
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 05-Dec-2019

Subject: Planning Application 2019/92982 Variation condition 2 (plans) on previous permission 2014/94021 for erection of one dwelling (within a Conservation Area) East Paddock, 3, Deer Croft, Farnley Tyas, Huddersfield, HD4 6UL

APPLICANT

J Radcliffe & Sons Ltd

DATE VALID

02-Oct-2019

TARGET DATE

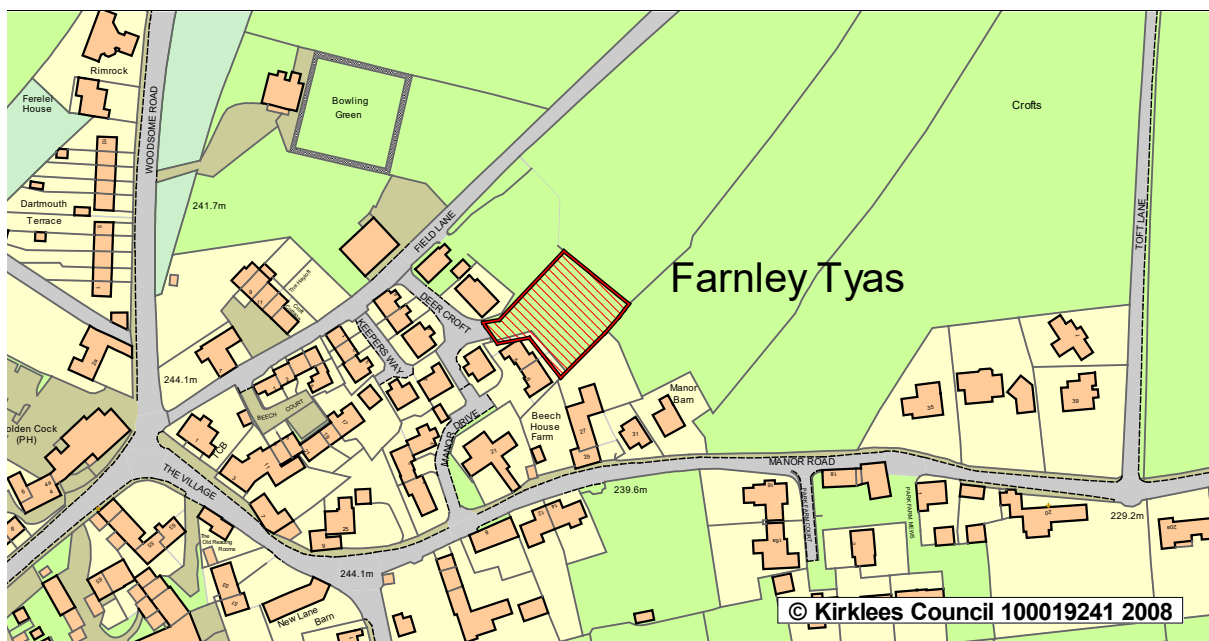
27-Nov-2019

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

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

- **Await expiration of amended plan site publicity (end date: 2 December 2019)**
- **Complete the list of conditions including those contained within this report;**
- **Secure a Supplemental S106 Agreement to cover the following matter:**
 - **Off-site contribution for affordable housing.**

In the circumstances where the S106 Agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 The application is brought to the Heavy Woollen Planning Sub Committee at the request of officers due to previous member interest in the site and wider Beech Farm development. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The site itself is unallocated on the Kirklees Local but is within the Farnley Tyas Conservation Area which covers the majority 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 where 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. Beech Farmhouse, is Grade II listed and forms part of a range of buildings, laid out in a typical 90 degree arrangement; it is of early 19th century origin and incorporates a number of vernacular features typical of an agricultural building of this date. The existing setting of this building is mixed, with large modern farm buildings to the rear interspaced with natural green space which sweeps up to the buildings environs in an intimate fashion. Historically and up until the 1950's Beech Farm's setting has largely been characterised by an open setting with the modern farm buildings appearing on mid-20th century maps.

