended, in addition to some changes to the design and appearance of the plots. The applicant has also submitted a revised Heritage Statement.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The application site is located within the Farnley Tyas Conservation Area on the UDP proposals map and draft local plan. Some of the southern part of the site falls within the allocated Green Belt.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **BE1** – General Design Principles
BE2 – Quality of Design
BE5 – Preservation/enhancement of Conservation Areas
BE11 – Materials
BE12 – Space about Buildings
T10 – Highway Safety
T19 – Parking Standards

Kirklees Publication Draft Local Plan

- 6.4 **PLP1** – Presumption in favour of development
PLP2 – Place Shaping
PLP7 – Efficient use of land and buildings
PLP11 – Housing mix and affordable housing
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP35 – Historic Environment
PLP58 – Garden Extensions

National Planning Guidance:

- 6.5 **Chapter 6** – Delivering a wide choice of high quality homes
Chapter 7 – Ensuring Good Design
Chapter 9 – Protecting Green Belt Land
Chapter 12 – Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of the original site publicity, 15 letters of representation were received. The concerns raised can be summarised as follows:
- Highway safety issues – roads and pavements on Manor Road are already in a bad state of repair and further traffic would increase the deterioration of the services. Traffic generated from Park Farm would add to the existing problem in conjunction with the extra traffic generating from Beech Farm via the link road
 - The development proposes too many houses
 - Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children
 - Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them
 - The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

- The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt
- This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.
- There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties
- The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.
- The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

7.2 Following receipt of amended plans, three further rounds of publicity were carried out. Two letters of representation were received in response to these. The concerns raised are summarised as follows:

- The design of the barn conversion is unsympathetic to the existing building and does not reference any historical format, being out of keeping with the character of the Farnley Tyas Conservation Area.
- The scale and number of proposed dwellings is totally out of character with the Conservation Area and will create additional problems with car parking on Manor Road
- The visibility splays at the exit points appear to be inadequate and will create a serious hazard for vehicles leaving the site
- The development site encroaches into the Green Belt and beyond the Conservation Area boundary with an area indicated as "Orchard" and "Paddock" in the south west corner of the site. If approved, this parcel of land will no doubt be absorbed within the curtilage of a dwelling. The site also encroaches several metres into the Green Belt along the southern boundary.

7.3 Kirkburton Parish Council was notified of the application and objects on the following grounds:

- The area needs upgrades to the infrastructure before any additional housing can be accommodated.
- Highway Safety: The extra traffic from this proposed development of 8 properties along with the adjacent application for 3 properties and the Beech Farm Development will add to the ever increasing traffic flow exiting Manor Road at the junction Manor Road/The Village with no plans to improve sight lines at what is a dangerous junction.
- Detrimental impact on the visual amenity of the surrounding Conservation Area.
- Part of the development is within the Green Belt, but no special circumstances have been demonstrated.

- The overall effect of these developments will result in a 50% increase in the size of the village without any correspondence increase in facilities and infrastructure planned.

7.4 Councillor Bill Armer has contacted Officers about the application and requested to be kept updated on the status of the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Historic England: Request that the issues and safeguards outlined in their advice are addressed for the applications to meet the requirements of paragraphs 128-129, 131-134 of the NPPF

KC Highways Development Management – No objections.

Yorkshire Water – Recommend the imposition of conditions.

8.2 Non-statutory:

KC Conservation and Design: No objections.

KC Environmental Services: Recommend imposition of conditions.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application site comprises a former farm complex located on the southern side of Manor Road, within the Farnley Tyas Conservation Area and consisting of a Grade II listed barn, detached stone barn, and four modern agricultural buildings. Planning permission is sought for the erection of 6 dwellings and the conversion of the Grade II listed barn to dwelling

10.2 The application site is located to the east of two recently constructed dwellings, approved under application ref 2015/90663.

10.3 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.

