
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 20-Dec-2018****Subject: Planning Application 2014/94021 Erection of one dwelling (within a Conservation Area) East Paddock, 3 Deer Croft, Farnley Tyas, Huddersfield, HD4 6UL****APPLICANT**Radcliffe Developments
(Farnley) Ltd.**DATE VALID**

08-Jan-2015

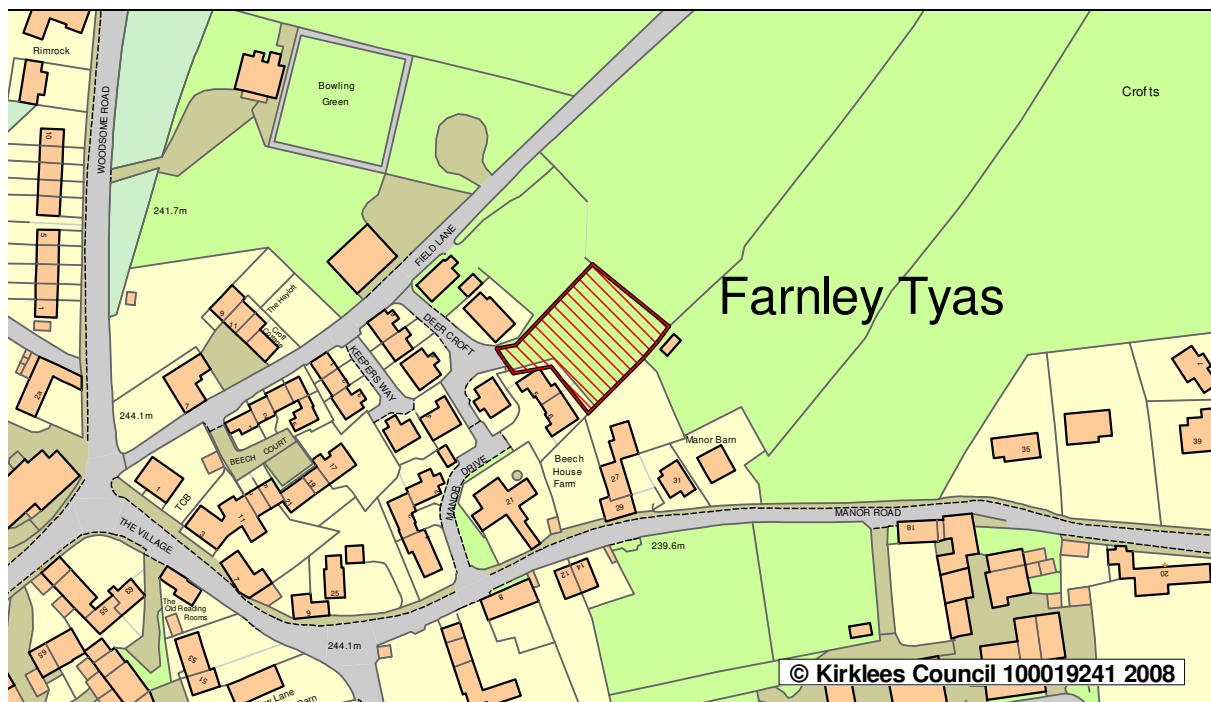
TARGET DATE

05-Mar-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 the report)

RECOMMENDATION:

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

- Await expiration of site publicity (expires on 13 December 2018)
- 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 Strategic Investment 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 Strategic Investment 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 Councillor Bill Armer who states:

"I am concerned that, because of the change in ground levels since 2014 and the consequent impact upon the openness of the Green Belt, residential amenity of neighbours and the fact that the new house would now effectively stand upon a plinth which would be a unique feature in the Conservation Area, it is inappropriate to consider this as an amended application. I strongly believe that it should be subject of a new application, and that there should also be a full period for public comment rather than the truncated one currently imposed by Planning.

I also believe that because of the circumstances outlined above, which are, I believe, material planning considerations, the matter should be referred to Committee for decision if it is to be decided as an amended application under the title 2014/94021"

- 1.2 The Chair of the Sub-committee has confirmed that Councillor Armer'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 site itself is unallocated within the Unitary Development Plan proposals map but is within 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 Permission is sought for the erection of one dwelling to the north east of the wider residential development. The proposed dwelling would be two storeys in scale occupying an L-shaped layout with a parking and turning area to the front. Access would be taken from Deer Croft. Areas of amenity space would be located to the side and rear of the dwelling.
- 3.2 The proposed dwelling would be constructed of natural stone with natural stone slate roof. Hard landscaping would comprise of permeable paving for the driveway with boundary treatments consisting of dry stone boundary walls.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 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 Since submission of the original application, amended and additional plans have been received as Officers were made aware that development had commenced on site and works had been undertaken to alter levels on the site.
- 5.2 The applicant has submitted a section drawing indicating the proposed relationship with existing residential development to the south west, in addition to amended floor plans and elevations.

