
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Jul-2022

Subject: Planning Application 2021/93539 Demolition of existing building and erection of detached dwelling 628, Halifax Road, Hightown, Liversedge, WF15 8HU

APPLICANT

P Smith

DATE VALID

08-Sep-2021

TARGET DATE

03-Nov-2021

EXTENSION EXPIRY DATE

01-Dec-2021

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Liversedge and Gomersal

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application is brought to the Strategic Planning Committee as the application, if approved, would represent a departure from the Kirklees Local Plan. The application site is allocated as urban green space on the Kirklees Local Plan Policies Map. It is part of a wider allocation (UG315).

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises land to the rear of No.628 Halifax Road, in Hightown, Liversedge. The site is accessed by a vehicular driveway to the east of the property and within the site is a large storage/garage building and a temporary container together with areas of hardstanding and grassed amenity areas.

2.2 The site is allocated as urban green space on the Kirklees Local Plan and is part of a wider allocation that extends to the north and west of the site. Public Right of Way SPE/94/40 follows a route to the west of the site. To the east of the site is a residential development known as The Shearings, whilst further neighbouring residential properties are located to the south off Halifax Road.

3.0 PROPOSAL:

3.1 The application seeks permission for the demolition of the existing building and the erection of a detached dwelling on a similar footprint.

3.2 Access would be taken via the existing private driveway off Halifax Road, with an area of private amenity space to the side and rear of the dwelling. Provision for amenity space and parking is also included for No.628.

3.3 The proposed dwelling would be of a single storey scale, faced in artificial stone with artificial stone slate roof.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2020/92291 – Certificate of Lawfulness for existing building - Granted

2019/93620 – Outline application for erection of 2 dwellings and demolition of existing building - Refused

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

- 5.1 Through the course of the application, amendments and additional information was sought in respect of provision for emergency vehicles. The applicant also submitted a Phase I Desk Top Study following receipt of comments from KC Environmental Health.

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).

Kirklees Local Plan (2019):

- 6.2 The majority of the site is allocated as Urban Green Space on the Kirklees Local Plan (part of site UG315). Part of the access road is on land without notation.

Kirklees Local Plan (LP):

- **LP1** –Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP23** – Core Walking and Cycling Network
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP61** – Urban Greenspace

Supplementary Planning Guidance / Documents:

- 6.3 Urban Green Space and Local Green Space Technical Paper April 2017
Housebuilders Design Guide (2021)
Highway Design Guide (2019)
Biodiversity Net Gain Technical Advice Note (2021)

National Planning Guidance:

- 6.4 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.
- **Chapter 2** – Achieving sustainable development
 - **Chapter 5** – Delivering a sufficient supply of homes
 - **Chapter 12** – Achieving well-designed places
 - **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
 - **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a Departure to the Kirklees Local Plan. As a result of site publicity, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections subject to imposition of conditions relating to provision for fire tender/dry riser and areas to be surfaced and drained.

8.2 Non-statutory:

KC Environmental Health: No objections subject to imposition of conditions relating to contaminated land and requirement for electric vehicle charging point

KC Ecology: Existing building is of negligible suitability for roosting bats; however biodiversity enhancement would need to be incorporated as part of the development, and this can be secured by condition.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site is allocated as urban green space on the Kirklees Local Plan Policies Map. It is located at the southern edge of a wider allocation (UG315) that extends from Cleckheaton in the west to Hightown, Liversedge in the east, covering an overall area of 42.19 ha and comprising natural and semi-natural greenspace.
- 10.2 Policy LP61 of the Kirklees Local Plan relating to urban green space applies to the assessment of the proposal. In the policy justification text at paragraph 19.42, it identifies urban green space as green spaces of identifiable open space value within the towns and villages of Kirklees, allocated as urban green space on the Policies Map where they are 0.4 hectares or above in size. This includes sites in public and private ownership.
- 10.3 Policy LP61 states development proposals which would result in the loss of urban green space will only be permitted where:
- a) An assessment shows the open space is clearly no longer required to meet local needs for open space, sport or recreation facilities and does not make an important contribution in terms of visual amenity, landscape or biodiversity value or

- b) Replacement open space, sport or recreation facilities which are equivalent or better in size and quality are provided elsewhere within an easily accessible location for existing and potential new users; or
The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space.
- c) The proposal is for an alternative open space, sport or recreation use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing green space

The protection set out in this policy also applies to smaller valuable green spaces not identified on the Policies Map.