- 10.4 The existing Grade II listed barn has been unoccupied for some time except for its use as a garden store, and is in need of a long term viable use. A residential use is considered to be an appropriate way forward, provided that the conversion is carried out sympathetically, retaining as much historic fabric as possible. This would ensure that the harm is balanced against the public benefit of the new use, in compliance with paragraph 134 of the NPPF.
- 10.5 Officers acknowledge that harm will be achieved by the proposals, and this should be balanced against the public benefit of the proposals. In this case, the public benefit is one of securing a new use which will retain the historic character of the building, and preserve and enhance the character and appearance of the Farnley Tyas Conservation Area, which is required under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.6 The principle of the redevelopment of the part of the site falling within the Conservation Area for residential purposes is considered to amount to an efficient use of the land, compatible with the predominant residential nature of this part of Manor Road.
- 10.7 The southern portion of the site falls within the Green Belt, and the layout of the development is such that this area would be utilised as paddock/gardens for the relevant plots. Whilst no buildings would be located on this part of the site, this would result in the change of use of the land which would constitute inappropriate development within the Green Belt. In such cases, 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. The applicant considers that the very special circumstances in this instance are as follows:
- The reduction in the area of built development on the site;
 - The removal of storage barns that are in the Green Belt and returning the land to open paddock/amenity space;
 - The submission draft Local Plan housing allocation of the whole site for development that carries significant and substantial weight;
 - The restoration of a listed building on the site;
 - The opportunity for a clear and permanent Green Belt boundary, similar to existing adjacent historic boundaries and consistent with the Conservation Area; and
 - The removal of permitted development rights so that the land remains undeveloped
- 10.8 The removal of the storage barns would not constitute a very special circumstance as these are not inappropriate development within the Green Belt in any case. Notwithstanding this, Officers acknowledge that the proposals would result in the removal of buildings that are currently located within the Green Belt and that the new development would consist of buildings which are entirely out of the Green Belt, leaving only the gardens of Plots 4, 5 and 6 within the Green Belt. The most recently submitted site plan demonstrates that these Plots would have patio areas/hard standings outside of the Green Belt area too.

- 10.9 It is correct that the site is proposed as a housing allocation in the emerging Local Plan (H120). The Local Plan seeks to amend the Green Belt boundary at this location to accommodate the proposed housing allocation. The Local Plan was submitted to the Secretary of State for examination on 25th April 2017 and the Examination in Public began in October 2017. In the context of paragraph 216 of NPPF it is considered that due to the stage the PDLP has reached significant weight can be afforded to it, however, there are some unresolved objections in relation to this site and this should be noted. There is no risk of prematurity in this instance as the site is not considered to be of a strategic nature.
- 10.10 The provision of a clearly defined southern boundary demarcated by a physical barrier would provide a permanent delineation between the site boundary and land beyond.
- 10.11 Whilst the above matters are not considered to constitute very special circumstances on their own or in combination, Officers consider that the restoration of the listed building and the securing of its long term, viable use, would outweigh the harm caused by the inclusion of land within the Green Belt, in this instance. Furthermore, the withdrawal of permitted development rights for development on the Green Belt land and its retention as paddock with natural landscaping would ensure it remained open in perpetuity and prevent its significant domestication. These matters could be controlled by condition.

Urban Design issues

Visual amenity and impact on the setting of the Conservation Area

- 10.12 The location of the proposed development is within an area characterised by large properties set within large grounds. They generally have an overall appearance of farm houses or converted barns. The new dwellings would be detached in nature with integral or detached garages having a subordinate relationship. This would create a development which has a scale appropriate to its surroundings. The layout of the development has been arrived at following discussion with Officers, with reference to the layout of the existing farmyard. Historic England note that some minor amendments have been undertaken but remain of the opinion that due to the size and position of the dwellings, the layout reflects a suburban arrangement. Officers acknowledge that the nature of the layout does reflect a suburban layout to a degree and this has always been the case, however by reflecting the agricultural form and detail into the dwellings this is, to some degree, reduced. A similar approach has been taken on the Beech Farm development which is felt to be successful.
- 10.13 Paragraph 137 of the NPPF states that Local Planning Authority should look for opportunities for new development within conservation areas to enhance or better reveal their significance. Proposals that make a positive contribution should be treated favourably. Paragraph 138 goes on to state that the loss of a building or other element should be treated as either substantial or less than substantial harm. In this case, alluded to by Historic England by reference to para 134, the proposal causes less than substantial harm. In para 134 such proposals should be weighed against the public benefit of the proposal including securing optimum viable uses.