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 **BE1** – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE11 – Materials
BE12 – Space about buildings
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H1 – Housing needs

Kirklees Publication Draft Local Plan

- 6.3 **PLP 21** – Highway Safety and Access
PLP 22 – Parking
PLP 24 – Design
PLP 35 – Historic Environment

National Planning Guidance:

- 6.4 **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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 No representations were received in response to the original round of site publicity, in which the application was advertised by site notice, neighbour notification letter and press advert.

Following receipt of the amended and additional plans, a further round of publicity was undertaken. As a result of site publicity, five representations have been received (including 2 received via Councillor Armer) which are summarised as follows:

- No objection in principle to a dwelling being built on this site.
- The application was submitted in 2014 and never approved by Planning. As far as we are aware the site has been sold to a builder who immediately commenced work on it without gaining planning approval for this application.
- Question whether a new application should be submitted for public consultation and the old one withdrawn. The builder states he has bought the land and is building the house for his own use, yet the application dated 2014 states that the applicant is J Radcliffe – J Radcliffe Developments (Farnley) Ltd.
- Some confusion about the length of time permitted for public comments; as it stands it appears that there is only a week when all other applications have a minimum of a month for the public to comment, and that minimum is only after site notices have been placed.
- Concern regarding the impact of the house being built on what is a raised platform over a metre high in this Conservation Area, when there are no other properties built on a 'platform' within it. Adjacent residents previously advised by builder of Beech Farm development that as land fell away so much to rear of existing properties, vehicles would barely be visible over the boundary wall.
- The site was used as a dumping ground for all the waste from the original Beech Farm development. As a consequence, the level of the land rose over the period this was going. The new property will be at least a metre higher than it would have been had it been built on the original contours of the land.
- Due to increase in levels, proposed dwelling will result in loss of privacy to adjacent dwellings.
- The raised platform would also have a detrimental effect on the openness of the Green Belt.

- If the application is approved, will Kirklees Planning be able to ensure that the footings the builder has already place be removed; the extra pipe the builder has put on the inspection chambers to accommodate the increased height be removed and site level reduced to its original height before any other work is done?
- Builder of Beech Farm development advised residents of adjacent properties that a strip of land extending 5m from rear boundary walls of Manor Road properties could never be built on as beneath that strip was the main drainage system for the Beech Farm development. Understand that the current builder has said he intends to build a retaining wall along that edge of the site adjacent the rear wall of a Manor Road property which would not leave the 5 metre strip clear and would compromise access to the drainage system.

7.2 The amended plans publicity period is due to expire on 13 December 2018 and any further representations will be summarised in the update.

7.3 Councillor Bill Armer emailed the case officer to raise concerns with respect to the matters summarised above.

8.0 CONSULTATION RESPONSES:

8.1 **K.C Highways Development Management** – No objection

K.C Conservation & Design – No objection

KC Lead Local Flood Authority – No objection

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 Planning permission is sought for the erection of one detached dwelling known as 3 Deer Croft at Beech Farm, Farnley Tyas. The site was previously occupied by farm buildings comprising the Beech Farm complex. This included a large agricultural building located close to the southern boundary and 27 and 29 Manor Road as well as other large buildings along Field Lane

10.2 Outline planning permission was granted in 2013 (application ref: 2011/92253) for the re-development of the whole of Beech Farm for residential development. The outline permission gained approval for access, layout and the principle of development. Since gaining Outline approval, the scheme continued to evolve and as the plots were marketed the layout and positioning of the scheme altered, as did the plots (paddocks) which were split into separate units.

