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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 07-Feb-2019**

**Subject: Planning Application 2018/92718 Alterations to convert one dwelling into two dwellings 33-35, Windy Bank Lane, Hightown, Liversedge, WF15 8HA**

**APPLICANT**

M Ackroyd

**DATE VALID**

20-Aug-2018

**TARGET DATE**

15-Oct-2018

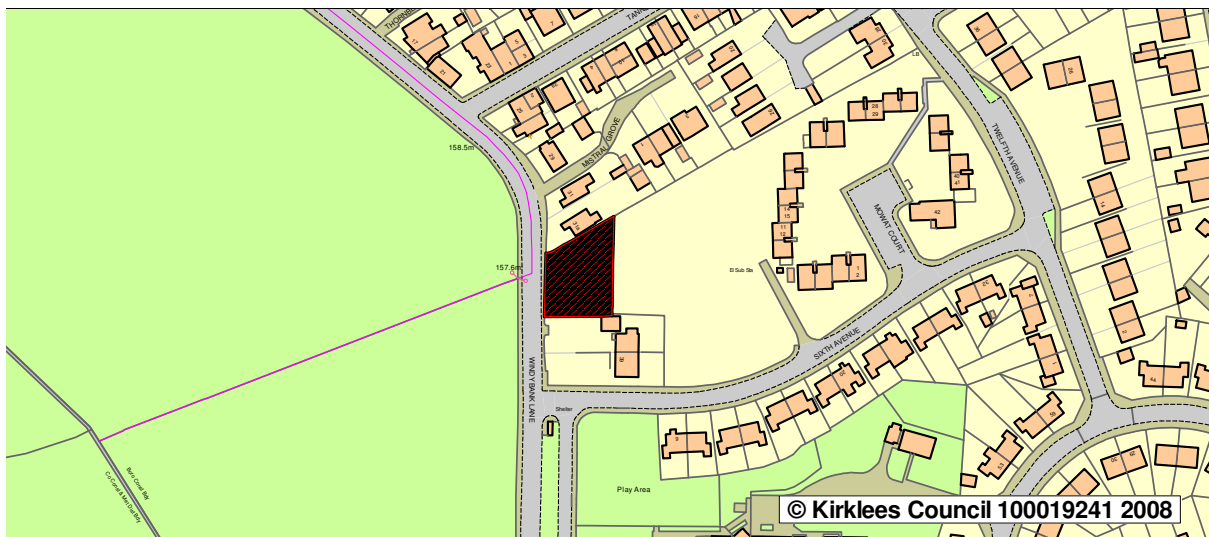
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Liversedge and Gomersal**

No

Ward Members consulted

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

1.1 The application is brought to Heavy Woollen Sub Committee at the request of Councillor David Hall for the following reason:

“Firstly on Highways and parking grounds, and secondly on the reduction in residential amenity.”

1.2 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.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site includes numbers 33 and 35 Windy Bank Lane. The building was formerly a pair of semi-detached properties but converted to a single residential unit. The dwelling is stone fronted with brick to the sides. There are small extensions to the rear.

2.2 There is driveway access to either side of the building offering off street parking.

2.3 The site is bound by residential properties to the north and south to the east by an open area of land and Windy Bank Lane to the west beyond which is open agricultural land. The site is located on the periphery of the existing urban area with open aspects to the frontage. The school is in close proximity to the site being located to the east.

**3.0 PROPOSAL:**

3.1 Alterations to convert one dwelling to two dwellings.

3.2 The application is for the subdivision of the existing building to a pair of semi-detached properties. The works included are predominantly internal but the porch to number 35 would be removed to facilitate space for parking of vehicles to the site frontage.

3.3 An area of hardstanding is formed to the front of the dwelling to allow parking for two vehicles.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 Application 2018/91352 – Erection of detached dwelling adjacent to number 35 Windy Bank - Approved

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

5.1 Further clarification was sought with regards to the loss of the porch to ensure adequate accommodation for off street parking could be demonstrated.

#### **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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **D2** – Unallocated Land
- **BE1** – Design Principles
- **BE2** – Quality of Design
- **BE12** – Space about dwellings
- **T10** – Highway Safety
- **T19** – Parking standards
- **H1** – Housing needs

6.3 Kirklees Publication Draft Local Plan:

- **PLP 1** – Achieving Sustainable Development
- **PLP 2** – Place Shaping
- **PLP21** – Highways Safety
- **PLP22** – Parking
- **PLP 24** - Design

## National Planning Guidance:

### 6.4

- **Chapter 2** – Achieving sustainable development
- **Chapter 5** - Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well-designed places

### 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application received one letter of objection the matters raised are summarised below:

- Parking straight onto the highway (reverse on/off)
- Limited parking
- Loss of parking
- Loss of tree
- Incorrect answer in respect of the existing dwelling (not a flat or maisonette)
- Increase in parking on the highway
- Reference to 2108/91352 (since approved)
- Misleading application (subdivision of building)

### 8.0 **CONSULTATION RESPONSES:**

#### 8.1 **Statutory:**

**KC Highways DM:** No objections

### 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 without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

- 10.2 Policies BE1 and BE2 of the UDP, in addition to Policy PLP24 of the Publication Draft Local Plan, 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 12 of the NPPF emphasises the importance of good design.
- 10.3 Furthermore, Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land. This is caveated to ensure that the development continues to contribute to the area's prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). The subdivision of the existing building would make a very modest contribution to the supply of housing where there currently is insufficient supply.
- 10.4 In principle, it is considered that the provision of an additional residential unit in a sustainable location would assist with the provision of housing within the district and therefore be in compliance with Policy H1 of the UDP.