- 10.14 The site is of an agricultural nature with modern barns and structures fronted by the listed barn and the stone outbuilding to the south east; the modern agricultural buildings could be considered to detract from the Conservation Area. The listed barn is to be converted and the outbuilding demolished but rebuilt in the same materials and the same plane as that of the original. Securing the use of the listed building is paramount as the existing use is no longer the optimum use and Officers consider that a conversion is the only way forward. By removing the modern barns and creating a residential development around the barn will increase the attractiveness of the listed building to future occupiers, and as such, will contribute towards the goal of securing the optimum use. It is agreed that the modern and substantial dwellings are not of a true agricultural style but they do retain the cluster effect that is part of the character of the Conservation Area, and this has been achieved with success at Beech Farm to the north-west. The less than substantial harm can be balanced against the retention and re-use of the listed building, the rebuilding of the outbuilding and the loss of buildings which fail to preserve or enhance the Conservation Area. Overall, Officers are of the opinion that the aims of the NPPF in terms of balancing the harm have been achieved and in terms of Section 72, the proposal does preserve the overall setting of the Conservation Area.
- 10.15 The design of the dwellings would be, for the most part, traditional but with some contemporary elements including areas of glazing. The materials to be used would consist of natural stone walls with stone roof slates and this is considered acceptable as it would harmonise well with its surroundings.
- 10.16 In all, the proposal is considered by officers to be acceptable in regard to visual amenity and would accord with policies BE1 and BE2 of the UDP as well as the aims of chapters 6 and 7 of the NPPF. Furthermore the development would accord with emerging Policy PLP24 of the PDLP which states that proposals should promote good design by ensuring (amongst other things) 'the form, layout and details of all development respects and enhances the character of the townscape...'

Residential Amenity

- 10.17 The impact of the development on residential amenity needs to be considered in relation to Policy BE12 of the UDP. Policy BE12 sets out recommended distances that are suggested to be achieved between existing and proposed dwellings.
- 10.18 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 and in respect of the relationship between the proposed dwellings themselves. Separation distances amongst existing dwellings within the village vary and as such, this relationship is considered to be characteristic of the local context.
- 10.19 Adequate areas of amenity space would be provided to serve all plots.

- 10.20 On the above basis, the proposals are considered to be acceptable in residential amenity terms, in accordance with Policies BE1, BE2 and BE12 of the UDP and emerging Policy PLP24 of the PDLP in that they would 'provide a high standard of amenity for...neighbouring properties'.

Highway issues

- 10.21 The application site is located on the southern side of Manor Road approximately 100m from the junction with The Village. Two private driveways would serve the development, with a width of 4.5m to allow two vehicles to pass. Garaging and off street parking provision to serve each dwelling is proposed.
- 10.22 KC Highways DM have previously raised concern regarding the size of the proposed internal turning heads, visibility splays, and parking provision on the site. Re-consultation has taken place following submission of the most recent amended plan, and these concerns have now been addressed.
- 10.23 The proposals as amended would provide adequate access, layout and parking provision in the interests of highway safety, in accordance with Policies D2 and T10 of the UDP and emerging Policies PLP21 and PLP22 of the PDLP relating to highway safety and parking.

Drainage issues

- 10.24 The development proposes to dispose of foul drainage via the existing mains sewer and surface water drainage to a sustainable drainage system and mains sewer. Yorkshire Water has confirmed that they have no objections to the proposals, subject to the imposition of conditions. The proposal is considered to comply with the aims of chapter 10 of the NPPF

Representations

- 10.25 The concerns raised in representations are addressed as follows:

Highway safety issues

Response: The proposed development would not result in a significant intensification in use of Manor Road and is considered to be acceptable from a highway safety perspective.

The development proposes too many houses

Response: The proposals would result in the creation of 7 residential units which equates to a low density development.