- 10.3 It is considered that the spirit of the Outline consent, for residential development, has been adhered to (and therefore the principle of residential development has been established) although as the position of the plots altered, subsequently, a series of full applications were submitted and approved for the rest of the site. The 'East Paddock' (to which this application relates), and 'West Paddock' are the final two plots to be developed as the remainder of the site has been built out.
- 10.4 This application relates to the erection of one detached dwelling which would be located toward the north eastern, rear part of the site. A consideration throughout the whole development has been to ensure that the Listed Buildings are not impacted by this development. In this particular case, the application dwelling is at the furthest part of the site and is a significant distance away from the nearest Listed Building. As such, it is not considered that the proposal would have any impact upon its setting.
- 10.5 The design and appearance of the proposed building has evolved throughout a number of discussions prior to the application being submitted and consideration has been given to the development in isolation, its context to existing buildings as well as to the Beech Farm development as a whole.
- 10.6 The footprint and layout of this dwelling does differ from others previously approved within Beech Farm however, it is important to note that both this dwelling and its neighbour which is also a considerably large property were always intended to be as such. In considering the re-development of Beech Farm as a whole, this is considered to be an acceptable way forward as a mixture of house types, designs and appearances is how the site was envisaged to be developed. It is therefore considered that the design and scale of the proposed building would preserve and enhance the setting of the Conservation Area as well as the wider development as a whole and therefore accords with the Policies within the UDP and the NPPF.

Urban Design issues

- 10.7 This proposed dwelling would be located off Field Lane which also serves a number of other properties associated with Beech Farm and other existing dwellings. The overall design and layout for this particular development does, on the whole, adhere to the principles established at outline stage. The actual position of the units also largely follows the original outline approval. Whilst the recently amended plans propose some alterations to the appearance of the dwelling, with respect to the garden room element and central gable feature to the front elevation, the L-shaped layout and two storey scale of the dwelling remains as originally submitted.
- 10.8 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 Beech Farm. 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.

- 10.9 The materials proposed for the dwellings would consist of natural stone walls and natural stone roof slates. These are considered acceptable and would harmonise with the surrounding development. 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 commencing. There are no objections to this approach From the Council's Conservation and Design Team as it is considered that the character of the Conservation Area would be preserved as required under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.10 As has been stated previously, it is important to achieve a mix of properties within the development in terms of sizes 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.
- 10.11 The rear boundary of the site adjoins the Green Belt to the north east. As mentioned previously, the principle of a dwelling in this location has been acknowledged to be acceptable. Views from Green Belt towards the site would take in the proposed development to the foreground with the remainder of the Beech Farm re-development behind.
- 10.12 On the basis of the above, it is therefore considered that the design and scale of the proposed building would preserve and enhance the setting of the Conservation Area as well as the wider development as a whole and therefore accords with the Policies within the UDP and the NPPF

Residential Amenity

- 10.13 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 5 and 6 Manor Drive to the west.
- 10.14 Within the text that supports policy BE12 (4.27), this states that in many cases where infill development is proposed it may be reasonable to accept existing space standards within the immediate locality if this ensures that the privacy of existing residents is not detrimentally affected. It goes on to say that the principle criteria for determining space requirements should be good design.
- 10.15 In the case of the Beech Farm development, the whole design ethos is to achieve a close knit, tight development which would replicate the idea of a historic Pennine rural village such as Farnley Tyas. In assessing previous applications for the wider redevelopment, distances less than those set out within Policy BE12 were considered acceptable, internally within the site, to ensure that the development would represent a good quality design which closely replicates the historic fabric of the village.

- 10.16 With respect to the relationship between the proposed dwelling and Nos 5 and 6 Manor Drive, separation distances would accord with the above context, achieving a distance of approximately 20 m between main elevations. It is also noted that the orientation of the proposed dwelling is such that there would be an indirect relationship with Nos. 5 and 6.
- 10.17 Development has commenced on site without the benefit of planning permission and concerns have been raised that ground levels have been altered, resulting in the dwelling being located on a 'plinth'. Notwithstanding this, the applicant has submitted a section drawing demonstrating the proposed relationship with Nos. 5 and 6 Manor Drive and this indicates that the finished floor level of the proposed dwelling would be 0.7m lower than that of No.6. Due to the relatively indirect orientation and position to the north east of these properties, in addition to the separation distances set out above, Officers consider that, on balance, the proposed development would not have a significant detrimental impact upon the amenity of adjacent occupiers.
- 10.18 In conclusion, it is considered that the proposal is acceptable in terms of any potential impact upon the residential amenities of the surrounding area, in accordance with Policy BE12 of the UDP and Policy PLP 24 of the PDLP and guidance contained within Chapters 5 and 12 of the NPPF.