- 2.2 The site has recently undergone re-development with the existing agricultural buildings being demolished and replaced with a residential development of terraced, semi-detached and detached dwellings. The application site is one of two plots remaining on the site as a whole.

3.0 PROPOSAL:

- 3.1 The application seeks the variation of condition 2 on the previous approval referenced 2014/94021 for the erection of one dwelling. The current proposal relates to alterations to the design and appearance of the dwelling, however the proposed dwelling would still be two storeys in scale occupying an L-shaped layout with a parking and turning area to the front, in accordance with the original approval. Access would be taken from Deer Croft, as previously approved. Areas of amenity space would be located to the side and rear of the dwelling.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2019/90164 – (West Paddock) - Erection of detached dwelling with integral garage – pending consideration

2014/94021 – Erection of one dwelling - Section 106 full permission

2011/92306 – Conservation Area Consent for demolition of redundant farm structure on Beech Farm - Approved

2011/92253 – Outline application for redevelopment of Beech Farm for residential use including demolition of existing farm buildings, proposed biomass boiler - Approved

2011/92308 – Construction of three dwellings and associated highways improvements - Approved

2014/90777 – Erection of 2 dwellings - Approved

2014/90975 – Erection of 7 dwellings - Approved

2014/92355 – Erection of 5 dwellings - Approved

2014/92203 – Erection of 5 dwellings - Approved

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

- 5.1 During the course of the application, amendments were requested with respect to the design of the proposed dwelling as Officers raised concern with respect to visual amenity because of the proposed resultant bulk and massing of the development as well as the impact of this on views of the site from the Green Belt. The applicant subsequently amended the plans in accordance with the advice of Officers.

5.2 A further amendment has been requested in relation to the treatment of the boundary between the dwelling and adjacent paddock, and this is awaited. Officers have advised the applicant that a solid boundary treatment needs to be provided across the full width of the rear boundary (except for a sloped access to one side). This is to ensure that there would be no encroachment into the wider Green Belt (of domestic garden).

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The application site is unallocated but is within the designated Farnley Tyas Conservation Area.

6.3 Kirklees Local Plan (2019):

LP 21 – Highway Safety and Access

LP 22 – Parking

LP 24 – Design

LP 35 – Historic Environment

6.4 National Planning Policy Framework (NPPF):

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Achieving well designed places

Chapter 13 – Protecting Green Belt Land

Chapter 16 – Conserving and enhancing the historic environment

6.5 Supplementary Planning Guidance:

Highways Design Guide Supplementary Planning Document

7.0 PUBLIC/LOCAL RESPONSE:

7.1 As a result of site publicity, 6 representations have been received. The comments received are summarised as follows:

- One of the conditions on original permission related to site levels (Condition 25). This condition has not been addressed and level of the site has increased further due to tons of waste material from the Park Farm development being dumped there from May 2019 to date.
- Request that when application to discharge Condition 25 is submitted, the applicant submits details of the registered disposal site where the waste is to be taken in addition to the relevant paperwork.

- Drawing 203A still shows the level of the site to be higher than the top of the rear garden wall of no.27 Manor Road. Consider that this level may have been defined by the applicant because of the level of the two inspection chambers behind Nos. 5 and 6 Manor Drive which were raised by the addition of 1 metre pipes. The previous builder levelled the site prior to putting in foundations now in situ. Apart from the issue of site levels this means the drains are now much further below ground level should any problems arise.
- There are now even more windows on the first floor as plans have been amended to extend this floor. The size of the dwelling means that neighbouring properties will be overlooked by even more windows.
- The scale of the building proposed is contrary to the character and appearance of the Beech Farm development as a whole and also contrary to the visual amenity of the conservation area. It would also have a detrimental impact on the openness of the Green Belt surrounding it.
- If the planning conditions are not enforced then the new house will overlook the surrounding properties in a conservation area.

7.2 Kirkburton Parish Council has been notified of the application and commented that *“The Parish Council objects to the variation and wants the original conditions to be retained, as any alteration would be detrimental to residential and visual amenity”*

7.3 Amended plans relating to the house design have been received and subsequently re-advertised. Should any further comments be received, these shall be reported in the update.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

None

8.2 Non-Statutory:

KC Conservation and Design – No objections following receipt of amended details relating to the house design.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The application seeks to make some minor material changes to the original application under s73 of the Town and Country Planning Act 1990. In this instance, the applicant seeks to vary condition 2 of the original approval referenced 2014/94021 with respect to the proposed house type. The amendments include:

- Replacement of garden room with two storey extension
- Addition of two storey, part oak framed element to rear elevation
- Oak framed canopies over front and rear doors
- Inclusion of solar panels to rear roof plane
- Addition of dormers within roof plane of garage to facilitate accommodation within the roofspace

10.2 Under the s73 application process it is only the proposed changes to the application that fall to be considered along with the conditions that were imposed on the original permission.

Urban Design issues, including heritage considerations:

10.3 Following receipt of amended plans, it is considered by officers that the overall design of the proposed dwelling would maintain the traditional appearance which has been retained across the wider development. The appearance of this particular dwelling would therefore harmonise with others already approved and constructed elsewhere within the Beech Farm development. As stated previously, this particular dwelling is significantly larger than others within the development. The design would however, maintain the overall feel and architectural style which is important to ensuring a successful cohesive re-development. As referred to above, during the course of the application, amendments were sought in order to reduce the bulk and mass of the dwelling and its resultant impact when viewed from the Green Belt to the east, and to retain the appearance of the building as having organically evolved, with subordinate elements. The Council's Conservation and Design Officer has raised no objections to the proposals from a heritage perspective, considering the development to preserve the significance of the Conservation Area.

10.4 The materials proposed for the dwelling, as previously approved, would consist of natural stone walls and natural stone roof slates. These are considered acceptable and would harmonise with the surrounding development and wider conservation area. It would also be consistent with the approach taken with the recently approved scheme elsewhere within Manor Drive and Beech Court (located to the west). Hard landscaping and boundary treatments would also harmonise with those of the wider development. Any approval would be conditional upon samples of these materials being submitted prior to works on the superstructure of the dwelling commencing, should planning permission be approved.

- 10.5 As has been stated previously, it is important to achieve a mix of properties within the development in terms of size of dwellings and their designs. Having a whole development which has the same design and appearance is not considered appropriate in this instance as it would not achieve a successful housing development in this conservation area context.
- 10.6 On the basis of the above, it is therefore considered that the design and scale of the proposed dwelling would preserve the significance of the asset (in this case, the Farnley Tyas Conservation Area) as well as the character of the wider area as a whole and therefore accords with the Policies LP24 and LP35 of the KLP as well as chapters 12 and 16 of the NPPF.

Residential Amenity

- 10.7 Whilst this development relates to a small part of the site, it is important to also assess any potential impact to the rest of the development of Beech Farm. The current application is one of the last to be dealt with at the site and since its submission, the remainder of the site has been redeveloped for residential purposes. As such, the nearest properties which would be affected by the proposed development are nos.5 and 6 Manor Drive to the west.
- 10.8 The current proposal includes a two storey element to the south elevation of the dwelling where there was previously proposed to be a garden room of single storey scale. Whilst additional habitable room windows would therefore be located within the west elevation of this part of the dwelling, facing Nos. 5 and 6 Manor Drive, the separation distance between the properties would still be considered adequate so as to ensure that there would be no significant detrimental impact upon the residential amenity of both existing and future occupiers. This overall relationship was previously established to be acceptable by the approval of the original permission.
- 10.9 With respect to site levels, the submitted section A-A reflects the arrangement which was considered to be acceptable at the time of approval of application ref 2014/94021.
- 10.10 In all, the proposal is considered to remain acceptable from a residential amenity perspective and, in the opinion of officers, would continue to provide a high standard of amenity for future and neighbouring occupiers as well as maintaining an appropriate distance between the buildings, in accordance with Policy LP24 of the KLP as well as chapter 12 of the NPPF.

Highway issues

- 10.11 The current proposals would not involve any alterations to the access and parking arrangements than those previously approved. The proposals are considered to remain acceptable from a highway safety perspective, in accordance with Policies LP21 and LP22 of the KLP, as well as the aims of the Highways Design Guide SPD.

Representations

- 10.12 The comments raised in the representations are addressed by officers as follows:

One of conditions on original permission related to site levels (Condition 25). This condition has not been addressed and level of the site has increased further due to tons of waste material from the Park Farm development being dumped there from May 2019 to date.

Response: See comments made in paragraph 10.9 above.

Request that when application to discharge Condition 25 is submitted, the applicant submits details of the registered disposal site where the waste is to be taken in addition to the relevant paperwork

Response: Noted

Drawing 203A still shows the level of the site to be higher than the top of the rear garden wall of 27 Manor Road. Consider that this level may have been defined by the applicant because of the level of the 2 inspection chambers behind Nos. 5 and 6 Manor Drive which were raised by the addition of 1 metre pipes. The previous builder levelled the site prior to putting in foundations now in situ. Apart from the issue of site levels this means the drains are now much further below ground level should any problems arise

Response: Noted

There are now even more windows on the first floor as plans have been amended to extend this floor. The size of the dwelling means that neighbouring properties will be overlooked by even more windows.

Response: The impact of the development on residential amenity is considered to be acceptable, as set out above.

The scale of the building proposed is contrary to the character and appearance of the Beech Farm development as a whole and also contrary to the visual amenity of the conservation area. It would also have a detrimental impact on the openness of the Green Belt surrounding it.

Response: Amendments were sought to address this concern and to reduce the overall bulk and scale of the proposed new dwelling.

If the planning conditions are not enforced then the new house will overlook the surrounding properties in a conservation area.

Response: The impact of the development on residential amenity is considered to be acceptable. Condition 25 of the original approval would still remain relevant and would be re-imposed should the current application be approved.

Planning obligations

- 10.13 The original outline application for the development of the whole site was subject to a S106 Agreement for the provision of an off-site contribution for affordable housing. All subsequent applications for residential development on the Beech Farm site have therefore required supplemental S106 Agreements to be attached to them. As such, the same would be the case in respect of this application.

Drainage

- 10.14 The original application was accompanied by a drainage plan which relates to the whole (wider) site with surface water to be discharged via soakaways and mains sewer. The submitted details also indicated the use of permeable paving for the driveway. On this basis, there were no objections to the proposals from the Lead Local Flood Authority. The current application has not changed the previous proposals which were considered acceptable.

Other Matters

- 10.15 Where an application under s73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.
- 10.16 To assist with clarity, decision notices for the grant of planning permission under s73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 10.17 In this case, none of the conditions have been discharged and so all conditions are to be repeated. The time limit condition remains as per the original permission.
- 10.18 The proposed changes to the permission do not require any additional conditions to be imposed.

11.0 CONCLUSION

- 11.1 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 The proposed development is considered to have no significant detrimental impact upon visual amenity or residential amenity, highway safety, the character of the Conservation Area or adjacent Green Belt.
- 11.3 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 Planning and Development)

1. Timescale for implementation (*to commence by 27 Aug 2022*)
2. Development in accordance with approved plans
3. Materials
4. Window Details
5. External Joinery
6. Gutters/Rainwater goods
7. Landscaping plan
8. Boundary Treatments
9. Removal of permitted development rights
10. Surfacing of parking and turning areas
11. Field Lane highway works
12. Unexpected Contamination
13. Drainage
14. Construction Management Plan
15. Extent of residential curtilage
16. Site levels

Background Papers:

Web link to application details -

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92982>

Certificate of Ownership – Certificate A signed and dated 02.10.2019

Web link to previous application 2014/94021 –

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f94021>