Schooling would be a problem as the school in Farnley Tyas isn't big enough to cope with an influx of children

Response: The proposals would result in the creation of 7 residential units which is not considered to amount to a large influx of children. Furthermore, the number of houses is significantly below the threshold for requesting an education contribution.

Trust that any building works would have set criteria to ensure they fit in with the more traditional looking buildings surrounding them

Response: The proposed dwellings would be constructed using natural stone, natural stone slates and timber doors and windows which is an acceptable palette of materials in this context.

The design of the proposed dwellings does not enhance the designated Heritage Asset (Grade II listed barn) at the entrance to the development and cause substantial harm with no public benefits to outweigh that harm

Response – The proposals are considered to bring about the re-use of the building in a sympathetic manner.

The southern part of the development extends into the Green Belt surrounding Farnley Tyas, with portions of the buildings on Plots 4, 5 and 7 and the majority of the building in Plot 8 sited in the Green Belt. The majority of all the garden area on these plots also lie within the Green Belt

Response: The applicant has provided amended plans through the course of the application which ensure patio areas/hardstanding would be located outside of the Green Belt and would be agreeable to a condition being imposed to remove permitted development rights for the erection of any outbuildings/structures on the Green Belt land.

This development in addition to the two dwellings adjacent to the site and Beech Farm would result in a 33% increase in the number of dwellings in Farnley Tyas. This is not taking into account the future plans for Yew Tree Farm in the centre of the village.

Response: This is not a material planning consideration as there is a demonstrated need for housing.

There is a surplus of houses in Farnley Tyas and therefore no market for another 8 properties

Response: This is not a material planning consideration as there is a demonstrated need for housing.

The proposed development is not reflective in terms of massing, access and the landscaping of the predominant features of the area.

Response: The development is considered to be acceptable with respect to the above matters

The proposed dwellings, by reason of size, scale, height and siting would be out of keeping with surrounding properties and detrimental to the amenity of the village

Response: The development is considered to be acceptable with respect to the above matters.

Other Matters

- 10.26 **Ecology:** Paragraph 118 of the NPPF states “when determining applications Local 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.
- 10.27 The application has been accompanied by a Bat Survey and Ecology survey which makes a series of recommendations for biodiversity mitigation and enhancement. Subject to appropriate conditions, the proposals are considered to comply with the aims of chapter 11 of the NPPF.

10.28 **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 developments, this can be achieved through promoting green sustainable transport through the installation of vehicle charging points. This could be secured through planning condition, to ensure the Council’s sustainability objectives are met.

10.29 **Contaminated Land:** As a result of the former use of the site, some contamination may be present. A series of conditions is therefore recommended to ensure that the site is safe and stable to accommodate new development, in accordance with the guidance set out within Chapter 11 of the NPPF, as well as policy G6 of the UDP.

10.30 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, the proposals have been the subject of a series of negotiations between the applicant and officers. For the reasons set out in this report, the proposals are considered acceptable on this sensitive site and would provide additional housing in a sustainable location, whereby 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. Officers consider that the restoration of the listed building and the securing of its long term, viable use, would, on balance, outweigh the harm caused by the inclusion of land within the Green Belt to form garden areas associated with a small number of plots, in this instance. 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 Strategic Investment)

1. Timeframe for implementation of development (3 years)
2. Development to be carried out in accordance with submitted plans
3. Samples of materials to be submitted for approval
4. Permitted Development Rights to be withdrawn
5. Biodiversity Mitigation and Enhancement Plan
6. Separate systems for foul and surface water drainage
7. Details of means of disposal of surface water drainage
8. No piped discharge of surface water prior to completion of approved surface water drainage works
9. Details of boundary treatments
10. Contaminated Land
11. Electric Vehicle Charging Points
12. Surfacing of vehicle parking areas

13. Landscaping Plan
14. Visibility Splays to be provided
15. Turning Facilities to be provided

Background Papers:

Link to the application details on the website:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90759>

Certificate of Ownership – Certificate B signed, with notice served on Mr & Mrs Bullas, Manor Road, Farnley Tyas, HD4 6UL, dated 16/03/2015.