Highway issues

- 10.19 Access to the development would be gained from Deer Croft with a new private access road created to specifically serve this one dwelling. Internally there would be a minimum of two off street parking spaces though due to the size of the site, more provision would be available. There would also be sufficient space within the site for turning. This would ensure that vehicles can exit the site in a forward gear.
- 10.20 Field Lane would serve a number of properties associated with this development together with existing dwellings. As with the previous approvals for dwellings accessed off Field Lane, it is considered that improvements are required to the actual construction of Field Lane. This would ensure that the surface of Field Lane would be brought up to an adoptable standard but would still maintain a rural character.
- 10.21 These highway improvements are considered to be a benefit to all road users and as such, there are no objections to the proposal from a highway safety perspective, in accordance with Policies D2 and T10 of the UDP and Policies PLP 21 and PLP 22 of the PDLP.

Representations

10.22 The concerns raised in representations are addressed as follows:

The application was submitted in 2014 and never approved by Planning. As far as we are aware the site has been sold to a builder who immediately commenced work on it without gaining planning approval for this application.

Response: *The unauthorised works have been brought to the attention of Planning Enforcement. The current plans demonstrate the proposed situation.*

Question whether a new application should be submitted for public consultation and the old one withdrawn. The builder states he has bought the land and is building the house for his own use, yet the application dated 2014 states that the applicant is J Radcliffe – J Radcliffe Developments (Farnley) Ltd.

Response: *The applicant has stated that they are still the owner of the land and the description of development has not changed. As such, there is no requirement for a new application to be submitted.*

Some confusion about the length of time permitted for public comments; as it stands it appears that there is only a week when all other applications have a minimum of a month for the public to comment, and that minimum is only after site notices have been placed

Response: *There is no statutory duty to re-publicise on revisions to planning applications and this is out within the Council's Development Management Charter. It is therefore at the discretion of Officers as to whether to publicise, and if so, for how long. The amended/additional plans were re-advertised for 10 days in this instance.*

Concern regarding the impact of the house being built on what is a raised platform over a metre high in this Conservation Area, when there are no other properties built on a 'platform' within it. Adjacent residents previously advised by builder of Beech Farm development that as land fell away so much to rear of existing properties, vehicles would barely be visible over the boundary wall

Response: *The unauthorised works have been brought to the attention of Planning Enforcement. The current plans demonstrate the proposed situation which shows a decrease in levels between Nos 5 and 6 Manor Drive and the proposed dwelling.*

The site was used as a dumping ground for all the waste from the original Beech Farm development. As a consequence, the level of the land rose over the period this was going. The new property will be at least a metre higher than it would have been had it been built on the original contours of the land.

Response: *The unauthorised works have been brought to the attention of Planning Enforcement. The current plans demonstrate the proposed situation which shows a decrease in levels between Nos 5 and 6 Manor Drive and the proposed dwelling.*

Due to increase in levels, proposed dwelling will result in loss of privacy to adjacent dwellings.

Response: *Due to the relatively indirect orientation of these properties, in addition to the separation distances and change in levels demonstrated on the submitted plans, Officers consider that the proposed development would not have a significant detrimental impact upon the amenity of adjacent occupiers.*

The raised platform would also have a detrimental effect on the openness of the Green Belt.

If the application is approved, will Kirklees Planning be able to ensure that the footings the builder has already place be removed; the extra pipe the builder has put on the inspection chambers to accommodate the increased height be removed and site level reduced to its original height before any other work is done

Response: *If permission is granted and the development is not carried out in accordance with the approved plans, this would be a matter for Planning Enforcement.*

Builder of Beech Farm development advised residents of adjacent properties that a strip of land extending 5m from rear boundary walls of Manor Road properties could never be built on as beneath that strip was the main drainage system for the Beech Farm development. Understand that the current builder has said he intends to build a retaining wall along that edge of the site adjacent the rear wall of a Manor Road property which would not leave the 5 metre strip clear and would compromise access to the drainage system.

Response: *The submitted information does not include details of a retaining wall, which would constitute an engineering operation and is likely to require planning permission in its own right.*

Other Matters

- 10.23 Drainage: The application is 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 indicate the use of permeable paving for the driveway. On this basis, there are no objections to the proposals from the Lead Local Flood Authority.

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 Strategic Investment)

1. Timescale for implementation
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

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Certificate A signed

Link to application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2F94021>