
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

Subject: Planning Application 2017/93449 Erection of detached dwelling and stable and demolition of existing dwelling 675/677, Wyke Lane, Oakenshaw, BD12 7HL

APPLICANT

A Warnett

DATE VALID

10-Oct-2017

TARGET DATE

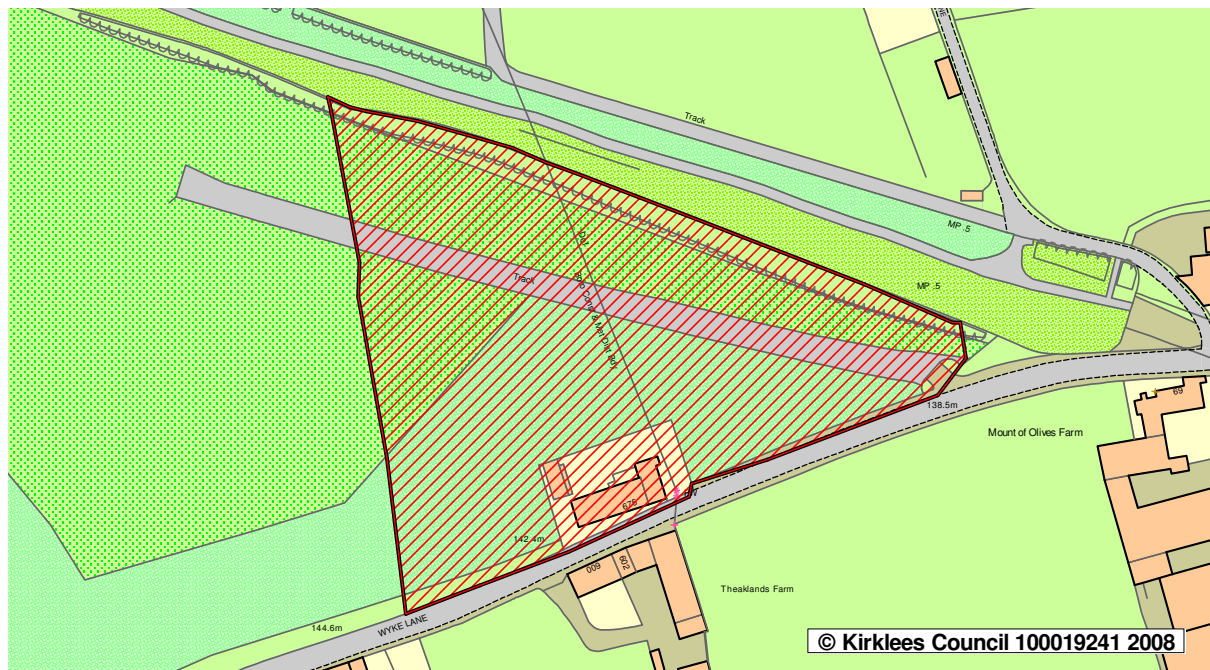
05-Dec-2017

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



Map not to scale – for identification purposes only

Electoral Wards Affected: Cleckheaton

Y/N

Ward Members consulted
(referred to in report)

RECOMMENDATION:

Officers recommend that development is concentrated solely within the area that is unallocated within the Bradford Metropolitan District area avoiding the designated Green Belt within the area that falls within the Kirklees District.

In accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/93449/E for Full application for Erection of detached house and alterations to include conversion of existing house to form double garage and stable block.

1.0 INTRODUCTION:

1.1 This item is to seek the approval of the Strategic Planning Committee to devolve its decision making authority to Bradford Metropolitan District Council in respect of the above cross-boundary planning application

2.0 SITE AND SURROUNDINGS:

2.1 The majority of the application site (including the existing building, garden area and parking) lies within the administrative boundary of Bradford Metropolitan District Council, with a small part of the proposed dwelling and existing driveway access from Wyke Lane to the property within the administrative boundary of Kirklees Council. The application to Kirklees council is under (reference 2017/93449/E).

3.0 PROPOSAL:

3.1 A full planning application has been submitted to Bradford Metropolitan District Council at Wyke Lane, Oakenshaw. It is proposed to partly demolish the existing house (after the new building is constructed) and to retain the existing garage section and part of the existing house wall, that runs along Wyke Lane, in addition to retaining the existing ground which is required due to the proximity of the highway and the fall of the land. This area will be landscaped with terracing due to the slope. The proposed 2 storey, 5 bedroom house will be located away from Wyke Lane and set down at a lower level.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 From our records it would appear that there have not been any previous applications in this location that cross the boundary, however an application submitted under reference 2011/91390 for the erection of a bungalow in the eastern edge was refused by Kirklees Council due to the development being inappropriate in the Green Belt.

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

5.1 Not applicable

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.

Kirklees Publication Draft Local Plan: Submitted for Examination April 2017
PLP57 -The extension, alteration or replacement of existing buildings

National Planning Guidance

Chapter 9 Protecting Green Belt land

7.0 CONSULTATION RESPONSES:

7.1 **Statutory: Highways** - K.C. Highways Officers raise no objections in principle but require additional information to ensure the development can be delivered without detriment to highway safety. As such comments have been forwarded to the Bradford Case Officer so that they can feed into ongoing negotiations.

8.0 MAIN ISSUES

8.1 Paragraphs 73-74 of Circular 04/2008 set out the applicable procedures in respect of payment of the application fee:-

"The planning fee is payable solely to the authority of whichever area contains the larger or largest part (within the red line) of the whole application site."

8.2 In this case, the majority of the application site falls within the administrative area of Bradford Metropolitan District Council, accordingly, the application fee is payable solely to them. The obligation on applicants to submit their application to the relevant Local Planning Authority's should be unaffected by the administrative arrangements put in place between Local Planning Authorities for the determination of cross boundary planning applications. Accordingly, where an application site falls within the administrative areas of two Local Planning Authority's the applicant should submit its application to each Local Planning Authority.

8.3 Paragraph 73 of Circular 04/2008 states that where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each local planning authority, identifying on the plans which part of the site is relevant to each.

8.4 It is strictly possible and lawful for an applicant to formulate two distinct planning applications for each Local Planning Authority. However, such an approach would be artificial since each Local Planning Authority would need to know the details of the development proposed in the other Local Planning Authority's administrative area in order to make an appropriate determination of the application. For example – Kirklees would need to know what the access would serve and Bradford would need to know how access to the development would take place.

8.5 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Local Planning Authority's making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. In some cases, they may reach different outcomes. This is, of course, undesirable in terms of achieving a coordinated approach to delivering development.

8.6 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross boundary applications. Kirklees and Bradford could choose to establish a joint committee and determine the cross boundary application collectively. In practice however, this approach is not considered to be an efficient use of Council resources for such a small planning application.

8.7 An alternative solution is that Kirklees Council could delegate its decision making powers to Bradford Metropolitan District Council in respect of its determination of any cross boundary planning application submitted to it. Bradford Council, who has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Kirklees but delegated to Bradford. This is considered by officers to be the preferred option available to the council.

8.8 If Bradford Metropolitan District Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications. The same applies should Bradford be minded to refuse the application.

9.0 CONCLUSION

9.1 Officers recommend that development is concentrated solely within the area that is unallocated within the Bradford Metropolitan District area avoiding the designated Green Belt within the area that falls within the Kirklees District.

9.2 In accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/93449/E for Full application for Erection of detached house and alterations to include conversion of existing house to form double garage and stable block.

Background Papers:

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93449>

Certificate of Ownership – Notice served on/ or Certificate A signed: Certificate A,
Andrew Warnett