#### Urban Design issues

- 10.5 Any development should sit comfortably within its surroundings and respect the prevailing pattern of existing responding to local character and design standards. Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Decisions should ensure that developments are visually attractive, sympathetic to local character and history and establish a strong sense of place (paragraph 127).
- 10.6 Policies BE1 and BE2 of the UDP reiterate considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have.
- 10.7 The works involved to facilitate the subdivision back to a pair of semi-detached dwellings are minor. The existing porch to number 35 is removed to allow space for the parking of two vehicles to the site frontage. The proposed development would bring the building back into its original use. The layout is considered to be in keeping with the character of the area.
- 10.8 The main impacts of the development relate to the introduction of parking spaces to the site frontage. The front wall and garden area would be removed and this changes the appearance of the site frontage and consequentially the street scene. Furthermore account should be taken of the development approved adjacent which also shows parking to the site frontage. As a result the area to the site frontage would become predominantly hard landscaped.
- 10.9 Windy Bank Lane is a mixture of different age and styles of residential buildings many with side driveways. There are a number of properties which have relatively large areas of hardstanding to the site frontage and between properties. Whilst the existing garden contributes positively to the street scene and locality it is considered that the hardstanding areas would not, on balance, detract from the character of the area.

- 10.10 It is considered that the development would meet the aims of Chapter 12 of the NPPF and also be in accordance with Policies BE1, BE2 and D2 of the Kirklees UDP and Publication Draft Local Plan Policies PLP2 and PLP24 of the Publication draft Local Plan.

#### Residential Amenity

- 10.11 The subdivision of the dwelling back to 2 properties utilising existing openings and does not introduce any new relationships to nearby land or buildings. In addition, adequate amenity space would be provided to serve each dwelling, similar to that which historically existed. As such there will not be any detrimental impact in terms of loss of privacy or amenity for existing or future occupiers.

#### Housing issues

- 10.12 Chapter 5 of the NPPF clearly identifies that Local Authorities should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”. The subdivision of the existing building results in an additional dwelling that would contribute to housing delivery where a five year supply cannot currently be demonstrated.

- 10.13 The development would contribute to the aims of Policy H1 of the UDP and Chapter 5 of the NPPF in that it would provide additional housing in a sustainable location.

#### Highway issues

- 10.14 The application details include adequate off street parking for each dwelling. Whilst these are reliant on reversing onto or off the highway, KC Highways DM raise no objections on balance. As such the development is in accordance with Policies T10 and T19 in addition to Publication Draft Local Plan Policies PLP21, PLP22 and PLP24 conditions are required.

#### Representations

10.15

- Parking straight onto the highway (reverse on/off)  
**Response:** KC Highways DM have been consulted and concluded that the proposals are acceptable and would not result any material detriment to highway safety.

- Limited parking  
**Response:** The application reinstates a pair of semi-detached dwellings. Due to permission being granted for an additional dwelling adjacent to the pair parking is accommodated to the site frontage. Highways have been consulted and concluded that the proposals are acceptable providing adequate parking provision for the dwellings. The proposals would not result any material detriment to highway safety.
- Loss of parking  
**Response:** The application reinstates a pair of semi-detached dwellings. Due to permission being granted for an additional dwelling adjacent to the pair, parking is accommodated to the site frontage. As such, whilst the development to the side does reduce parking this is compensated by the introduction of parking to the site frontage. KC Highways DM have been consulted and concluded that the proposals are acceptable providing adequate parking for the dwellings. The proposals would not result in any material detriment to highway safety.
- Loss of tree  
**Response:** The development does not result in the loss of any trees worthy of protection. Some shrubbery may be lost as a result of the development but this is not justification for refusing the application.
- Incorrect answer in respect of the existing dwelling (not a flat or maisonette)  
**Response:** Officers have assessed the application based on the merits of the application proposals and concluded that these can be supported.
- Increase in parking on the highway  
**Response:** The application reinstates a pair of semi-detached dwellings. It is considered that traffic movements and demand for parking associated with the development would not result in any detriment to highway safety.
- Reference to 2108/91352 (since approved)  
**Response:** An outline application to erect a dwelling adjacent to this site has been approved. This has been assessed on its merits.
- Misleading application (subdivision of building)  
**Response:** This application is for reinstatement of the existing building and has been assessed on that basis. The application for an additional dwelling has been referred to in the report and taken into account as part of considerations.

### Other Matters

#### 10.16 Air Quality:

The application proposals have been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size is less than that of prescribed values set out in this document, which is why it is regarded as minor development. The development is also in an area of poor air quality and proposes to introduce relevant receptors to elevated pollutant levels. As a consequence the development should reduce pollution. Conditions are recommended in respect of air quality assessment and sustainable transport as outlined below:

### *Sustainable Transport:*

In order to mitigate impact on air quality and in accordance with Publication Draft Local Plan Policy PLP24 and the West Yorkshire Low Emissions Strategy development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

## **11.0 CONCLUSION**

11.1 The proposal is considered to comply with current planning policies and it is the opinion of Officers that there would be no significant adverse impact in terms of visual or residential 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.

11.2 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 Strategic Investment)**

1. Time limit for implementation – 3 years
2. Plans to be approved
3. Remove PD rights

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/92718>

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