- 10.4 The proposal would result in the loss of land allocated as urban green space, as a result of the change in the function of the land to a domestic dwelling – which is not an urban green space use. This also includes the loss of greenspace to proposed parking.
- 10.5 Considered against criteria (a) of LP61, this site has not been assessed as surplus to requirements in the Kirklees Open Space Study (2016). Criteria (b) and (c) are not applicable as no replacement green space provision is proposed as part of this application, and the proposal is not for alternative open space provision. The proposed development does not meet any of the criteria listed above in Policy LP61 and would represent a departure from the Local Plan.
- 10.6 An outline application was submitted in 2019 (ref: 2019/93620), which sought permission to demolish the existing garage/storage building and erect 2 dwellings – however the application was refused as it failed to accord with the requirements of Policy LP61, with no material considerations to weigh in favour of the proposals. This was in addition to highway safety concerns. Since then, the garage/storage building has been granted a certificate of lawful development (2020/92291) in 2020.
- 10.7 The applicant states in the Design and Access Statement that:
 - the dwelling is to replace an existing building
 - the proposed dwelling is of a similar size to the existing building, making it no more intrusive
 - the application site is a small part of the wider allocation and development will have no adverse impact on the open space allocation
- 10.8 These are not issues covered by Policy LP61. In this instance, consideration is given to the significance of the Certificate of Lawful Development and the above factors, to determine if they are sufficient to outweigh the development plan. The current application differs from the previous application in that development is only proposed on a similar footprint as the existing building, with the previous highways issues now having been addressed.

- 10.9 In addition, Officers consider that in its current use, the site no longer continues to fulfil the intentions of the urban green space designation, and the garage/storage unit is limiting the extent to which the site can function as beneficial UGS. Furthermore, the site has negligible ecological value by virtue of the nature of the existing building and hard and soft landscaping (lawned areas). Whilst some of the existing lawned area immediately to the rear of the properties on Halifax Road would be removed as part of the proposals, an area of hardstanding to the north of the site would be replaced by a grassed area of a similar size and character, resulting in negligible impact on the overall character of the site compared to the existing situation.
- 10.10 In summary, Officers consider that the above factors are material considerations which weigh in favour of the proposals. All other material considerations are assessed below.

Visual Amenity

- 10.11 Policy LP24 of the Kirklees Local Plan states proposals should promote good design by ensuring the form, scale, layout and details respects and enhances the character of the townscape, heritage assets and landscape. As stated, the application site is part of a wider UGS allocation (ref UG315), however, the site is positioned at the very southern edge of the allocation boundary.
- 10.12 The existing building has been established as being lawful by the grant of a certificate of lawfulness. According to the applicant, the existing building replaced an earlier stable building which was approved in 2003 and was subsequently damaged by fire. The existing building is of blockwork construction with corrugated sheet metal roof, and in use as a garage and store.
- 10.13 The proposed development would occupy a similar footprint to that of the existing building, however would have a slightly greater ridge height of 6.6m (compared to a height of 5m for the existing building). Notwithstanding this, it would comprise a single storey dwelling with accommodation in the roof space. According to the details included on the application form, the materials of construction are proposed to be artificial stone walling with artificial slate roof tiles. It is noted that the immediate vicinity has no distinct character with no uniform building line and the use of natural stone, artificial stone, brick and render is present in close proximity to the application site. The proposed dwelling would be visible from the public right of way to the west, however given the variety of materials in use surrounding the site, the appearance of the development would not detract from the mixed character of the area. In any case, a condition is recommended, should permission be granted, for the submission of samples of materials to be approved by the Local Planning Authority, prior to construction of the superstructure of the dwelling.

- 10.14 Whilst appearing to result in 'backland' development, it is acknowledged that the development would be located on a similar axis to that of The Shearings, a new residential development to the east. Furthermore, the presence of the existing building is considered to diminish the visual amenity of the site at present, and for these reasons, the proposal would not be significantly more prominent than the existing arrangement. To preserve visual amenity, it is considered reasonable to impose a condition, should permission be granted, removing permitted development rights for development within Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015, should permission be granted.
- 10.15 In summary, subject to the imposition of relevant conditions, the proposal is considered to be acceptable from a visual amenity perspective, and in accordance with Policy LP 24 of the KLP, the Housebuilders Design Guide, as well as the aims of the NPPF.

Residential Amenity

- 10.16 A core planning principle as set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. This is also reinforced within part (b) of Policy LP24 of the Kirklees Local Plan. Principle 6 of the Housebuilders Design Guide SPD sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.
- 10.17 In this case, the application site is surrounded by existing development to the east and south, with the remainder of the urban greenspace allocation to the north and west. The nearest neighbouring residential properties to the site which have the potential to be affected by the proposed development are No.11 The Shearings to the east and No's 632-628 Halifax Road to the south.
- 10.18 The proposed dwelling would be orientated with principal elevations located to the north and east. This, in addition to the single storey nature of the dwelling would ensure that adequate separation distances would be retained between the development and existing residential properties.
- 10.19 The size of the proposed residential unit is a material planning consideration. As stated above, Local Plan Policy LP24 is consistent with para.130 of the NPPF and states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the Council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

- 10.20 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in within Principle 16 of the Council's Housebuilders Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant. In respect of internal space, the proposed development would provide an adequate standard of accommodation in line with the Government's Nationally Described Space Standards.
- 10.21 Principle 17 of the Council's Housebuilders Design Guide SPD requires development to ensure an appropriately sized and useable area of private outdoor space is retained. An area of amenity space would be provided to the side and rear of the proposed dwelling, in addition to two areas retained for the occupants of No.628.
- 10.22 In summary, the proposals are considered to be acceptable in respect of residential amenity in relation to future and neighbouring occupiers, and would accord with Policy LP 24 of the KLP, the Housebuilders Design Guide SPD and guidance contained within Chapter 12 of the NPPF.

Highway issues

- 10.23 Policy LP21 of the Kirklees Local Plan states proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 10.24 The proposal would result in the creation of a two bedroomed dwelling with off-street parking and bin storage demonstrated on the proposed site layout. Parking provision is also included for No.628.
- 10.25 Subject to the imposition of conditions relating to the provision of access for a fire tender/dry riser, and appropriate surfacing and drainage, KC Highways DM have no objections to the proposals, in accordance with Policies LP 21 and LP 24 of the KLP.

Representations

- 10.26 No representations have been received as a result of site publicity.

Other Matters

Ecology:

- 10.27 The existing building is to be demolished as part of the proposals, however is considered to be of negligible suitability for roosting bats. Notwithstanding this, Policy LP 30 of the KLP, Principle 9 of the Housebuilders Design Guide SPD and the Biodiversity Net Gain Technical Advice Note state that biodiversity net gain is required for all development. To create this net gain, a condition for biodiversity enhancement (provision of a bat box and bird box) is recommended. This will ensure that the proposal minimises the impact on biodiversity and provides a biodiversity net gain by incorporating biodiversity enhancements.

Contaminated Land:

- 10.28 The application site has been identified on the Council's mapping system as being adjacent potentially contaminated land and to the north west of a second potentially contaminated site. The applicant has submitted a Phase I Preliminary Risk Assessment, the conclusions of which KC Environmental Health are in agreement with, however further conditions are recommended requiring the submission of a Phase II Intrusive Site Investigation Report, remediation and validation reports. This would ensure that the development accords with Policy LP 53 of the KLP.

Carbon Budget:

- 10.29 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.30 The proposal comprises a minor development of one dwelling. In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of an electric vehicle charging point is recommended. This is in accordance with Policies LP 24 and LP 51 of the KLP and Chapter 9 of the NPPF.

Impact on Public Right of Way

- 10.31 Public Right of Way SPE/94/40 follows a route to the west of the site. The proposed development would be set in from the western boundary of the site and as such, would not result in detriment to users of PROW. Furthermore, development would not result in inconvenience to users of the PROW during the construction period, as the existing vehicular access to the site would be used for this purpose.

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 replacement of the existing garage and storage building with one detached dwelling will cause no significant visual harm to the character of the area, or harm the amenity of neighbouring or future occupiers, nor would it have a significant detrimental impact upon highway safety. The material considerations set out within the report are considered to outweigh the loss of this small area of urban greenspace.

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 implementing permission
2. Development to be carried out in accordance with the approved details
3. Samples of materials to be submitted for approval
4. Submission of Phase II Intrusive Site Investigation Report
5. Submission of Remediation Strategy
6. Implementation of Remediation Strategy
7. Submission of Validation Report
8. Submission of scheme for electric vehicle charging point
9. Removal of permitted development rights (classes A-E)
10. Submission of details for provision for a fire tender/dry riser
11. Areas to be surfaced and drained
12. Submission of details for biodiversity enhancement measures

Background Papers:

[Link to application details](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93539)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93539>

Certificate of Ownership – Certificate A signed: